

RIGHTS OF WAY SUB-COMMITTEE – 29 JANUARY 2010

MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 29 JANUARY 2010 AT 11.00AM

Present:-

Councillor M Gregory - Chairperson

Councillors

N Clarke
E Dodd
M Lewis

Councillors

R Shepherd
H Williams

Observer:

Mr L Meachin - Footpath Secretary – Bridgend Ramblers

Officers:

C D Lewis - Rights of Way Assistant
J Dessent - Legal Officer
M A Galvin - Senior Cabinet and Committee Officer

18 APOLOGIES FOR ABSENCE

None.

19 DECLARATIONS OF INTEREST

None.

20 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the Rights of Way Sub-Committee held on 13 November 2009, be approved as a true and accurate record.

21 PROPOSED DIVERSION OF FOOTPATH NOS. 3, 7 AND 9, COMMUNITY OF ST BRIDES MINOR

Prior to consideration of the Officer's report a Member of the Sub-Committee stated that she was extremely annoyed as she had not been able to attend the site meeting which preceded the Sub-Committee meeting at the Civic Offices. She stated that the plan accompanying the Rights of Way Sub-Committee report did not show the surrounding area and that although she knew the area fairly well, it had not been possible for her to locate the site.

The Rights of Way Assistant explained that the plan used in the report, was the plan submitted by the developer for the footpath diversion. He stated that it adequately showed the extent of the site and the proposed footpath diversions, but he realised when compiling the report that the difficulty highlighted by the Member could well arise. With this in mind, and with the aim of avoiding confusion when accessing the site, Chilcott Avenue and Williams Crescent to the north and south of the site respectively, had been annotated on the plan to enable

identification of the long established areas of development immediately adjacent to the site. The Rights of Way Assistant also stated that previously, a paragraph had been included in the Sub-Committee report giving directions to the sites, but recently it was considered inappropriate to include this in the report. The Rights of Way Assistant empathised with the Member's comments and suggested that, in view of the difficulty which had arisen, directions to the site could be included in future reports.

The Sub-Committee agreed that future Rights of Way Sub-Committee reports shall provide directions to the site. In addition, the post code of the site will also be included in the report to ensure that the difficulties experienced in this particular case, do not arise in future.

The Corporate Director - Communities submitted a report requesting authorisation for the making of Orders seeking to divert Footpath Nos. 3, 7 and 9, Community of St Brides Minor, due to planning consent having been granted for a new housing development at Phase 2, Parc Tyn y Coed, Sarn, Nr Bridgend.

The Rights of Way Assistant confirmed that the diversion of Footpath 3 would be located in open space at the rear of the proposed houses, whilst the diversion of Footpath 7 would utilise or run adjacent to public open space for its full length, apart from a short section west of Point C on the plan. Finally, he advised that the southern part of Footpath 9 would be retained in its existing position in public open space. The northern part of the footpath required diversion and would run adjacent to public open space and utilise a pathway between houses and a roadside pavement.

The Rights of Way Assistant advised the Sub-Committee that the proposed Footpaths would be made up of blinded hardcore and/or tarmac, as detailed in the report.

The Sub-Committee were further advised that the Campaign for the Protection of Rural Wales (CPRW), objected to the diversion of Footpath 7 shown as (BCDE) on the plan to the report, and suggested that a direct route be considered between points A and H at the foot or the top of the railway embankment. Whilst the CPRW did not object to the diversion of Footpath 9 (EFGH) they did consider this route to be undesirable.

The CPRW did not object to the diversion of Footpath 3 (AB), provided that the bridge south west of Point B is reinstated.

The Rights of Way Assistant confirmed that the CPRW were advised of the reasons for the necessity of the Footpath diversions, however, to date they had not withdrawn their objection.

No other objections had been received in relation to the Footpath diversion proposals.

The report went on to advise that the South Wales Police did not object to the proposed diversions, however they did have some concerns.

The Police stated that whilst the diversion of Footpath 7 (BCDE) was satisfactory and provided good surveillance, they stated that the diversion of Footpath 3 (AB) could seriously compromise security. However, the Police advised that high fences, planting, banking and ditches would help to improve security. The Police

suggested that this diversion could proceed along the pavement situated to the front of the proposed houses.

The Police had also commented that the diversion of Footpath 9 (EFGH) would run adjacent to parking spaces and therefore possibly be vulnerable to criminal activity. The Police also stated that the housing at Point H may be vulnerable to burglary/anti social behaviour. The Police therefore recommended that this section of path be omitted from the development.

The Rights of Way Assistant further confirmed that the diversions of the nature outlined in the report, complied with the development brief and with Welsh Office advice and guidance, that wherever possible preference should be given to use of made up estate paths through landscaped/open space areas, and away from vehicular traffic.

The Rights of Way Assistant advised that in response to the CPRW's comments, he confirmed that the diversion Footpath 7 (BCDE) utilises public open space in accordance with Welsh Office guidance. He added that BCDE was closer to the original route of Footpath 7 than the route AH suggested by the CPRW. In addition a more direct route would be available in any event, along existing streets of an alternative to BCDE should the public wish to use this. The diversions would be used in the way the footpaths are currently used for recreation. The diversions would not form a direct access to a school/shops, etc. The Rights of Way Assistant confirmed that it was thus reasonable to accept that the diversions to be provided were in a pleasant setting to compliment this recreational use, even though they were slightly longer than the original route.

In relation to the diversion of Footpath 9 (EFGH), the Rights of Way Assistant confirmed that this would be 1.8m wide and that there would be a minimum distance of 1.5m between the houses and the edge of the path closest to the houses. The diversion EF would not be fenced on the riverside he added. The Rights of Way Assistant further confirmed, that a link path would be provided to the east from EF of the route.

The Rights of Way Assistant stated that in relation to the diversion of Footpath 3 a timber footbridge would be built adjacent to point B of the route where Footpath 3 crosses Nant Bryncethin.

In response to the Police comments, the Rights of Way Assistant confirmed that in relation to the diversion of Footpath 3 (AB), the route suggested by Police along the pavement, was deemed unacceptable by the County Borough Council. The Police had also been advised that the developer would provide planting, banks and ditches to promote security at this section of the route. Also the Rights of Way Assistant added a 1.8m high fence would be constructed to the rear of the properties.

In respect of the diversion of Footpath 9 (EFGH), the Police were advised that parking spaces south of point F would not be immediately accessed by the proposed diversions. In relation to feared problems at point H, i.e. burglary, vehicle crime and anti social behaviour, houses would overlook this diversion, therefore providing a good natural surveillance. The diversion would be straight and wide, and would provide good sight lines. Lockable barriers would also prevent vehicular access along this route.

As referred earlier, the Rights of Way Assistant advised that the closure of Footpath 9 recommended by the Police was unacceptable and they have been advised of this. To date, the Rights of Way Assistant advised, that no further response had been received on this matter.

The Chairperson thanked the Rights of Way Assistant for his submission.

A Member stated that the diversions of Footpaths 3 and 7 identified in the report, are preferable to the route between A and H suggested by the CPRW.

In response to a Members question, the Rights of Way Assistant advised that access to the diverted path could be made at point D via a cycle path.

Members raised some concerns over that part of the footpath that ran near the bank of the river, and asked how far the diversions of Footpaths 3 and 7 (AB and BC) would be from the Nant Bryncethin.

The Rights of Way Assistant advised that this part of the Footpath would be 1.4 metres wide.

He added that this was one of a number of issues he had discussed with the developers and that the diversions would be a considerable distance from the Nant Bryncethin, as the developer had advised that there will be enough room to provide an even gradient between the edge of the diversion and the stream, therefore making handrails unnecessary.

Members agreed, that in the interests of safety, the developer should be advised that if the diversions lie 2 metres or less from the Nant Bryncethin, it will be necessary for the developer to provide safety handrails between the diversion and the stream.

In response to Members questions, the Rights of Way Assistant advised that diversions AB and BC through public open space will not be lit. He also confirmed that three separate Orders will be made, so that if the diversion of one footpath is objected to, this will not prejudice the confirmation of the other Orders, if no objections are received.

Members also asked the Rights of Way Assistant to take up various issues with the Developer in relation to the responsibility for the maintenance of the open spaces which will accommodate the diversions, and the method of opening the emergency access. If a key was to be used for this, the Rights of Way Assistant was asked to establish who would be provided with keys to lock/unlock the barriers installed near Point H of the existing footpath, ie emergency vehicles and the like. It was also enquired why an emergency access is required at all.

The Rights of Way Assistant finally concluded, by advising that he would take up the point generally with the Rights of Way Officer, in relation to provisions being met to allow adequate access to Footpaths for disabled persons, as he had explained that in all likelihood, it would be necessary to access the bridge at Point B by steps, as the existing footpath was extremely steep on its approach to the deeply cut Nant Bryncethin.

The Legal Officer stated that if any person wished to raise issues relating to disabled access, this can be done when the Order is advertised.

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- 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 3, 7 and 9, Community of St. Brides Minor to the routes shown on Appendix 'A', and to confirm such Orders 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 exclude 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 11.31am.