

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT OF THE EXECUTIVE DIRECTOR - ENVIRONMENT
RIGHTS OF WAY PANEL
17 JULY 2006
PLANNING SERVICES

ITEM	SUBJECT	PAGE NO.
1	PROPOSED DIVERSION OF FOOTPATH No. 3 COMMUNITY OF ST BRIDES MINOR	2 - 4

1. PROPOSED DIVERSION OF FOOTPATH NO. 3, COMMUNITY OF ST BRIDES MINOR

- 1.1 Planning consent 05/1032 for 36 dwellings and associated works necessitates the diversion of the above footpath. The developer proposes diversions along pavements as shown on the plan attached at Appendix A. The paths shown on Appendix A are all Footpath No. 3, Community of St. Brides Minor. The southernmost section of path is a branch path of the main footpath.
- 1.2 Consultations were undertaken on routes similar to those now proposed when the planning application was received. Within this consultation, a component of public open space was utilised for the diversion. This was located on top of the embankment adjacent to Heol Cwrddy, south of the original position of the site access. Additionally, a short length of open space was utilised on the northern side of the site access.
- 1.3 St Brides Minor Community Council objected to the diversions because the footpaths are part of important local amenities, allowing residents to enjoy walks in open countryside which will be despoiled by the developments proposed.
- 1.4 Bridgend and District Ramblers Association objected to the proposal as a large part of the diversion utilised pavements. The Ramblers suggested that the path be diverted adjacent to the River Ogmore as previously proposed.
- 1.5 The Ramblers were also concerned over the continuation north eastwards of Footpath No. 3 as they anticipated that there may be future proposals to extend the application site and divert the footpaths along pavements. (An outline application for residential development has since been received.)
- 1.6 Councillor L Phillips considers that the diversions are acceptable. Councillor Phillips anticipated that the rights of way would be accommodated on the pavements of the development, not a complete diversion around it. Councillor Phillips subsequently stated that he is firmly against a diversion adjacent to the river for safety reasons even if a handrail were provided in accordance with his comments on the diversion necessitated by the original developers consent.
- 1.7 Following this consultation the developer amended the site layout and applied for the diversions as shown on Appendix A referred to. The new layout reduced the provision of public open space at the site frontage and identified diversions wholly along pavements. The position of the site access was also altered.
- 1.8 ASSISTANT DIRECTOR PLANNING SERVICES COMMENTS

- 1.8.1 Authorisation for the diversion of these footpaths was previously requested from the Rights of Way Panel of 10 February 2004 following a previous planning consent for 20 houses. The diversion then proposed would have utilised pavements and open space.
- 1.8.2 The Panel declined to authorise the diversion and resolved that the Director of Environmental and Planning Services engages in further consultation with the site developer, over the proposed diversion of the footpath. The Panel wished the path to be re-routed from that stated in the report to a position immediately adjacent to the bank of the River Ogmore.
- 1.8.3 The planning consent was not implemented by the previous applicant and the current developer submitted a new planning application.
- 1.8.4 I advised the current developer on a number of occasions that the Panel wish a riverside diversion to be provided. Welsh Office Circular 5/93, Public Rights of Way, states that the use of estate roads for footpath diversions should be avoided wherever possible and preference given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.
- 1.8.5 The developer prefers to seek the diversion shown on Appendix A stating that this will ensure ease of access and maximum security for all of its users. The developer is aware of the provisions of Welsh Office Circular 16/94, Planning Out Crime which states that the security of premises can be reduced where a footpath or alleyway provides unrestricted access to the rear.
- 1.8.6 Additionally in mitigation, the developer states that an outline planning application has been submitted for residential development on land north east of the site in question. The Development Brief states that the public rights of way are to be respected and accommodated and upgraded to cycleway standards. The Brief further states that where necessary, these will be diverted to potentially safer, more attractive and convenient corridors.
- 1.8.7 The developer prefers not to retain the short section of footpath behind Plots 9, 10 and 11 at the northern side of the junction of the site road with Heol Cwrddy because of security implications for these dwellings. The developer also expressed concern in relation to the occupier's future maintenance liability for the footpath where it would run over the access drive to the garages for these Plots (to the east). The footpath runs along the existing access track to the site area, and the planning consent provides for the full width of this track to be included in the plots. The developer confirms, however, that in all likelihood, it will be possible to identify a possible footpath diversion at existing ground level along the southern edge of the open area between the River Ogmore and the site (slightly north of its current route), if the Panel wishes him to do this. This proposal would be subject to approval by the Environment Agency as the land lies within the flood plain.

Councillor Phillips's views have been requested in relation to this diversion.

1.8.8 Planning consent for the development was granted after a lengthy process as the rights of way situation is only one of many factors to be taken into consideration when determining a planning application, and on balance, it was considered that the scheme is satisfactory.

1.9 RECOMMENDATION

1.9.1 The Panel is requested to resolve that either:-

1.9.2 That authorisation be given to make an Order(s) which seeks to divert Footpath No.3 St Brides Minor to the routes shown on Appendix A.

Or

1.9.3 That authorisation be given to make an Order(s) which seeks to divert Footpath No. 3 St Brides Minor to the routes shown on Appendix A with the exception of the diversion along the pavement to the front of Plots 9, 10 and 11, and that if the Environment Agency confirms it has no objection to the diversion of the footpath along the rear of Plots 9, 10 and 11 (route to be identified by developer), this route shall supersede the pavement route to the front of the plots and shall be included in the Order. If the Environment Agency objects to the path along the rear of Plots 9, 10 and 11, then this option not be pursued

1.9.4 To confirm whichever Order(s) is made, provided no objections or representations are made within the prescribed period or, if any so made are withdrawn.

1.9.5 The Order(s) omits any section of the diversionary routes which may have been adopted by the time of the making of the Order as it is not appropriate to divert a Footpath over an adopted highway.

RHODRI-GWYNN JONES
EXECUTIVE DIRECTOR - ENVIRONMENT
11 JULY 2006

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Background Papers : **1. F162, 163 from 11 April 2003 - existing**