

ITEM	SUBJECT
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BRIDGEND COUNTY BOROUGH COUNCIL
REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES
RIGHTS OF WAY SUB COMMITTEE
7 FEBRUARY 2014.

1.	PROPOSED DIVERSION OF BRIDLEWAY NO 5, COMMUNITY OF LLANGYNWYD MIDDLE.
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1 PROPOSED DIVERSION OF BRIDLEWAY NO 5, COMMUNITY OF LLANGYNWYD MIDDLE.

1.1 PURPOSE OF REPORT

1.2 This report requests authorisation for the making of an Order which will seek to divert Bridleway No 5, Community of Llangynwyd Middle

2.0 CONNECTION TO CORPORATE IMPROVEMENT OBJECTIVES / OTHER CORPORATE PRIORITIES.

2.1 The improvement in access to the rights of way network that the diversion of this section of Bridleway 5, Llangynwyd Middle will achieve will help to deliver several of the Council's corporate policies as identified in the Corporate Plan 2013 – 2017, including :

- Working Together to Develop the Local Economy.
- Working Together to Tackle Health Issues and Encourage Healthy Lifestyles.

2.2 Improving physical access to public rights of way is also a major element in the Council's Rights of Way Improvement Plan (ROWIP). The ROWIP has been designed to complement the Council's policies as well as other national and regional policies.

3 BACKGROUND

3.1 Planning consent P/12/887/FUL for a Solar PV Park necessitates the diversion of a section of Bridleway 5, Llangynwyd Middle. The plan in Appendix A shows the consent curtilage and the section of the bridleway which is proposed for diversion between Points A and C.

4 CURRENT SITUATION/PROPOSAL

4.1 Proposed Diversion

4.1.1 Length AB of the proposed diversion (see Appendix A) will follow a vehicular width track along a higher route at the top of the sloping valley side which accommodates Maes Cadlawr Wood. The north east half of length A1 to B rises gradually south westwards but the south west half of this length of bridleway will utilise a flatter route. To complete the diversion, a new section of track (BC) will be provided across the contours of the hillside. This section of track will return the proposed diversion to the unaffected length of the bridleway at the valley floor on land within the control of the applicant. Length A to A1 of the bridleway diversion will utilise a fairly steep incline, but this gradient is less steep than the unaffected route of the bridleway southwest of the southwest end of the diversion. The gradient of length BC of the diversion will be comparable to the slope of the existing track between Points A and A1.

4.1.2 Length AB of the bridleway diversion will utilise an existing track and will occupy its full width, or will be 5 metres wide if the track is wider than this. The new section of track and concurrent bridleway which will descend across the face of the hillside (BC) will be constructed to a width of 3 metres as this route will be cut into the hillside.

- 4.1.3 A section of the barbed wire and mesh fence nearing the top of the incline at Point A1 will be removed to facilitate the diversion and a bridleway gate will be provided in its place. Fallen trees along AB will also be removed. The middle part of the low embankment which supports the existing track between Points A1 and B will be reinstated and drainage will be provided at this point. Overhanging branches will be cut back to a height of 3.6 metres above the proposed bridleway. The bridleway will be surfaced with blinded hard-core or similar at any points where this may be required. The diversion will be way marked.
- 4.1.4 The developer will ensure that the batter of the low embankment at the south side of the proposed bridleway between Points A1 and B is stable before the diversion comes into operation. The developer will reinstate the batter following the coming into operation of the diversion, if this becomes necessary. Similarly, the developer will be responsible for the maintenance of any embankments or batters which may be formed in providing the bridleway route across the slope between Points B and C on the plan.
- 4.1.5 Consultations have been undertaken in relation to the diversion with the local County Borough Council member, Llangynwyd Middle Community Council, the British Horse Society, Bridgend Ramblers Association, Maesteg Ramblers Association other user groups, South Wales Police and public utilities. No objections have been received.
- 4.1.6 The person who claims to hold a grazing licence on the land which would accommodate the bridleway diversion has also been consulted and has stated that the advantages of the proposed bridleway diversion are 1) a section of the proposed route will be placed across safe ground as opposed to the current route which traverses the dangerous made up ground which is subject to periodic collapse, opening up subterranean caverns, which are a danger to human and animal health and safety. 2) The proposed route is further away from the farm cottage under construction, thus minimising disturbance to the occupants and their farming business by transit of groups of horses and people. It is understood that the person concerned is constructing the cottage referred to. The foregoing statements indicate support for the diversion. The developer confirms that the site of the proposed solar park is underlain by "fly ash" tipped from the previously adjacent power station. The Development Control Report of 4 April 2013 which considered the planning application, confirmed that this in-filling took place between 1970 and 1985 with pulverised fuel ash ("PFA") from the former Llynfi Power Station site. Prior to the in-filling operations, streams flowing through the site were culverted. It has been established from the Structural Assessment Report which accompanied the planning application however, that contrary to the licence holders claim, in the areas where some of the existing fill has settled (and one larger area of the site has been fenced) additional significant settlement of the site is not considered likely. None the less, the planning consent for a proposed solar park states that unless otherwise agreed in writing by the Local Planning Authority, no photovoltaic arrays shall be erected within 3.0 metres of any watercourse on site and the route of the culverts which underlie the site. The consent also requires that the development shall be carried out in accordance with the Structural Assessment Report which states that a 3.0 metres wide construction easement is to be set in place around the areas where the fill from the power station has settled.

- 4.1.7 The person who claims to hold a grazing licence has however, expressed concerns which are summarised as follows; The developer has already used heavy machinery to clear a new road through the trees, causing damage to the ancient woodland and the disturbance and destruction of Badger, Brown Hare, Bat and Red Kite habitat. The whole area is now subject to an increase in unauthorised hunting activities including “lamping” with lurcher dogs and hunting with ferrets and birds of prey. The mesh fence (at A1) was removed thus enabling cattle to wander out of the enclosure giving rise to the potential danger of a road traffic accident. It is also stated that recently, some attempt has been made to patch the damage, although the extent of this is not clear from the email. A recent inspection showed however, that the fence referred to has been re erected. The developer has confirmed that he has cleared the proposed bridleway diversion of fallen trees and debris and that he has also provided the descent along BC. Additionally, the existing track which will accommodate the diversion has been repaired. The developer further states that he has already undertaken ecological surveys of the site and woodland in association with the planning application. The developer contends that there are no Hares or Red Kites on the site. The Head of Development Control and the County Borough Councils Ecologist have been advised of the situation.
- 4.1.8 The developer has advised however, that the person concerned does not have a grazing licence on the land and as the developer is working with the owners of the site, the developer states that he has the owners permission to remove the fence to facilitate the works. The developer further states that there has never been the potential for a road traffic accident as a result of animals escaping. To ensure the continued effectiveness of the site boundaries when the new bridleway is provided the developer has agreed to erect a bridleway gate at Point A1

4.2 GROUP MANAGER – HIGHWAYS AND FLEET COMMENTS.

- 4.2.1 Bridleway 5, Llangynwyd Middle requires diversion to facilitate the construction of a Solar PV Park within the valley bottom between Points D and E on Appendix A. Whilst the existing route of Bridleway 5 within the site follows a flat area of grass (which is underlain by fly ash from the previously adjacent power station), the existing route of the bridleway to the south and north of the proposed Solar PV Park is obstructed by fencing at various points and also by the dumping of refuse to the south west of the site. The bridleway is also overgrown in places and appears to have been unused for some considerable time. Although the proposed route of the bridleway between Points A and B is also obstructed by a fence at the moment, it is much more easily identifiable and has obviously been regularly used in the past. In a previous submission, the British Horse Society contends that the route of Bridleway 5 should in fact follow this track. A bridleway gate will be provided in place of the fence referred to at Point A1
- 4.2.2 The diversion (920 metres or so long), will be no longer than the existing bridleway which it seeks to replace. Although fairly steep inclines will be located at both ends of the diversion, these gradients will be considerably less steep than the unaffected route of the bridleway to the south west of the diversion which climbs the mountainside.
- 4.2.3 The developer will be responsible for the works to provide the diversion and the provision of the new route will be a cost effective way of reinstating access along the rights of way network at this point.

4.2.4 It is not considered that the diversion of the bridleway will, in itself, promote the hunting activities referred to by the person who claims to hold the grazing licence and it will be realised that the use of the bridleway diversion for this purpose is a trespass against the owner of the land, unless his permission has been obtained.

5 EFFECT UPON POLICY FRAMEWORK AND PROCEDURE RULES

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

6 EQUALITY IMPACT ASSESSMENT

6.1 An Equality Impact Assessment has been undertaken and the diversion of this bridleway will not prejudice recreation along the public rights of way network for any sections of the community. There are no other implications or impact on specific equality groups.

7 FINANCIAL IMPLICATIONS

7.1 Any financial implications arising from the above procedures are expected to be minimal as the developer will be meeting the cost of the diversion order process and the implementation of any works required by the Council.

8 RECOMMENDATION

8.1 That authorisation be given for the Assistant Chief Executive Legal and Regulatory Services to make the necessary Order to seek to realign Bridleway 5, Community of Llangynwyd Middle to the route shown on Appendix A, and to confirm the Order provided no objections or representations are made within the prescribed period, or if any so made are withdrawn.

8.2 That the Assistant Chief Executive Legal and Regulatory Services be authorised to forward the Order to the Welsh Government for determination, if any objections received are not withdrawn.

MARK SHEPHARD
CORPORATE DIRECTOR - COMMUNITIES

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BACKGROUND DOCUMENTS

File F580 (20 December 2012 to existing)
Equality Impact Assessment

DIRECTIONS TO SITE.

The Rights of Way Sub Committee of 29 January 2010 agreed that future Rights of Way Sub Committee reports shall provide directions to, and the postcode of sites. This will ensure that the sites are easily located for the purpose of the site meeting prior to the Rights of Way Sub Committee at the Civic Offices. In compliance with this, the directions to the site and its postcode are as follows.

Members are requested to meet at the point shown on the attached Appendix A. The meeting point is accessed by following the A 4063 from Coytrahen north west towards Pont Rhyd-y-cyff/Llangynwyd. Half way between Coytrahen and Pont Rhyd –y- cyff, take the left hand turning opposite the blue and white N and W sign at the entrance to the former Bridgend Paper Mills and follow the old road south east for 50 metres or so to the bilingual sign marking the position of Bridleway 5, Llangynwyd Middle at the west side of the old road. A metal vehicular gate lies across the old road at this point. Vehicles should be parked at the meeting point and members will be required to walk south west and up the slope of Bridleway 5 for approximately 160 metres to the proposed starting point of the diversion at Point A on Appendix A. The wearing of Wellington boots or other waterproof footwear is strongly recommended.

The postcode of the dwelling immediately north west of the paper mills is CF34 9RR.

APPENDIX A

