

- 1. PROPOSED DIVERSION OF FOOTPATH NO. 3 COMMUNITY OF ST. BRIDES MINOR AND CREATION OF A SHORT LENGTH OF FOOTPATH AT THE SOUTHERN END OF FOOTPATH 9, ST. BRIDES MINOR PHASE 1B PARC TYN-Y-COED, BRYNCETHIN**
- 1.1 PURPOSE OF REPORT**
- 1.2 This report requests authorisation for the making of an Order which will seek to divert Footpath 3 St. Brides Minor, which lies north of Eustace Drive, Bryncethin to a slightly more southerly route lying roughly parallel with but removed from the rear boundaries of Eustace Drive/Williams Crescent, Bryncethin. This diversion will also necessitate the creation of a short length of footpath from the southern end of Footpath 9 to the new position of Footpath 3 and authorisation is also requested for this.
- 2. CONNECTION TO CORPORATE IMPROVEMENT PLAN / OTHER CORPORATE POLICY**
- 2.1 Not applicable
- 3. BACKGROUND**
- 3.1 Planning consent P/07/668/RES for 35 dwellings and associated works necessitates the diversion of Footpath 3 St Brides Minor as it would otherwise lie within the rear gardens of former Plot Nos 8 to 23 of the housing development (now Plots 44 to 59). It is also necessary to divert the path as the western section of the path to be diverted would lie within the access road to the development.
- 3.2 It is also proposed to create a short section of footpath at the southern end of Footpath 9 to effect a link where the new route of Footpath 3 will occupy the southern pavement. This link will fill the gap between Footpath 9 and the southern pavement and will lie immediately south of the current junction of Footpaths 9 and 3.
- 3.3 It will be recalled that authorisation was requested from the Rights of Way Panel of 21 November 2007 for the diversion of the footpath, but the Panel deferred a decision on the diversion of Footpath 3 to allow further consultation between Officers and the developer to be undertaken so that a path further away from the boundary of Eustace Drive/Williams Crescent would be provided. The Panel also deferred a decision on the creation of the short length of footpath at the southern end of Footpath 9.
- 3.4 It will be realised from my report to the Rights of Way Panel of 21 November 2007 that the developer initially anticipated diverting the footpath along a route at the top of the sloping area of open space behind Eustace Drive/Williams Crescent (immediately adjacent to the boundaries referred to) but agreed with my suggestion that the diversion be sited further away from the boundaries as this will impact less on the residents of Eustace Drive/Williams Crescent.

- 3.5 In accordance with the Panels wish, I discussed this matter with the developer and the current proposal seeks to reposition the route of the diversion a further 1.4 metres away from the rear boundaries of Eustace Drive/Williams Crescent. The path will, in the main, lie immediately adjacent to and north of the proposal discussed at the Panel meeting of 21 November 2007. It is possible to provide this extra distance as planning application P/07/1480/RES sought to amend the position of the proposed dwelling on Plot 59 so that it immediately abuts the pavement to the north. Additionally, the gardens of the proposed development have been slightly shortened. The planning application has now been granted. The revised proposal referred to is shown at Appendix A attached to this report.
- 3.6 It will be recalled that the diversion discussed by the Panel on 21 November 2007 evolved in response to consultations carried out during the course of planning application P/07/668/RES and the developers discussions with the British Horse Society and the Campaign for the Protection of Rural Wales during this time.
- 3.7 The route of the diversion will be provided in 1.4 metres wide blinded hardcore. A handrail and concrete steps/landings will be provided to the south east of Plot 59. It is not possible to provide a ramp at this location as the land falls steeply and the diversion has been devised so that it is sited as far away from the properties in Eustace Drive/Williams Crescent as is possible.
- 3.8 It will be recalled that in accordance with usual procedure, consultations were carried out with the aforementioned organisations, St. Brides Minor Community Council, Bridgend and District Ramblers, the County Borough Council member, residents of Eustace Drive and Williams Crescent and other user groups before the diversion was considered by the Panel of 21 November 2007. Apart from concerns raised by South Wales Police, no adverse comments were received.
- 3.9 South Wales Police stated that the diversion of Footpath 3 behind Eustace Drive would seriously compromise the security of properties at Eustace Drive and Parc Tyn y Coed when it was consulted on the previously proposed route.
- 3.10 Members will recall that the Police advised that the Home Office document "Safer Places" states that crime and antisocial behaviour are more likely to occur if streets, footpaths and alleyways provide access to the rear of buildings. It is also stated that consideration should be given to the possibility that offenders could climb fences adjacent to the footpath and that higher fences, defensible planting, sloping landforms, banking and ditches can all help to improve security of rear boundaries.
- 3.11 South Wales Police also advised that the installation of barriers or bollards should be considered to prevent vehicles or motorcycles using the path.
- 3.12 In view of the nearness of the route now proposed to the diversion discussed at the 21 November 2007 Panel meeting, I have not consulted the foregoing groups on the latest proposal.
- 3.13 The Chair and Vice-chair of the Panel have been consulted on the latest proposal however and have confirmed that they are satisfied with the proposed amendment to the route of the diversion.

#### **4. Assistant Director – Transportation & Engineering Comments**

- 4.1 Despite the misgivings of South Wales Police in relation to the diversion of Footpath 3 behind Eustace Drive, it will be realised that the existing route of the footpath currently runs behind Eustace Drive/Williams Crescent, albeit a short distance north of the proposed diversion.
- 4.2 In relation to the Police comments that higher fences, defensible planting, sloping landforms, banking and ditches can all help to improve the security of rear boundaries, the developer has advised that the boundary heights to the rear of the new properties will typically have a 1.8 metre high fence. In addition to this, at the base of the fence to the rear of the dwellings, the developer informs me that there will be a retaining wall at least 1.0 metre high and that this will increase the defensible height up to at least 2.8 metres.
- 4.3 The Developer will landscape the corridor to fortify the rear gardens of Eustace Drive.
- 4.4 In relation to the comments of South Wales Police that the installation of barriers or bollards should be considered to prevent vehicles or motorcycles using the path, the developer confirms that he has no objection to this and has specified staggered barriers at each end of the proposed diversion to prevent motorcycle use.
- 4.5 It is anticipated that the foregoing measures will provide greater security for householders and it is now hoped that they will assuage the concerns of South Wales Police in connection with the diversion of Footpath No. 3.
- 4.6 The developer has sited the new footpath further away from Eustace Drive/Williams Crescent than required as the new proposal will lie along the northern edge of the original proposal, whereas it was stated at the Panel site meeting that he could construct the path northward from the pegs indicating the centre line of the proposal which was unacceptable.
- 4.7 Although the retention/diversion of the footpath at the northern side of Eustace Drive is not identified in the Development Brief, it is implicit from the comments of the British Horse Society and the Campaign for the Protection of Rural Wales and confirmed verbally by the developer, that the footpath is in regular use. The new route has been identified to reflect this and incorporates the requirements of the Rights of Way Panel. This route will perpetuate the link into Williams Crescent which will be provided with concrete steps.
- 4.8 The foregoing route through a narrow area of Public Open Space will utilise surfaced (blinded hardcore) paths away from vehicular traffic, in accordance with the advice of Welsh Office Circular 5/93 (DoE Circular 2/93). The western section of the diversion will utilise the pavement, but this is required as otherwise the footpath will lie within the access road to the development.
- 4.9 It will be recalled that as part of the access regime for this phase of the development and its greater extent, the developer will replace the existing sleeper crossing where Footpath 9 crosses the Nant Bryncethin with a wooden footbridge.

## **NOTE**

- 4.10 As previously stated, the current proposal has evolved since the submission of the planning application for consent P/07/668/RES and takes into consideration the views expressed by the Panel on 21 November 2007.
- 4.11 It was formerly proposed to divert Footpath 3 along the southern pavement of this phase of the development in accordance with the Development Brief. It was considered that the provision of the footpaths/cycleways as then proposed to the northern and southern sides of the Nant Bryncethin would mitigate for the pavement diversion.
- 4.12 It was subsequently proposed that Footpath 3 be diverted through the open space along the northern side of the Nant Bryncethin but this proposal has been amended in favour of the current proposal.
- 4.13 It will be recalled that although the Panel declined to authorise the making of the Diversion/Creation Order for Footpath 3 and the path at the southern end of Footpath 9 on 21 November 2007, authorisation for the making of a Creation Order for the path on the northern side of the Nant Bryncethin was obtained. The information for this is being prepared and will shortly be sent to the Director of Legal and Democratic Services for the making of the Order.

## **5. EFFECT UPON POLICY FRAMEWORK & PROCEDURE RULES**

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

## **6. LEGAL IMPLICATIONS**

- 6.1 A copy of the Report has been forwarded to the Director of Legal and Democratic Services and any observations will be reported to the Panel.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Any financial implications arising from the above procedures are expected to be minimal and will be met from within existing resources.

## **8. RECOMMENDATION**

- 8.1 That authorisation be given for the Director of Legal and Democratic Services to make the necessary Order(s) to seek to divert Footpath 3, Community of St. Brides Minor as shown on Appendix A. The Order(s) also makes provision for the creation of a short length of footpath from the southern end of Footpath 9 at Point A, to link with the diversion of Footpath 3 along the pavement.
- 8.2 That this/these Orders be confirmed provided no objections or representations are made within the prescribed period, or if any so made are withdrawn.

- 8.3 That the Director of Legal and Democratic Services be authorised to forward the Order(s) to the Welsh Assembly Government for determination if any objections received are not withdrawn.
- 8.4 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.

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**Background Documents:**

**File F162,166,168 From: 16.08.07 to existing**

The map shows Plot 59, a large rectangular area with a grid of streets. A thick black line indicates the proposed diversion of a footpath, starting from the top left, curving around the right side of the plot, and ending at the bottom right. A thinner black line shows the existing footpath, which runs straight along the top edge of the plot. The map includes labels for 'EUSTACE DRIVE' on the left, 'WILLIAMS CRESCENT' at the bottom, and 'Plot 59' in the center. A legend at the bottom right identifies the line types: a thick black line for 'EXISTING FOOTPATH' and a thinner black line for 'PROPOSED DIVERSION'. A north arrow is located in the top right corner. The map also shows surrounding areas, including a residential area to the left and a commercial area to the right.

**PLAN NOT TO SCALE**

## PROPOSED DIVERSION

**EUSTACE DRIVE**

WILLIAMS CRESCENT

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