

MINUTES OF A MEETING OF THE RIGHTS OF WAY PANEL HELD IN THE
COMMITTEE ROOM 1, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON
WEDNESDAY, 21 NOVEMBER 2007 AT 11.45AM

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 M Phillips - Barrat Homes, Developers

Officers:

Miss J Dessent - Legal Officer
Mr C D Lewis - Rights of Way Assistant
Mr G P Jones - Principal Cabinet and Committee Officer

50 APOLOGIES FOR ABSENCE

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

51 DECLARATIONS OF INTEREST

Councillor K Watkins declared an interest in Item 4(i) Proposed Diversion of Footpath No 3 Community of St Brides Minor and Creation of Additional Footpath Phase 1B, Park Tyn-y-Coed, Bryncethin in that a personal friend had previously owned that land being discussed and would leave the meeting during this item.

52 MINUTES OF THE PREVIOUS MEETING

Two Members expressed their concerns that the paperwork providing the information regarding the site meeting had not been received and they were therefore unable to attend the site meeting. Members were advised that the electronic calendar entries detailed the relevant site meeting information.

It was agreed that the hard copy of site meeting details would be provided as advanced notification letter and would also be attached to the Members meeting documentation to prevent a recurrence of this problem.

Members also queried whether a progress update could be provided to monitor the outstanding claims for Rights of Way issues and how Cabinet were prioritising and addressing these issues. Letters would be drafted to the relevant officers, Cabinet Member and Scrutiny Chairperson requesting further information and investigation in this matter. It was agreed that the Rights of Way Manager would periodically report to the Panel the number of claims outstanding

RESOLVED: That the minutes of a meeting of the Rights of Way Panel dated 27 July 2007, be received as a true and accurate record.

Councillor K Watkins left the meeting.

53 PROPOSED DIVERSION OF FOOTPATH NO. 3 COMMUNITY OF ST BRIDES MINOR AND CREATION OF ADDITIONAL FOOTPATH PHASE 1B PARK TYN-Y-COED, BRYNCETHIN

The Rights of Way Assistant submitted a report, together with supporting information in the form of Appendix A, on a proposal to divert the afore mentioned Footpath and the creation of additional footpath phase 1B Park Tyn-y-Coed, Bryncethin.

He advised those present, that Planning consent P/07/668/RES for 35 dwellings and associated works necessitated the diversion of Footpath 3 St Brides Minor and that there was the need to create a footpath through the Public Open Space along the northern side of the Nant Bryncethin in accordance with the Development Brief. Members were also informed that it would be necessary to create a short section of footpath at the southern end of Footpath 9 to link to the new route of Footpath 3.

The Rights of Way Assistant relayed the security concerns of the South Wales Police and the need for barriers and/or bollards to protect the footpath from motor vehicles. The developer had indicated that there would be no objection to the inclusion of barriers and or bollards as directed by the police.

He then indicated the concerns that had arisen from the site inspection which included the need to adjust the siting of the proposed footpath so that the path lies 1 metre north of the centre line of the route of the diversion as identified on Appendix A of the report and as pegged out on site. He then recommended that Members defer the decision on this item to allow further consultation between Officers and the Developer to be undertaken.

The representative of the British Horse Society commented that a great deal of preparatory work had been undertaken by various organisations regarding the diversion of this footpath. He believed that these changes were the result of the developer changing the landscaping plans of the development rather than an actual need to change the route of the footpath. He added that it was wherever possible footpaths should not be diverted onto pavements

- RESOLVED:
- (1) That a decision on the diversion of Footpath 3 be deferred in order to allow further consultation between officers and the developer to be undertaken in relation to adjusting the route of the proposed footpath.
 - (2) That a decision on the creation of the short length of footpath from the southern end of Footpath 9 to link with the diversion of Footpath 3 along the pavement be deferred.
 - (3) (a) That authorisation be given to the Director of Legal & Democratic Services to make the necessary Order(s) to seek to create a footpath at the northern side of the Nant Bryncethin as shown in Appendix A

and that this/these order(s) be confirmed provided no objections or representation are made within the prescribed period, or if any so made are withdrawn.

- (b) That the Director of Legal & Democratic Services be authorised to forward the Order(s) to the Welsh Assembly Government for determination if any objections are received are not withdrawn.
- (c) That the Order(s) excludes any section of the creation which utilises highways which are maintainable by Bridgend County Borough Council, as public rights already exist over them.

54 PROPOSED DIVERSION OF FOOTPATH NO. 41 COMMUNITY OF OGMORE VALLEY COURT COLEMAN STREET NANTYMOEL BRIDGEND

The Rights of Way Assistant submitted a report requesting authorisation for the making of an Order to divert the aforementioned footpath. He explained that the Rights of Way Panel of 19 November 2004 authorised the making of an order sought to divert the footpath primarily along the western pavement of the development and through public open space. The Diversion Order plan is shown at Appendix B attached to this report. An objection was received which was not withdrawn and the Panel authorised the forwarding of the Order to the Welsh Assembly Government for determination on the 25 July 2005.

The Inspector had made some observations that had been noted by the Assistant Director Transport & Engineering and an alternate less direct route had been proposed which may have addressed the issues made by the Inspector and that may have alleviated the concerns of the objector.

The Welsh Assembly Government declined to confirm the Order. The Inspector had made some observations that had been noted by the Assistant Director Transportation and Engineering and an alternate less direct route had been proposed which sought to address the issues referred to by the Inspector. These new proposals did not alleviate the concerns of the objector.

At the site meeting preceding the Panel meeting, members were disinclined to accept the provision of steps on the section of the diversion within the public open space shown on Appendix C. It was requested that discussions be held with the developer in relation to the extension of the ramped route to provide a more gradual route for the footpath diversion which would utilise the open space and the land to the south west.

Members requested that Electronic facilities be made available during future Rights of Way Panel meetings in order to display the details to other representatives who were not available to attend the site inspection.

RESOLVED: That a decision on this item be deferred in order to allow further consultation between Officers and the Developer to be undertaken in relation to the provision of additional gradients on the route of the proposed footpath as discussed on site .

The meeting closed at 12.53pm.