

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT OF THE DIRECTOR OF ENVIRONMENTAL AND PLANNING SERVICES

RIGHTS OF WAY PANEL

16 NOVEMBER 2005

PLANNING SERVICES

ITEM	SUBJECT	PAGE NO.
1	BRIDGEND COUNTY BOROUGH COUNCIL PROPOSED DIVERSION OF BRIDLEWAY No.56 (FORMERLY LLANGEINOR) NOW GARY VALLEY	2 - 4

1. **BRIDGEND COUNTY BOROUGH COUNCIL
PROPOSED DIVERSION OF BRIDLEWAY No.56 (FORMERLY
LLANGEINOR) NOW GARW VALLEY**
- 1.1 Planning consent 05/448 for 2.4m high palisade fencing and gates to enclose land owned by ARM Plastics Ltd in front of its factory at Victoria Street, Pontycymmer necessitates the diversion of Bridleway No.56 (formerly Llangeinor) now Garw Valley. The fence is for security reasons.
- 1.2 The proposed diversion (see Appendix A) will be sited adjacent to No.112 Victoria Street, Pontycymmer. It was initially proposed that the diversion would be 2.4m wide to correspond with the existing width of the bridleway, but following comments from the British Horse Society, which encourages Order making authorities to adopt a recommended width of 5m width for the bridleway diversions the developer agreed to provide a 5m width for the diversion. The Horse Society additionally stated that the lane followed by the bridleway along the rear of Victoria Street is also 5m wide. (As previously stated the bridleway itself is 2.4m wide, but it does utilise part of a tarmacadam rear lane.)
- 1.3 It was noted that a hedge is located along the southern side of the rear garden of No.112 and that it overhangs the site of the proposed diversion. In order to retain the hedge for amenity reasons, and to compensate for this overhang, the developer has agreed to provide a reserve of 7.5m wide at the western end of the hedge running to a point 6.6m wide at the eastern end of the hedge for the diversion. The 5m wide bridleway will be sited along the southern edge of the reserve referred to, away from the hedge. The continuation of the bridleway eastwards towards Victoria Street will follow a 5m wide reserve and will be provided with a metal pedestrian guardrail on its northern side, adjacent to the gable end of No.112 Victoria Street, where the land drops away to form an access to the cellar of the property.
- 1.4 Bollards are sited at the entrance to the proposed diversion from the land behind No.112 Victoria Street. Bollards will also be provided at the entrance to the diversion from Victoria Street, to prevent the parking of cars in the route.
- 1.5 A 2.4m width of the bridleway, which will commence 0.75m away from the palisade fence, will be surfaced in tarmacadam. The remainder of the width of the bridleway will be surfaced in scalpings or similar.
- 1.6 The hedge at the southern side of the rear garden of No.112 Victoria Street will occasionally be trimmed by the developer to prevent lateral spread into the bridleway.
- 1.7 The planning consent requires the palisade fence adjacent to No.112 Victoria Street to be set back to provide a 5m width for a distance of 5m, from the

back of the pavement, to provide an area for equestrians to wait before emerging into Victoria Street, so that adequate inter-visibility is achieved with other pedestrians and motorists. The required setting back will be absorbed within the bridleway reserve.

- 1.8 The Local Member, Community Council and Bridgend & District Ramblers do not object to the proposal.
- 1.9 The County Borough Council's Tourism Section does not object to the proposal.
- 1.10 The British Horse Society reserves its right to object if a bridleway diversion order is made. The letters of 14 May 2005 and 28 June 2005 from the Horse Society are reproduced in Appendices B and C respectively.

2.0 ASSISTANT DIRECTOR PLANNING SERVICES COMMENTS

- 2.1 Planning consent has been granted to ARM Plastics Ltd for the erection of palisade fencing for security reasons around land which it owns. The enclosure of this land in private ownership will necessitate the diversion of Bridleway No.56, which will be doubled in width to 5m for the length of the diversion, thus reducing the prospect of conflict between equestrians and other user groups and enhancing visibility where it joins Victoria Street. This visibility will further be improved by the setting back of the palisade fence by 1m from the back edge of the pavement adjacent to Victoria Street. A hedge will also be retained adjacent to the bridleway.
- 2.2 I do not consider that bridleway users would be inconvenienced by the proposed diversion. The diversion would also rectify an anomaly whereby the existing route of the bridleway does not terminate on a public highway, as the road to the factory at the southern end of the bridleway is a private access.
- 2.3 It will be realised that if an Order is made, and objections are received and not withdrawn, the issue will be examined by the Welsh Assembly Government at a Public Hearing or Inquiry before it decides whether it is appropriate to confirm the Order.

3.0 RECOMMENDATION

- 3.1 That authorisation be given for the Head of Legal Services to make the necessary Order to seek to divert Bridleway No.56 (formerly Llangeinor) now Garw Valley as shown on Appendix A and to confirm this Order provided no objections or representations are made within the prescribed period, or, if any so made, are withdrawn.

RHODRI-GWYNN JONES
EXECUTIVE DIRECTOR - ENVIRONMENT
08 NOVEMBER 2005

Background Papers:

File Ref:

Assistant Director Planning Services
File F532 from 26 April 2005 to existing

Author:

Mr Chris Lewis – 01656 643156

APPENDIX A



Scale 1:1250
Date issued: 08/11/2005

PROPOSED BRIDLEWAY DIVERSION REAR OF VICTORIA STREET, PONTYCYMMER, BRIDGEND

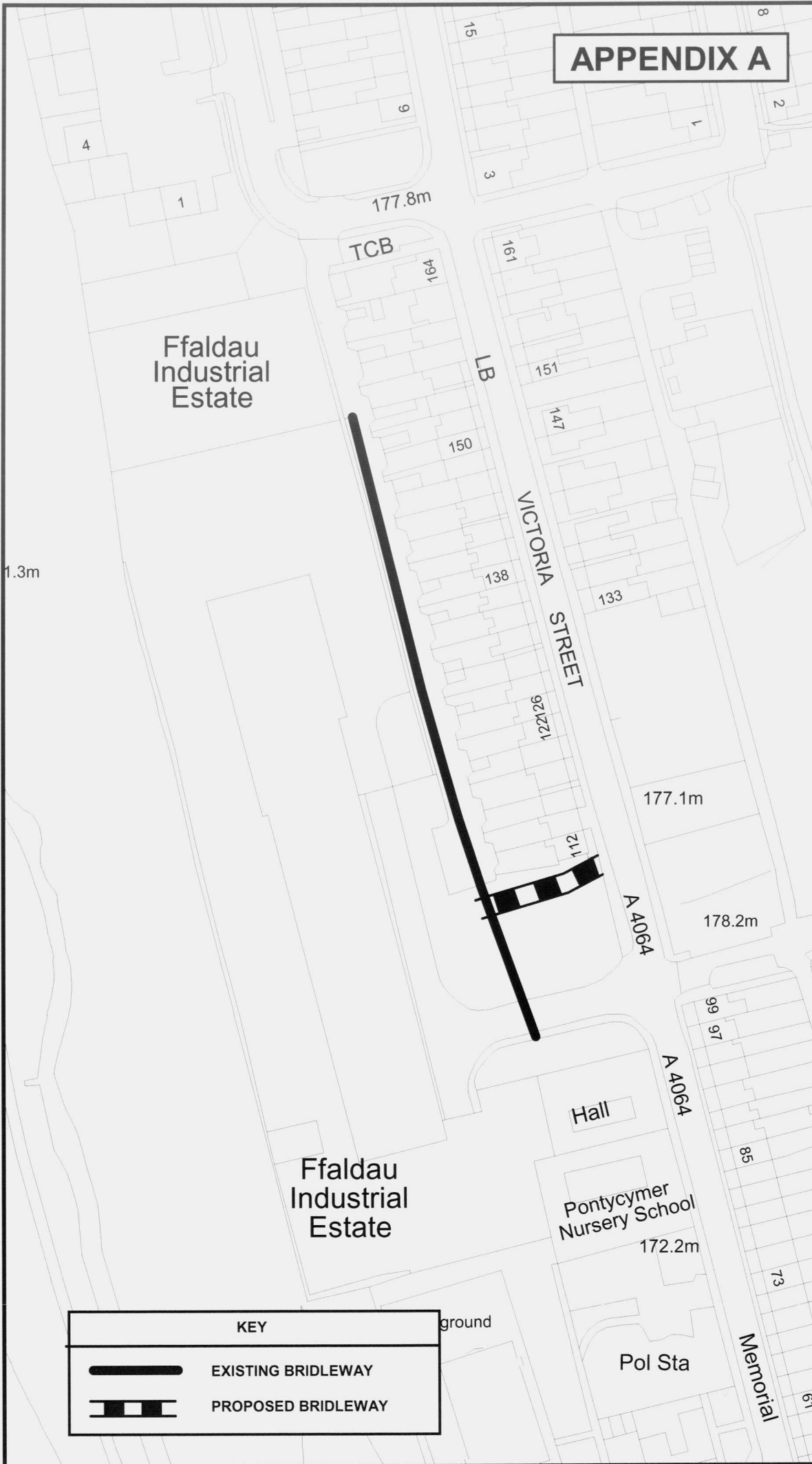
Rhodri-Gwynn Jones
BSc., C.Eng., M.I.C.E.
Executive Director - Environment,
Bridgend County Borough Council, Civic Offices,
Angel Street, Bridgend CF31 4WB.

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Planning Services
Tel: 01656 643176
ODrive/PlanDraw/MapInfo/Outputs/
Bridleway Diversion, Pontycymer,
Bridgend.

Cyngor Bwrdeistref Sial



KEY	
	EXISTING BRIDLEWAY
	PROPOSED BRIDLEWAY

Registered Offices
British Horse Society
Stoneleigh Deer Park
Kenilworth
Warwickshire
CV8 2XZ

Limited Liability
Registered No. 444742 England



APPENDIX B

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Web Site: www.bhs.org.uk

Baytree
29 Newton Nottage Road
Porthcawl
Mid Glamorgan
CF36 5PF

British Horse Society

Registered Charity No. 210504

Patron: Her Majesty The Queen

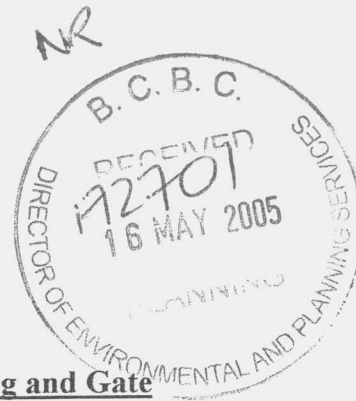
Your Ref: CDL/JZ/31E36/F532

14th May, 2005

also 28-6-05

Mr. C.D. Lewis
Planning Department
Environmental & Planning Services Directorate
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend CF31 4WB

Dear Sir,



Planning Application No. 05/448 - Fencing and Gate
Affecting Bridleway No. 56 Garw Valley

Thank you for your letter of 26th April 2005 and the opportunity to comment on the above Planning Application.

For a Diversion Order to succeed it is a requirement in law that the proposed new line of the path should be as safe and as commodious and convenient as the original path. This is clearly not the case here and the fencing up of the existing Bridleway and the car park through which it currently passes represents a serious loss of convenience and public amenity and most certainly a complete loss of the existing commodious environment.

The Society encourages Order Making Authorities to adopt a Recommended Standard of 5 metres width for diverted Bridleways and will usually object to diversion proposals where the replacement Bridleway is less than 4 metres, on that fact alone, unless exceptional circumstances apply. We do not believe those exceptional circumstances exist here and the 2.4 metres width specified for the replacement path is entirely self imposed to tally with the width mentioned in the "Definitive Statement." The existing Bridleway proceeding along the lane at the rear of the houses of Victoria Street is presently 5 metres wide, and I paced this today, so again the proposal fails the test of equal commodiousness.

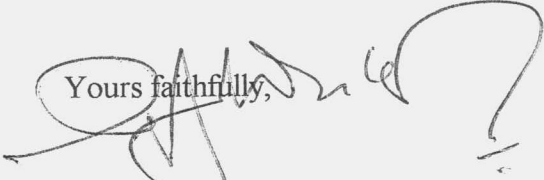
Bearing in mind that Bridleways are subject to multi category use including cyclists, wheelchairs and so on and that the proposed diversion now includes a blind right angled bend with a high sided security fence we are sure you must realise that 2.4 metres is totally inadequate. We would also advise that wire fencing of any type is undesirable and potentially injurious, indeed if barbed wire is proved to be a nuisance it is illegal (S 164 Highways Act 1980).

We also note that whereas at present the Bridleway commences in the car park, it is now proposed to commence the Bridleway directly from the very busy A4064 and immediately across the footway of the same highway. This would not only require an illegal manoeuvre but would also be quite dangerous for all concerned. The Society deplures attempts to divert Public Rights of Way across vehicular routes and footways, because in addition to being hazardous this is tantamount to the extinguishments of a Right of Way.

Finally we would wish to draw to your attention that we are currently working with your Authority in respect of Equestrian Tourism and this particular locality had been singled out for a Flagship project, subject to the acquisition of appropriate funding for which a bid is presently being prepared. Bridleway No.56 is seen as strategic in this respect as it provides the only safe link into the wonderful network that lies above the busy valley bottom.

We were initially encouraged by the fact that Bridleway No.56 is one of very few in the County Borough that has been properly signposted from a car park, and now it seems this development will surely kill the opportunity that was being proposed, for certainly this part of the Garw Valley.

Yours faithfully,


Gordon J. Wheeler
County Access and Bridleways Officer
British Horse Society

Registered Offices

British Horse Society
Stoneleigh Deer Park
Kenilworth
Warwickshire
CV8 2XZ

Limited Liability
Registered No. 444742 England



APPENDIX C

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Web Site: www.bhs.org.uk

Baytree
29 Newton Nottage Road
Porthcawl
Mid Glamorgan
CF36 5PF

British Horse Society

Registered Charity No. 210504

Patron: Her Majesty The Queen

Your Ref: CDL/SG/31E36/F532

28th June, 2005

also 14.5.05

Mr. C.D. Lewis
Planning Department
Environmental & Planning Services Directorate
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend CF31 4WB



Dear Sir,

Planning Application No. 05/448 - Fencing and Gate
Affecting Bridleway No. 56 Garw Valley

Thank you for your letter of 21st June 2005 regarding the above Planning Application and we thank you for your effort to address one of our concerns, namely the width of the alternative path.


However, there are still issues of legality and safety associated with the proposal, such as crossing the footway and the blind emergence of the alternative path into Victoria Street. Instead of the existing wide vision splay in both directions, vision would be obscured, by the wall of house No 112 in the one direction and the proposed pallsade fence in the other.

If the line of the proposed fencing was brought back to the same as that which already exists along the lane behind Victoria Street and the gates installed similarly to those proposed for "Western Power" then there would be no necessity for a diversion order. Why should we have to put up with this obsession to fence up land to which the public presently enjoy access? Perhaps this is the time we should be looking more closely at what has happened to the continuation of this path in the Southerly direction!

We would also take issue with your statement that bridleway rights only exist along a 2.4 metres width of the lane behind Victoria Street. Whilst the defined width in the statement may only be 2.4 metres the other 2.6 metres provide the commodious character of the way in question. For example, no one could now say which 2.4 metres of the whole width constitutes the bridleway, in the same way the metalled part of a vehicular highway forms only part of the overall width that a vehicle is entitled to use.

Regarding your request for the withdrawal of our objection to the diversion, I find this somewhat difficult because with no order as such, then no objection can be deemed to have been made. We must however, reserve our statutory right to object in the event that such an order be made.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Gordon J. Wheeler', written over the typed name below. The signature is stylized and includes a large loop at the end.

Gordon J. Wheeler
County Access and Bridleways Officer
British Horse Society