

RIGHTS OF WAY SUB-COMMITTEE - 24 JUNE 2009

MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD IN  
COMMITTEE ROOM 1, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON  
WEDNESDAY, 24 JUNE 2009 AT 11.00AM

Present:-

Councillor M Gregory - Chairperson

Councillors

E Dodd  
M Lewis  
R Shepherd  
H M Williams

Officers:

Mr C D Lewis - Rights of Way Assistant  
Ms J Dessent - Legal Officer  
Ms J Monks - Cabinet and Committee Officer

9 APOLOGIES FOR ABSENCE

None.

10 DECLARATIONS OF INTEREST

None.

11 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the Rights of Way Sub-Committee held on 30 March 2009, be approved as a true and accurate record.

12 PROPOSED DIVERSION OF FOOTPATH 41, COMMUNITY OF OGMORE VALLEY COURT COLMAN STREET/NANTYMOEL ROW, NANTYMOEL, BRIDGEND

The Corporate Director - Communities submitted a report, the purpose of which was to request authorisation for the making of an Order, which would seek to divert Footpath 41, Ogmore Valley.

Members had attended a site visit of the footpath in question prior to the meeting.

The report provided background information of the route the diversion would follow, shown at Appendix A of the report, as a result of planning consent P/07/610/FUL for a highway retaining wall amendment to planning consents 03/1353/RES and 03/1354/RES for 19 and 3 self build housing plots respectively. These consents necessitate the diversion of Footpath 41, Community of Ogmore Valley. Planning consent P/09/146/FUL authorises the works which are required to provide the northern part of the diversion along ramps and embankments through the steeply sloping area of public open space at the central part of the site.

The Rights of Way Assistant explained that the former Rights of Way Panel had authorised the making of an Order to divert the footpath at a meeting of the Panel held in November 2004. This original Order had sought to divert the footpath primarily along the western pavement of the development and through public open space as shown at Appendix B of the report. However, the Order was objected to in 2005 and as a result the plan was submitted to the Welsh Assembly Government (WAG) for determination, who subsequently appointed an Inspector. Following a site inspection of the route by the Inspector the WAG declined to confirm the order, as the proposed route through the public open space was considered to be too steep. In light of the Inspector's decision not to confirm the original Order, provision of a new route had been discussed with the developer.

The new proposal reduced the gradient of the route through the public open space. The lower part of the diversion would be provided with ramps to a gradient of 1 in 8 to access two public benches. The remainder of the diversion through the public open space would be constructed of steps. The continuation of the diversion would utilise the pavement at the east side of the site road. Planning application 07/610/FUL formalised the proposal.

The Rights of Way Assistant explained to Members that informal consultation had taken place with the Ward Member, Ogmere Valley Community Council, Bridgend and District Ramblers, as well as South Wales Police, local residents and other user groups. A local resident objected to the proposed Diversion Order and a full account of the objections and exchange of correspondence were presented in a report to the former Rights of Way Panel at their meeting on the 21 November 2007. Based on the information provided in the report and a site inspection, the Panel deferred a decision on whether authorisation should be given for the making of an order to enable further consultation between officers and the developer regarding the provision of additional curved gradients in lieu of steps, which were formerly proposed for the higher part of the diversion within the public open space, together with the provision of a third park bench. This had resulted in the formulation of the proposed diversion wholly along 1 in 8 and 1 in 5 ramps respectively in the public open space and also the provision of an additional bench. The remainder of the diversion would utilise the pavement at the east-side of the road. The latest proposal had not been objected to despite extensive consultations which included the former objector.

The Rights of Way Assistant, responding to concerns that the work would not be carried out, assured Members that the Certificate of Satisfactory Compliance would not be issued unless the work was provided to the specifications required in the Diversion Order. He would report back to the Sub-Committee with an update at the next meeting.

Members were also concerned that the work would not be completed on time as the current footpath is temporarily closed until 24 November 2009 at the latest. The Rights of Way Assistant advised that should the Sub-Committee approve the making of a Diversion Order, he anticipated that the work would be completed on time as the developer was keen to progress the diversion as soon as possible. However, the capability to provide the diversion before the expiration of the temporary closure, could be dependent on whether the Diversion Order is objected to, and has to be forwarded to WAG for determination. In this event, it is possible that the County Borough Council could require the re-opening of the footpath. The developer could apply to extend the current six month temporary closure of the footpath, but the County Borough Council could advise WAG of its views when forwarding the application to it for consideration. The Legal Officer

stated that WAG was, as a rule, reluctant to grant extensions to temporary public footpath closure orders without proper justification for doing so. The Rights of Way Assistant stated that the developer had already applied for and been granted consent for the ramps and that the Diversion Order could not be made until this consent was obtained. Furthermore, he confirmed that the existing footpath would have to be diverted prior to the houses being built.

Following consideration of the report, it was

- RESOLVED:
- (1) That authorisation be given for the Assistant Chief Executive - Legal and Regulatory Services to make the necessary Order(s) to seek to divert Footpath 41, Community of Ogmere Valley to the route shown on Appendix A and to confirm such, Order(s), provided no objections or representations are made within the prescribed period, or if any so made are withdrawn.
  - (2) That the Assistant Chief Executive Legal and Regulatory Services be authorised to forward the Order(s) to the Welsh Assembly Government for determination, if any objections received are not withdrawn.
  - (3) 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.

The meeting closed at 11.20am.