

**3. PROPOSED DIVERSION OF FOOTPATH NO 3A, COMMUNITY OF MAESTEG.**

**3.1 PURPOSE OF REPORT**

3.2 This report requests authorisation for the making of an Order which will seek to divert Footpath 3A, Maesteg which lies south of Pleasant View, Caerau, to a more southerly route adjacent to the northern bank of the Nant Gwyn Bach.

**4. CONNECTION TO CORPORATE IMPROVEMENT PLAN AND OTHER CORPORATE POLICY.**

4.1 Not applicable.

**5. BACKGROUND.**

5.1 Planning consent P/07/1227/BCB for a new build primary school including new road access infrastructure and services necessitates the diversion of Footpath 3A, Maesteg which runs through the curtilage of the future school site and occupies land which will accommodate the school building, an all weather sports pitch and playgrounds .

5.2 The route of the diversion will run alongside the northern bank of the Nant Gwyn Bach and will lie adjacent to the school perimeter fence (see Appendix C).

5.3 The diversion will generally be 3 metres wide but, due to the constrained nature of the site, this will be narrowed to provide a width of 2 metres for a short section towards the north eastern end of the diversion. Within this broader width, a 1.4 metre wide blinded hardcore surface will be provided adjacent to the school fence to accommodate pedestrian use. It will be necessary to provide overlapping barriers at each end of the diversion to prevent motor cycle use; The diversion will be signposted; When the works for the diversion have been provided, the extent of the handrail between the footpath corridor and the Nant Gwyn Bach will be agreed as a batter of 1 in 2 or 1 in 3 will retain the path above the level of the stream at the north eastern half of the diversion.

5.4 It is proposed that when the Diversion Order is confirmed and the diversion has been concluded, an Order will be made to convert the footpath to a cycle track (hence the 3 metres width with 2 metres narrowing). This is because the footpath will form an invaluable link between the existing cycle track (Community Route) to the south west of the site and the proposed cycle track on the railway embankment south east of the site. This requirement was also identified by the local County Borough Council members at the outline application stage.

5.5 Overlapping barriers will be provided within the narrowing referred to when the Cycle Track Conversion Order has been concluded. The barriers will require cyclists to dismount at the narrowing before remounting their cycles and proceeding along the cycle track. The cycle track will be surfaced with tarmac.

5.6 It will be recalled that no powers exist to create a cycle track where there is no footpath.

- 5.7 A member also requested that a vehicular approach be provided along the northern bank of the Nant Gwyn Bach to access a rudimentary footbridge which gives entry to the allotments at the southern side of the Nant Gwyn Bach. The member explained that pigs are kept in the most northerly allotment and the owner has to carry large bags of feed to the allotment. He currently does this in his vehicle by utilising a rough track and turning circle which accesses the area of the footbridge referred to. It has also been noted that another simple footbridge provides access to the middle part of the allotments referred to.
- 5.8 Discussions were undertaken with the County Borough members when the full application (P/07/1227/BCB) was submitted. Whilst it was confirmed that it is proposed to convert the footpath to a cycle track on the conclusion of the footpath diversion, it was explained that the constrained nature of the site does not permit the provision of a vehicular access.
- 5.9 The owner of the pigs was also contacted and it was explained that although it will be possible to provide a footpath / cycle track, it will not be feasible to provide a vehicular access.
- 5.10 The owner of the pigs stated that he was more concerned that he is able to access the piggery during the construction of the school, as he anticipates that when the school is complete, he will be able to use a wheelbarrow to deliver bags of feed on a weekly or fortnightly basis.
- 5.11 In accordance with usual procedure, written consultations were subsequently carried out with the County Borough Council members, Maesteg Town Council, Maesteg Ramblers, South Wales Police, the owner of the pigs and other user groups.
- 5.12 No objections to the diversion have been received.
- 5.13 South Wales Police stated as follows however;
- 5.14 Public footpaths should be at least 3 metres wide with at least a 2 metre verge on either side and be well lit to BS 5489. They should be straight, devoid of potential hiding places and be overlooked by surrounding buildings and activities.
- 5.15 The proposed route encompasses a 90 degree bend at the southern end near to the point where the proposed route joins the existing route. This could be a hiding place for any potential offender and possibly promote the fear of crime in the area. If possible the change in direction should be designed so that persons using the path are able to see ahead clearly.
- 5.16 With the above in mind, the alternative route at the southern end, which appears to be considerably straighter, would be preferred.
- 5.17 Trees and shrubs adjacent to the path could also act as hiding places and should be kept away from the path and well maintained.

- 5.18 More recently during a site visit , my assistant explained the footpath/cycle track proposals to the holder of an allotment in the middle part of the allotments referred to and he has no objections to the proposals provided that a handrail is erected between the footpath diversion and the stream where necessary .

**6. ASSISTANT DIRECTOR TRANSPORTATION AND ENGINEERING COMMENTS.**

- 6.1 In relation to the comments of South Wales Police, regrettably, due to the compactness of the site, it will not be possible to provide a width of 3 metres with a 2 metre wide verge on either side . It has already been accepted that due to the compactness of the site , a 3 metre wide footpath with a 2 metre narrowing will be provided in lieu of the usual requirement for a 5 metre wide corridor for a cycle track/community route; The diversion will have good forward vision and will not provide hiding places for potential offenders ; No trees and shrubs will be planted within the 3 metre wide reserve to provide the hiding places referred to by the Police ;The school site lies on the urban fringe and the proposed footpath diversion will be largely obscured from the adjacent housing as it will be sited along the south east boundary of the school . When the cycle track is provided along the railway embankment south east of the site however, the diversion will be visible by users of the cycle track on the embankment; The 90 degree bend at the southern end of the diversion referred to by the Police was a possible proposal which has been dispensed with. The straighter site lines afforded by the proposed route will be to the benefit of the security of walkers (and cyclists thereafter), in accordance with the preference of the Police, and it is considered that this will promote security despite the relative remoteness of the site; Lighting will not be provided. The cycle track (Community Route) south west of the site is not illuminated; Whilst the proposal will necessitate the very occasional herding of pigs along the footpath diversion, it is considered that if this is done at times of the day when the footpath is not likely to be in use, and with the consent of the County Borough Council, this will not prejudice the public's enjoyment of the footpath.
- 6.2 The planning consent requires that no permanent or temporary structures shall be sited within 7 metres of the Nant Gwyn Bach. This condition was added at the suggestion of the Environment Agency. In view of the potential conflict between the condition referred to and the provision of the footpath / cycle track , I wrote to the Environment Agency outlining the general scheme and asked them to reconsider their views in this connection . The Environment Agency replied as follows:
- 6.3 "Thank you for bringing the matter of the footpath diversion to our attention .First let me say that I am very surprised that the conflict of interest between the footpath and the biodiversity interest was not explored and resolved at the planning stage . In dealing with the situation as it now stands the Agency's preference would be for the new footpath to be unsurfaced and informal in nature as is the current path across the middle of the development site. It should be set back as far as possible from the edge of the stream. Is there any flexibility in the plans for the school which would allow more free space adjacent to the stream? We would not be in favour of the tarmac surface or of the proposed introduction of retaining walls. This kind of development in the riparian zone is something that we consistently seek to oppose. It would surely be possible for cyclists to circuit around the school site to the north via Pleasant View.

- 6.4 However, if the Council believes that the public interest is best served by a cycle track adjacent to the Nant Gwyn Bach, the Agency would be prepared to compromise on the planning condition .However, we would like to see compensatory habitat created for that lost to the track. To this end we would like to be involved in the precise routing of the path so as to be in a position to advise on ways to minimise impact and compensate for habitat lost. Please would you contact this office when the route is being marked on the ground.”
- 6.5 The Environment Agency’s views are clear and it is regrettable that some degree of confusion has arisen in this matter, although it has been ascertained that informal discussions have been carried out with the Environment Agency in the past. The development of the school fills the site and, unfortunately, it is not possible to provide a greater width for the footpath diversion and subsequent cycle track conversion adjacent to the Nant Gwyn Bach. As it is, the greater part of the school perimeter fence has been sited more than the requested 7 metres from the Nant Gwyn Bach. As previously mentioned, the Environment Agency suggests that an alternative cycle route could be created via Pleasant View to the north.
- 6.6 It will be realised that the engineering works for the retention of the school site and the provision of the footpath / cycleway will create a significant upheaval along the Nant Gwyn Bach. Consequently, the undeveloped and rural character of the area will inevitably be disturbed .On completion of the engineering works, and over a period of time, it is assumed that the artificial profile of the engineering works will naturally regenerate with vegetation. In view of this upheaval to the flora and fauna of the area and as this Council seeks to provide footpath diversions which are as close as possible to the original route of the footpath, I consider that Footpath 3A should be diverted alongside the Nant Gwyn Bach as shown on Appendix C. In relation to the Agency’s wish that compensatory habitat is created for that lost at the future cycle track, I would advise the Panel that a nature/habitat area will be provided at the future attenuation pond south of the all weather sports pitch within the school site. It will also be noted from Appendix C that a large area to the east of the all weather sports pitch has also been retained for this purpose adjacent to the Nant Gwyn Bach ; It will be expedient to surface the route of the footpath with blinded hardcore and subsequently , the cycle track with tarmac , as the route will be a formal facility which will encourage use by the public ; It is anticipated that although significant works will be carried out to the northern bank of the Nant Gwyn Bach , the works will not affect the southern bank ; It is no longer anticipated that the retaining wall referred to will need to be provided .
- 6.7 It is necessary to divert Footpath 3A, Community of Maesteg to enable planning consent P/07/1227/BCB for the school to be implemented and it is crucial that the Order is made without delay to facilitate this .
- 6.8 In relation to the route for the cycle track, as previously stated , the route adjacent to the Nant Gwyn Bach links the existing cycle track to the south west of the school site with the proposed cycle track on the disused railway embankment to the south east . The route adjacent to the Nant Gwyn Bach will be more rural in character and was identified for the creation of a cycle track on the Caerau Community Route Connections Survey.

- 6.9 The provision of a cycle track route suggested by the Environment Agency along Pleasant View may lead to conflict with vehicular traffic and would be more urban in character.
- 6.10 A cycle track along Pleasant View would be overlooked by adjacent housing. However, the cycle track adjacent to the Nant Gwyn Bach would lie between the school and the elevated railway embankment and would not lend itself to natural surveillance until the cycle track is provided on the railway embankment. Nonetheless, it is my view that the public would more readily use the route adjacent to the Nant Gwyn Bach than the alternative proposal because of its greater amenity value and because it will provide a more direct route. I thus consider that, at the appropriate time, authorisation should be requested for a delegated power for the making of an Order which would seek to convert the footpath alongside the Nant Gwyn Bach to a cycle track.

## **7 CONCLUSION**

- 7.1 That an Order should urgently be made which seeks to divert Footpath 3A, Maesteg to the route shown on Appendix C attached to this Report to enable the construction of the school. Additionally, on the conclusion of the diversion of the footpath, that a Delegated Power be requested for the making of an Order which will seek to convert the footpath to a cycle track .

## **8. EFFECT UPON POLICY FRAMEWORK AND PROCEDURE RULES**

- 8.1 It is considered that there is no affect upon policy framework and procedure rules.

## **9.0 LEGAL IMPLICATIONS**

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

## **10 FINANCIAL IMPLICATIONS**

- 10.1 The Diversion will be funded from the £9 million School Building Improvement Grant.

## **11 RECOMMENDATION**

- 11.1 That authorisation be given for the Director of Legal and Democratic Services to make the necessary Order(s) to seek to divert Footpath 3A, Community of Maesteg alongside the Nant Gwyn Bach as shown on Appendix C.
- 11.2 That this/these Orders be confirmed provided no objections or representations are made within the prescribed period, or if any so made are withdrawn.
- 11.3 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 .

- 11.4 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 along them.
- 11.5 That on conclusion of the footpath diversion, a Delegated Power be requested for the making of an Order which will seek to convert the footpath to a cycle track.

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**Background Documents:**

**File F658 From: 1 February 2007 to existing**

