

MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 15 MARCH 2012 AT 11.00AM

Present:-

Councillor M Gregory - Chairperson

Councillors

N Clarke  
E Dodd  
M Lewis

Councillors

R Shepherd  
H M Williams

Officers:

C D Lewis - Rights of Way Officer  
J Dessent - Assistant Solicitor (Commercial)  
A Rees - Senior Democratic Services Officer - Committees

Invitees: Mr L Meachin, Footpath Secretary, Bridgend Ramblers Association  
J Wilson, Senior Operations Manager, Persimmon Special Projects Wales

31 APOLOGIES FOR ABSENCE

None.

32 DECLARATIONS OF INTEREST

None.

33 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the Rights of Way Sub-Committee held on 21 November 2011, be approved as a true and accurate record.

34 PROPOSED DIVERSION OF FOOTPATH NUMBER 17 COMMUNITY OF COITY HIGHER

The Rights of Way Officer presented a report which sought authorisation for the making of an Order/s to seek to divert Footpath Number 17, Community of Coity Higher.

The Rights of Way Officer advised that planning consent P/08/613/RES for 104 dwellings and planning consent P/11/679/RES for 42 residential units and associated landscaping, parking, garages, roads and sewers required the diversion of footpath to facilitate the construction of Area R13 of the Parc Derwen development. The proposed diversion will run through public open space and will be of a rural appearance as it will not be surfaced with tarmac. The greater part of the diversion, will be surfaced in hoggins or similar of a width of 1.8 metres. Additionally, as length AB of the diversion will primarily run adjacent to a hedge, it will be sited 3 metres away from it in order to ensure that the lateral spread of branches does not obstruct the diversion. Section CD will run across a narrow landscaped corridor between residential phases. Length EF and F-G2 will complete the hoggins section of the diversion and the whole diversion will be way marked at points along its length. Originally a diversion along the tarmac

footway/cycleway which would run through the site was identified, but the route now proposed was preferred by Bridgend Ramblers when discussions took place with the original project managers in 2006, with the Ramblers preferring the route not to be provided in tarmac. Discussions had taken place with the Parks Section and the Head of Development Control who had no objection to the more rural hoggin or similar surface, or grass. The only section of the diversion which would not be surfaced in hoggin is length ED over grass as it would be sited close to a tarmac footpath which had already been provided. The tarmac surface would be available for use by walkers as an alternative, if preferred and it had been considered not to site the diversion immediately adjacent to the tarmac path as it is likely that it would be obstructed by the lateral spread of branches from the adjacent tree planting. Additionally, the relatively steep contours of the land at the west side of the tarmac path nearing the northern end of open space could not be walked with ease. If a ramp were to be provided at this point, the sharp contours of the reconfigured land may have an adverse effect on the mowing of the grass within the public open space. The Rights of Way Officer stated that Section ED would be way marked at a number of points along its route.

The Rights of Way Officer reported that consultation had been undertaken with the local Member, Coity Higher Community Council, Bridgend Ramblers Association, South Wales Police, other user groups and public utilities in relation to the diversion and no objections had been received, however, comments had been made by South Wales Police and Coity Higher Community Council. He stated that South Wales Police are concerned that the security of the development would be compromised due to the excessive permeability provided by these footpaths and by providing excessively connected movement framework, a potential offender would be presented with numerous opportunities to identify potential targets and escape routes. South Wales Police also did not wish to see additional footpath links being designed into developments, having taken into account local environmental issues and associated crime in the area. The Police preferred a route following a street network and had also advised that public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings. In addition, Coity Higher Community Council had stated that it did not object to the diversion provided that it was not responsible for the maintenance of the section of grassed footpath through the Open Space (ED).

The Rights of Way Officer reported on the comments of the Group Manager - Highways and Fleet on the proposed diversion which would follow the route/implement the surface preferred by Bridgend Ramblers and was also acceptable to the Rights of Way Manger. Although the overall diversion was not as direct as the existing route, it would be located in landscaped public open space and enjoy a considerable amenity value. The adjacent footway/cycleway would offer an additional and alternative route from south east to north west through this part of the site and will further enhance recreational access at this location. As the footpath diversion would primarily be a recreational route for walking enthusiasts, it was considered that the diversion of 500 metres or so long, would only be 230 metres longer than the existing footpath which it sought to replace, and not be significantly less convenient to use.

The Rights of Way Officer reported on the comments of the South Wales Police which had raised concerns on crime prevention issues relating to the permeability provided by the footpath diversions. He stated that it needed to be recognised that ramblers had a right to expect satisfactory walking routes be provided where new developments will affect public rights of way which had been in public use for many years. Additionally, it was reasonable for residents to expect that they would be provided with satisfactory access to the rights of way network near to their homes and the rights of way in the wider countryside beyond this. He stated that a

diversion along a pavement adjacent to an estate road was unacceptable in the majority of cases and this was confirmed by Welsh Government advice. In addition, cycle routes within developments provide a sustainable and convenient means of travel for residents and enthusiasts alike. In accordance with the advice of the Welsh Government, the footpath diversion utilises areas of public open space and these areas would be accessible by the public, even if Footpath 17 were not diverted over them.

The Rights of Way Officer reported on the comments of Coity Higher Community Council. Under the terms of the Agency Agreement between themselves and the Council, the Community Council would be responsible for the removal of overgrowth from section ED of the diversion, but this situation will not arise as this length of footpath will cross an area of grass covered Public Open Space which will be regularly mown.

The Rights of Way Officer further reported that an old stile consisting of three round metal bars set in a stone wall is located at Point G2 at the northern end of the diversion and it was envisaged that the use of Footpath 17 will increase as the surrounding area is developed. The developer had agreed to install an "A" frame to promote the use by walkers. The Community Council was asked whether it required the stile to be retained and the "A" frame erected adjacent to it. In view of this, the "A" frame will be placed in the wall at a point adjacent to and slightly east of the stile and to accommodate this, it would be necessary to create a short section of hoggin loop path to access the "A" frame which will run east from the proposed diversion on the south side of the stile, pass through the "A" frame and run west to return to the unaffected route of Footpath 17 on the north side of the stile. The last line should read "The Sub Committee considered that a kissing gate should be provided, not an "A" frame and requested that the Rights of Way Officer consider the most favourable design of kissing gate in order for it to be accessible for wheelchairs and pushchairs, but it was also recognised that this should not open the footpath to too diverse a use

The Rights of Way Officer reported that whereas the diversion would be processed under the Town and Country Planning Act 1990 to enable development to be carried out, the loop path could be created under the provisions of the Highways Act 1980 following the receipt of a delegated power from Cabinet for the making of an Order to seek to achieve this. Alternatively, the developer could enter into a Creation Agreement with Bridgend County Borough Council to provide the loop path. It was proposed that the length of Footpath 17 within Parc Derwen north west of the location in question be diverted at a later date and authorisation would be sought for the making of an Order seeking to achieve this, at the appropriate time.

- RESOLVED:** (1) That the Assistant Chief Executive Legal and Regulatory Services be authorised to make the necessary Order/s to seek to realign Footpath 17, Community of Coity Higher to the route shown on the plan contained in Appendix A of the report and to confirm the 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 Government for determination, if any objections received are not withdrawn.

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- (3) That the Order/s exclude any section of the diversion which utilised highways which are maintainable by Bridgend County Borough Council, as public rights already exist over them.

The meeting closed at 11.19am.