

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT OF THE EXECUTIVE DIRECTOR - ENVIRONMENT**

**RIGHTS OF WAY PANEL**

**10 JANUARY 2007**

**PLANNING SERVICES**

**1. PROPOSED DIVERSION OF FOOTPATH No. 13 COMMUNITY OF CORNELLY**

**1.1 Purpose of Report**

This report requests authorisation for the making of an Order which seeks to divert the above footpath to enable planning consent (ref 06/1354) to be implemented.

**2. Connection to Corporate Improvement Plan / Other Corporate Policy**

2.1 Not applicable.

**3. Background**

3.1 Outline planning consent 06/622 is crossed by the above footpath which would need to be diverted following the approval of details.

**4. Current Situation / Proposal**

4.1 Full planning consent, 06/1354, for a two storey dwelling necessitates the diversion of the above footpath. The proposed route is shown on the attached plan (Appendix A), and follows the route currently used in lieu of the existing footpath within the garden area of the adjacent dwelling.

4.2 The diversion will run adjacent to the northern edge of Fairways, and alongside a rockery over the future access to the new dwelling. The width of the diversion at this point will be 1.8 metres. It continues alongside a ranch style fence adjacent to the motorway and a hen house, also as a 1.8 metre wide path. This width is continued north westwards beyond the planning consent until it changes direction, and runs north eastwards as a 1.4m wide path to the termination of the diversion.

4.3 A width of 1.4 metres will be provided in accordance with the usual specifications of the County Borough Council where the diversion will not be enclosed on both sides (most northerly part of the diversion).

4.4 The full length of the diversion will be constructed of concrete or similar.

4.5 The hedge along the western side of the diversion will be maintained by the applicant to ensure it does not grow into the diversion.

4.6 The vehicular gate at the point nearing the northern end of the diversion where the 1.8m width narrows to 1.4 metres will continue to be utilised. The two vehicular

gates south of this will either be removed or kept in an open position to facilitate access along the diversion.

- 4.7 A waymark will be placed at the northern end of the diversion. A signpost is already in place at the southern end of the diversion.
- 4.8 The unaffected footpath adjacent to the northern end of the proposed diversion is waterlogged and muddy, and the applicant has agreed to treat this with blinded hardcore. Furthermore, the applicant has said that he will surface this in concrete when the weather improves.
- 4.9 The major part of the small holding falls within the planning consent area, and apart from the hen house referred to, the other buildings within the consent curtilage will be removed to accommodate the footpath diversion, and the subsequent development of the site. The hay barn north of the planning consent will be retained.
- 4.10 The section of the diversion north west of the planning consent area will not lie within the applicant's ownership, and he has secured the land owner's consent for this.
- 4.11 In reply to my consultation on the footpath diversion, Cornelly Community Council states that provided the hedge alongside which the diverted route runs is properly maintained (preferably by the applicant), and the usual width of footpath and appropriate signage is fully maintained at all times, there would be no particular objection to the diversion.
- 4.12 Bridgend and District Ramblers state that they would wish to be informed of the outcome of the planning application so that steps can be commenced to re-establish this path on its existing line if the need arises. The Ramblers also state that the foregoing comment should in no way be taken as approval of the proposed diversion, and they wish to reserve the right to object to any change of line that takes place in the future.
- 4.13 South Wales Police have no observations to offer on the proposal.
- 4.14 It was anticipated that authorisation for the making of the order would be requested from the Panel following outline planning approval. Consequently, consultees views were requested on a diversion which differed slightly from the route shown on the attached plan by crossing the road surface opposite Wyndham Court. Further details required from the developer prevented this. The current proposal has been formulated, as a condition of the full planning consent requires the setting back of the site boundary to provide a 1.8m footway along the frontage abutting the public highway at Fairways and it is opportune to use this route for the diversion.

## 5. **Assistant Director Planning Services Comments**

- 5.1 The proposed diversion seeks to formalise the long standing, unofficial diversion of the footpath, and satisfactorily re-aligns the path to enable a planning consent to be implemented. Approximately half the length of the unofficial route currently runs through a compound of chicken sheds and it is necessary to negotiate three vehicular width gates to progress along the path. Whilst a section of the route

through the compound utilises a concrete hardstanding, the greater part of it traverses what appears to be a firm sub-base of scalplings covered by a thin layer of mud. The proposed diversion will improve this situation as it will be surfaced with concrete or similar for its full length. The number of gates currently along the route will be reduced. A waymark will be provided at the north eastern end of the diversion, and the wet and muddy land accommodating the retained path at this point will initially be surfaced with blinded hardcore and then concrete when the weather improves for the benefit of walkers.

## **6. Effect Upon Policy Framework & Procedure Rules**

6.1 It is considered that there is no effect upon policy framework and procedure rules.

## **7. Legal Implications**

7.1 Reports have been forwarded to the Director of Legal and Democratic Services and any observations will be reported verbally to the panel.

## **8. Financial Implications**

8.1 The diversion order applicant will pay a fee for the making of the diversion order. If it is necessary to hold an Inquiry or Hearing following the submission of objections which are not withdrawn, former Welsh Office advice states that objections to Orders, and their determination by the Secretary of State (now Welsh Assembly Government) fall within the public domain and, as such, are outside the applicant's control. It is considered unreasonable to expect the applicant to bear the extra expense incurred by the local authority in pursuing opposed orders through to confirmation and these costs have therefore been excluded from the power to charge. The authority will nevertheless wish to ensure that the applicant is afforded every opportunity to participate in any public inquiry. Although objectors have the right to be heard by the Secretary of State, such matters can also be considered on the basis of written representations. This may be appropriate where there are only 2 or 3 objectors. Such arrangements have proved to be more cost effective and all parties are therefore urged to adopt this procedure wherever possible.

## **9. Recommendation**

9.1 That authorisation be given for the Director of Legal and Democratic Services to make the necessary Order(s) to seek to divert Footpath 13, Community of Cornelly, as shown on Appendix A, and to confirm this / these Order(s), provided no objections or representations are made within the prescribed period, or, if any so made, are withdrawn.

9.2 That the Order(s) excludes any section of the diversion, which utilises highways which are maintainable by Bridgend County Borough Council, as public rights already exist over them.

## **10. Directions to Site**

10.1 For the benefit of members attending the site meeting who are not familiar with the area, the site can be accessed by turning right at Cornelly Cross and immediately left along Evans Terrace and Heol Las for half a mile or so. Where Heol Las nears

the motorway, turn right (opposite No 115, Heol Las) into Heol Maendy and take the first turning left into Fairways. Proceed along the full length of Fairways and the site is at it's northern end immediately adjacent to the motorway.

**RHODRI-GWYNN JONES  
EXECUTIVE DIRECTOR - ENVIRONMENT**

**4 JANUARY 2007**

**Contact Officer: Mr Chris Lewis  
Rights of Way Assistant**

**Telephone: Tel : 01656 643156**

**E-mail: lewiscd**

**Postal Address: Planning Department  
Civic Offices  
Angel Street  
Bridgend CF31 4WB**

**Background documents:**

**BPO File F 226 from 29.06.06 to existing  
Planning Application files 06/6222 and 06/1354**