

MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 13 NOVEMBER 2009 AT 11.00AM

Present:-

Councillor M Gregory - Chairperson

Councillors

M Lewis
R Shepherd

Observer:

Mr L Meachin - Footpath Secretary – Bridgend Ramblers

Officers:

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

13 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members and Officer for the reasons stated:

Councillor N Clarke - Holiday
Councillor E Dodd - Hospital Appointment
Councillor H M Williams - Work commitment

14 DECLARATIONS OF INTEREST

None.

15 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the Rights of Way Sub-Committee held on 24 June 2009, be approved as a true and accurate record.

16 MATTERS ARISING – MINUTE 12 - PROPOSED DIVERSION OF FOOTPATH 41, COMMUNITY OF OGMORE VALLEY COURT COLMAN STREET/NANTYMOEL ROW, NANTYMOEL, BRIDGEND

The Rights of Way Assistant updated the Sub-Committee on the progress of the proposed diversion of Footpath 41, Community of Ogmores Valley Court Colman Street/Nantymoel Row, Nantymoel. He informed that the Order had been made on 11 November 2009 following delays in receiving details back from the agents and the Rights of Way Assistant's leave. The Order will be advertised on site for a period of 4 weeks and if no objections are received the Order will be confirmed. If objections are received and not withdrawn, the Order will be forwarded to the Welsh Assembly Government for determination, along with the objections.

He advised that the temporary closure of the footpath expires on 24 November 2009, so the permanent diversion of the path will not be resolved by this time. The developer would therefore have to seek the consent of the Welsh Assembly Government to extend the temporary closure. The developer had been given a deadline of today to forward the application for this with the necessary consultation replies on the extension of the Order, to the County Borough Council. This application/information would be forwarded to the Welsh Assembly Government. If the developer failed to do so, then a delegated power would be sought for a notice requiring the developer to reinstate the footpath, or, if necessary, authorising the County Borough Council to do the work and recharge, or alternatively, enabling the Council to seek a prosecution in the Magistrates Court with the imposition of a daily fine for non completion of the work within the required period.

The Rights of Way Assistant undertook to provide an update of progress made at the next meeting.

RESOLVED: That the action of the officers be supported.

17 PROPOSED DIVERSION OF FOOTPATH NOS. 18 AND 20, COMMUNITY OF PENCOED, PENCOED COLLEGE, PENCOED

The Rights of Way Assistant presented the report of the Corporate Director – Communities which sought authorisation to divert Footpath 18, Community of Pencoed and a short section of the west end of Footpath 20, Community of Pencoed.

He stated that the diversion of the footpaths had been applied for as planning consent P/06/883/FUL for the demolition of sheds and the provision of a new building to accommodate the Construction Department at Pencoed College, also provided for the construction of a service road to the building over the current route of Footpath 18. The diversion will ensure that conflict between walkers and vehicles does not arise on this shared route as it will be considerably more frequently used by vehicles such as fork lift trucks and HGV's etc, than was previously the case. Access to the new staff car park at the south side of the construction unit will also be gained along the service road. The major part of Footpath 20 would be retained, but it would also be necessary to divert a short section of the west end of this footpath, in order to ensure that it did not become a dead end path.

He reported that the diversion of Footpath 20 would also facilitate the construction of a stock proof fence across the former route of the footpath. A length of Footpath 18 to the north of the construction unit is also included in the diversion. As the major part of the adjacent route of Footpath 20 would be retained (shown as IJ on the map submitted) it would be necessary to divert Footpath 18 in two sections. Length BC would be diverted along CDEFGHI. Length AB of Footpath 18 and the west end of Footpath 20 (shown as BJ) would be diverted along JKA, shown on the plan.

He stated that the proposed diversions will be 1.4 metres wide as they will not be enclosed on both sides, length CD will utilise a grass verge. DE will run alongside the equestrian centre, EF will run over a hard standing of scalplings bound with dust. Section FGHI will follow a grassed route. The route of Footpath 20 which will be retained (IJ) and length JKA of the diversion, south of this will also utilise a

grass route. The diversions will be way marked. Kissing gates and a gap with posts will be provided where the southern section of the diversions pass through field enclosures at Points A, I, and F respectively. It is likely that length IJK, where the land has been backfilled following the provision of drainage attenuation cells, will require rolling and the removal of stones to provide a satisfactory route. Some minor improvement may also be required to the grass surface of the diversion in the field to the north. Horses will be kept in the fields crossed by the diversions.

Consultation had been undertaken with the local Member, Pencoed Town Council, Bridgend and District Ramblers, South Wales Police, other groups and public utilities in relation to the diversion and no objections had been received.

The Rights of Way Assistant outlined the comments of the Group Manager – Highways and Fleet who was satisfied that there was good reason to seek the diversions of the footpath and that the new routes at the eastern periphery of the areas referred to will be an improvement on the existing route.

The Rights of Way Assistant advised the Sub-Committee that the temporary Order stopping up the footpath to allow for the construction of the new unit had been extended with the consent of the Welsh Assembly Government for a maximum of six months from 5 July 2009. Alternative routes are available along pavements south, west and north of the site and Footpath 19 south east of the site for the duration of the construction work. The construction work is scheduled for completion in December 2009.

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 Orders to seek to divert Footpaths 18 and 20, Community of Pencoed to the routes shown on Appendix A on the map submitted, and that the Rights of Way Assistant investigate whether it is appropriate to stop up Footpath 20 west of Point I on the map, so that Footpath 18 only, be diverted along the route shown on the map, and if appropriate to proceed on such basis, and to confirm such Orders that are made, 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 Orders to the Welsh Assembly Government for determination, if any objections received are not withdrawn.
 - (3) That the Orders 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 3.22pm.