

MINUTES OF A MEETING OF THE RIGHTS OF WAY PANEL HELD IN THE
COMMITTEE ROOM 1/2, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON
MONDAY, 10 MARCH 2008 AT 11.30AM

Present: -

Councillor R M Granville - Chairperson

Councillors

K S Hunt
C J James
K Watkins

Officers:

Mr C D Lewis - Public Rights of Way Officer
Miss J Dessent - Assistant Solicitor
Mr M A Galvin - Senior Cabinet and Committee Officer

55 CHAIRPERSON'S ANNOUNCEMENT

The Chairperson announced that he had taken the decision to postpone the two site inspections proposed immediately before the meeting due to inclement weather. Members had been informed of this by the Chairperson and/or the Senior Cabinet and Committee Officer, prior to the meeting.

56 APOLOGIES FOR ABSENCE

Apologies were received from the following Members/Observers:-

Councillor G C Lewis - Work Commitments
Councillor H Williams - Work Commitments
Mr R Luke - Work Commitments
Mr G J Wheeler
Mr L Meachin

57 DECLARATIONS OF INTEREST

Councillor K S Hunt declared an interest in the item entitled Proposed Diversion of Footpath 3A Community of Maesteg, due to him being a member of the Board of Governors at two schools in Maesteg. Councillor Hunt left the meeting whilst the report was being discussed.

58 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of a meeting of the Rights of Way Panel dated 21 November 2007, be received as a true and accurate record.

59 PROPOSED DIVERSION OF FOOTPATH NO. 3 COMMUNITY OF ST BRIDES MINOR AND CREATION OF A SHORT LENGTH OF FOOTPATH AT THE SOUTHERN END OF FOOTPATH 9, ST BRIDES MINOR PHASE 1B PARK TYN-Y-COED, BRYNCETHIN

The Executive Director - Environment submitted a follow up report (from the last meeting), in relation to the above Footpaths.

Since the last meeting where Members had requested that the proposed diversion of Footpath No. 3 be implemented in such a way that a path be provided further away from the boundary of Eustace Drive/Williams Crescent, Bryncethin, the Developer had agreed to this Panel recommendation and furthermore, will put up barriers either side of the Footpath, together with the provision of appropriate hand rails.

It was suggested by Members, that the Public Rights of Way Officer on behalf of the Panel, verbally thanks the Developer for agreeing to the modifications suggested, effecting this path diversion.

Members also commended the Public Rights of Way Officer for his efforts in this matter.

- RESOLVED:
- (1) That authorisation be given for the Director of Legal and Democratic Services to make the necessary Order(s) to seek to divert Footpath 3, Community of St. Brides Minor as shown on Appendix 'A' to the report. The Order(s) also makes provision for the creation of a short length of footpath from the southern end of Footpath 9 at Point 'A' (on the plan attached to the report), to link with the diversion of Footpath 3 along the pavement.
 - (2) That the Order(s) be confirmed provided no objections or representations are made within the prescribed period, of if any so made are withdrawn.
 - (3) That the Director of Legal and Democratic Services be authorised to forward the Order(s) to the Welsh Assembly Government for determination, should any objections received, not be withdrawn.
 - (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 over them.

60 PROPOSED DIVERSION OF FOOTPATHS 11 AND 16, COMMUNITY OF NEWCASTLE HIGHER, NR. BRIDGEND

The Executive Director - Environment submitted a report, requesting authorisation from the Panel for the making of an Order(s) which would seek to divert Footpaths 11 and 16, Newcastle Higher.

Two amended plans showing the residential development and paths were tabled to Members at the meeting for their perusal.

The Public Right of Way Officer gave some background information in relation to the proposed Diversion of the Footpaths, as detailed in Section 4 of the report, which included suggestions from the South Wales Police on the proposals.

Section 5 of the report included the comments of the Assistant Director Transportation and Engineering in response to the South Wales Police concerns on security grounds, as well as some Welsh Office Circular advice in relation to the diversion of Footpaths.

Members raised some concern regarding nuisance from youths at the underpass on the site, but Footpath 16 through the underpass was not included in the diversion proposals.

It was suggested that consideration should be given to the installation of a mosquito device or CCTV apparatus in the underpass as a deterrent to youths congregating at this location. It was suggested that further consultations should be taken up with the site developer and the South Wales Police on this recommendation.

The issue was raised concerning the feasibility of making provision in any future Section 106 Agreements for the imposition of conditions requiring developers to fund works that may be required as a result of the diversion or creation of Footpaths, and in particular relating to the future maintain of footpaths.

At this point in proceedings, the Chairperson adjourned the meeting to receive legal advice from the Legal Officer regarding powers available to the Panel, in relation to considering the suggestions outlined in the preceding two paragraphs.

The Chairperson following receipt of advice then re-opened the meeting, following which it was

- RESOLVED:
1. That the report regarding the proposal to divert Footpaths 11 and 16, Community of Newcastle Higher be deferred to a future meeting of the Panel, in order for Officers to investigate whether there are sufficient powers available to the Rights of Way Panel to implement any Conditions regarding the provision of a mosquito device or CCTV apparatus within the underpass referred to above,
 2. That the Legal Section further investigate the issue raised in relation to the imposition of conditions in any future Section 106 Agreements where a development requires the diversion or creation of a footpath.

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

Councillor Hunt left the meeting in view of the interest he had declared earlier.

The Executive Director - Environment submitted a report which requested Panel authorisation for the making of an Order which would seek to divert Footpath 3A, Maesteg, lying south of Pleasant View, Caerau, to a more southerly route adjacent to the northern bank of the Nanty Gwyn Bach.

Paragraph 5.3 outlined intricate details regarding the proposed diversion of the Footpath in question.

The route of the existing Footpath and the proposed diverted Footpath were shown on a plan attached as Appendix 'C' to the report.

The report highlighted that the normal consultations had been undertaken with the relevant statutory bodies and that no objections to the diversion of the Footpath had been made, though there were concerns made by the South Wales Police on security grounds. These comments were responded to by the Assistant Director Transportation and Engineering as outlined in Paragraph 6.1. of the report.

Comments regarding the proposed footpath diversion were also made by the Environment Agency and these were also contained in the body of the Officers report, together with his response.

It was also explained that 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.

The Panel was advised that since the compilation of the Report, it has been realised that it may be appropriate to stop up a short section of the footpath in the region of the Community Route south west of the site. Investigations are continuing in this connection.

Members then discussed the proposal following which, it was

- RESOLVED:
- (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' to the report, and additionally if investigations show it is required, to stop-up a short section of the Footpath in the region of the Community route, and that an Order be made to seek to achieve this.
 - (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.
 - (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.
 - (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.
 - (5) That on conclusion of the Footpath Diversion, an Officer Delegated Power be requested for the making of an Order which will seek to convert the footpath to a cycle track.

62 ELECTRONIC DISPLAY OF PHOTOGRAPHS AT RIGHTS OF WAY PANEL MEETING

The Executive Director - Environment presented a further report arising from a previous meeting of the Panel, when it was requested that electronic facilities be made available during future meetings, in order to display Geographical Information System (G.I.S), and photographs of path/site details, similar to that which was already available at the Planning and Development Committee.

Such a new procedure had a number of benefits, one being that it would, if implemented, reduce the need in some cases, to hold site inspections of Footpaths immediately prior to Panel meetings.

Members then discussed the matter of the electronic provision of site and footpath plans at future meetings of the Panel, following which it was

RESOLVED: That for reasons of improvement and efficiency, Officers be requested to have available at Panel meetings electronic facilities for the purpose of displaying plans and photographs etc, of development sites and footpaths, etc, with this provision to be thought out and fully available at meetings within the next twelve months.

The meeting closed at 12.49pm.