

MINUTES OF A MEETING OF THE RIGHTS OF WAY PANEL HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 27 JULY 2007 AT 10.30AM

Present: -

Councillor R M Granville - Chairperson

Councillors

C E Hughes
K S Hunt
C J James

Councillors

G C Lewis
K Watkins

Observers:

Mr G Wheeler - British Horse Society
Mr L Meachin - Footpath Secretary
Mr R Pittard - Campaign for the Protection of Rural Wales
Mr W Phillips - Barrat Homes, Developers

Officers:

Miss J Dessant - Legal Officer
Mr C D Lewis - Rights of Way Assistant
Mr M A Galvin - Senior Cabinet and Committee Officer

46 APOLOGIES FOR ABSENCE

Apologies were received from Councillor H Williams, who had work commitments.

47 DECLARATIONS OF INTEREST

None.

48 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of a meeting of the Rights of Way Panel dated 10 January 2007, be received as a true and accurate record.

49 PROPOSED DIVERSION OF FOOTPATH NO. 3 COMMUNITY OF ST BRIDES MINOR

The Rights of Way Assistant submitted a report, together with supporting information in the form of Appendices 'A' to 'F', on a proposal to divert the aforementioned Footpath.

He advised those present, that a further letter had been received since papers for today's meeting had been distributed from the British Horse Society issuing further objections to the Council's proposal to divert the Footpath in question.

The Chairperson and the Panel agreed that this letter be tabled and that the meeting be adjourned for a period of five to ten minutes, in order that Members could consider the points made in this latest correspondence.

Councillor Hughes then stated that whilst he had received a letter of prior notification of the meeting, he had not received a copy of the agenda/report.

In view of this, and of the time it would take him to read through and digest the Officer's report, he decided to retire from the meeting and take no part in any further proceedings.

The letter tabled at the meeting issued some concerns regarding the proposed Diversion Order, as follows:-

- Concern regarding planning consent being undertaken for Planning Application 06/942 for three additional dwellings at the site;
- Was the application adequately advertised as required under the 1990 Act;
- The consent date (October 2006) post dated the Rights of Way Panel (July 2006) where concern was expressed regarding the advanced state of the development and its affect on the existing Footpath and riverside alternative;
- Possible contraventions of the 1990 Act in relation to the execution of Temporary Closure Orders effecting the path, the placing of Notices along the route advising of this and of a proposal to divert Footpath No. 3;
- Concern regarding a Condition (i.e. 14) of the planning consent 05/1032 granted in March 2006 relating to site levels and obstructions near the development and Ogmore river watercourse, not being fully complied with.

The Rights of Way Assistant then responded by stating that planning consent 06/942 for the three additional dwellings had been taken under Officers' delegated powers rather than going before the Planning and Development Committee for consideration.

In relation to such consent post dating the Rights of Way Panel meeting of July 2006, he added that such consent had no direct bearing on the diversion of the Footpath, as agreed by the Panel at that meeting, and that the three additional dwellings being added to the development, did not impinge upon what was being proposed overall.

He further added that the notices advising of the stopping-up of the route when temporary stopping up orders had been in operation, had been sent to the site developer for erection along the stretch of the path affected. The Panel were of the opinion, that it was essential in future that Officers ensured that these notices were erected at the appropriate times and places, as the onus to achieve this requirement was on the local authority, and not the site developer.

The Rights of Way Assistant stated that the latest letter of objection would be responded to fully in writing by the Authority, as had been the case with all the other previous letters of objection to the Order.

The Rights of Way Assistant then went through each point of objection that had been made to the proposed Diversion Order effecting Footpath No. 3 Community of St Brides Minor, so made and not withdrawn, by the British Horse Society, the Open Spaces Society and the CPRW (Campaign for the Protection of Rural Wales), full details of which were shown in Appendices 'B' to 'F' of the Officers report.

He then responded to each of these objections individually, none of which he considered to be genuine or valid reasons for not proceeding with the proposal to forward the Order to the Welsh Assembly Government for determination, in light of the objections that had been made to it by the above statutory bodies/organisations.

The Panel had earlier expressed concern that the Permissive Rout which the developer would provide may be closed at some time in the future and the Rights of Way Assistant had advised them of the situation in this regard and also stated that if a footpath were provided by a Creation order or Agreement, The County Borough Council would incur the maintenance responsibility for the footpath. The Rights of Way Assistant stated that it may be appropriate to obtain a commuted sum from the developer in this connection. The meeting was adjourned for a short time to allow the Rights of Way Assistant to discuss this with the developer.

The Rights of Way Assistant then informed the Panel that agreement had been reached with the site developer for a Creation Agreement, which would create a footpath in perpetuity at the site (in place of the Permissive Route), and that the developer would forward a commuted sum to the Authority for the future maintenance of the footpath.

The Chairperson reminded Members that by 2025, the Authority would have a duty to officially list all public Rights of Way that are in existence along pavements or, those that are not listed would be lost.

The Chairperson then gave the representatives from the British Horse Society and the CPRW an opportunity to sum up their objections to the Council's proposal to divert the Footpath subject of discussion.

The Ramblers Footpath Secretary advised that he offered no objections to the Diversion Order.

The Chairperson concluded by stating that, he felt it was important to try and retain Footpaths located in the countryside, rather than to move them (by way of making Orders) to urban or housing development locations. He further stated that a discussion should be held with the Assistant Director Planning Services in this connection.

- RESOLVED:
- (1) That authorisation be given for the Director of Legal and Democratic Services to forward the Bridgend County Borough Council Public Path Diversion Order, Town and Country Planning Act 1990, Section 257, Diversion of Footpath 3, Community of St. Brides Minor, Public Footpath Diversion Order No. 2 2007, to the Welsh Assembly Government for determination.
 - (2) That authorisation also be given for a Creation Agreement to be implemented with the developer, in perpetuity so as to create a route at the site, from the area north of Plot 11 of the development, northwards to the riverbank and back, with Barratt Homes contributing a commuted sum in lieu of the maintenance responsibility for this route.

The meeting closed at 11.57am.

