

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT OF THE CORPORATE DIRECTOR COMMUNITIES
RIGHTS OF WAY SUB COMMITTEE

15 MARCH 2011

PROPOSED DIVERSION OF FOOTPATH NO. 17, COMMUNITY OF COITY HIGHER.

1.0 PURPOSE OF REPORT

1.1 This report requests authorisation for the making of an Order/s which will seek to divert Footpath No 17, Community of Coity Higher.

2.0 CONNECTION TO CORPORATE IMPROVEMENT OBJECTIVES / OTHER CORPORATE PRIORITIES.

2.1 The Corporate Improvement Plan 2010/13 contains the Council's Strategic Themes, one of which is Green Spaces and a priority is improving physical access to public rights of way in line with the 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/08/613/RES for one hundred and four dwellings and planning consent P/11/679/RES for forty two residential units and associated landscaping, parking, garages, roads and sewers require the diversion of the above footpath (see Appendix A) to facilitate the construction of Area R13 of the Parc Derwen development.

4 CURRENT SITUATION/PROPOSAL

4.1 Proposed Diversion

4.1.1 The proposed diversion (see Appendix A) 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, consisting of the following sections, 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 along a narrow landscaped corridor between residential phases. Lengths EF and F-G2 will complete the hoggins section of the diversion. The whole diversion will be way marked at points along its length.

4.1.2 Originally, a diversion along the tarmac footway/cycleway (see Appendix A) which will run through the site was identified, but the route now proposed was preferred by Bridgend Ramblers when in principle discussions first took place with

the original project managers of the scheme in 2006. Bridgend Ramblers also prefer this route not to be provided in tarmac. Whilst more recent proposals provided for the surfacing of the greater part of the diversion in tarmac, discussions with the Parks Section and the Head of Development Control established that there is no objection to the provision of the more rural hoggin or similar surface, or grass.

- 4.1.3 It will be realised that hoggin footpaths are formed by the compaction of sand and gravel etc to provide a closely packed and relatively impermeable surface which sheds water onto the adjacent land.
- 4.1.4 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 path which has already been provided. The tarmac surface would thus be available for use by walkers as an alternative, if preferred. It has been decided not to site the diversion immediately adjacent to the tarmac path as it is likely that the route would be persistently 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 the open space cannot 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 affect on the mowing of the grass within the public open space. Section ED would be way marked at a number of points along its route.
- 4.1.5 Consultations have been undertaken with the local County Borough Council member, Coity Higher Community Council, Bridgend Ramblers Association, South Wales Police, other user groups and public utilities in relation to the diversion. No objections have been received, but South Wales Police and Coity Higher Community Council have made the following comments respectively.
- 4.1.6 South Wales Police is concerned that the developments security will be compromised due to the excessive permeability provided by these footpaths. It also stated that by providing an excessively connected movement framework, the offender is presented with numerous opportunities to identify potential targets, and to assess the risks, rewards and escape routes.
- 4.1.7 It is further stated that it is understandably difficult to remove rights of way, but that South Wales Police would 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 state that a route following the street network would be preferred.
- 4.1.8 The Police advise that public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings.
- 4.1.9 In addition, Coity Higher Community Council states that it does not object provided that it is not responsible for the maintenance of the section of grassed footpath through the Open Space (ED).

4.2 GROUP MANAGER – HIGHWAYS AND FLEET COMMENTS.

- 4.2.1 Footpath 17, Community of Coity Higher requires diversion in order to facilitate the construction of housing at Area R13 of the Parc Derwen development. The

proposed diversion would follow the route/implement the surface preferred by Bridgend Ramblers. This route and surface is perfectly acceptable to the County Borough Council's Rights of Way Manager. Although the overall diversion is not as direct as the existing route, it will be located in landscaped public open space (in accordance with Welsh Office advice) and will thus enjoy a considerable amenity value. The adjacent footway/cycleway (see Appendix A) 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.

- 4.2.2 As the footpath diversion would primarily be a recreational route for walking enthusiasts, it is considered that the diversion (500 metres or so long), which would only be 230 metres or so longer than the existing footpath which it seeks to replace, would not be significantly less convenient to use.
- 4.2.3 In relation to the comments of South Wales Police, this is not a straight forward matter for consideration. Whilst, understandably the Police raise concerns on crime prevention issues relating to the permeability provided by the footpath diversions, it must also be recognised that ramblers have a right to expect that satisfactory walking routes will be provided where new developments will affect public rights of way which have been in public use for many years. Additionally, it is reasonable for residents to expect that they should be provided with satisfactory access to the rights of way network near to their homes, and the rights of way within the wider countryside beyond this. Regrettably, this can lead to conflict between the foregoing areas of concern. Obviously, a diversion along a pavement adjacent to an estate road is unacceptable in the majority of cases, and this is confirmed by Welsh Office advice. In addition, cycle routes within developments provide a sustainable and convenient means of travel for residents and enthusiasts alike.
- 4.2.4 Furthermore, it will be realised that in accordance with Welsh Office advice, the footpath diversion utilises areas of public open space. These areas would be accessible by the public, even if Footpath 17 were not diverted over them.
- 4.2.5 In relation to the comments of Coity Higher Community Council, although under the terms of the Agency Agreement between themselves and the Council, the Community Council will be responsible for the removal of overgrowth from section ED of the diversion, 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.
- 4.2.6 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. It is envisaged that the use of Footpath 17 will increase as the surrounding area is developed and the developer has thus agreed to install an "A" frame to promote the use of the path by walkers who may have varying degrees of mobility. As the stile is a long standing feature, Coity Higher Community Council was asked whether it requires the stile to be retained and the "A" frame erected adjacent to it. The Community Council has confirmed that this is the case. In view of this, the "A" frame will be placed in the wall at a point adjacent to and slightly east of the stile. To accommodate this situation, it will 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.

4.2.7 Whereas the diversion will 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.

4.2.8 It is proposed that the length of Footpath 17 within Parc Derwen north west of the location in question, will be diverted at a later date. Sub Committee authorisation will be requested for the making of an Order which will seek to achieve this, at the appropriate time.

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 footpath 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/s to seek to realign Footpath 17, Community of Coity Higher to the route shown on Appendix A, and to confirm the Order/s 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/s to the Welsh Government for determination, if any objections received are not withdrawn.

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

**LOUISE FRADD
CORPORATE DIRECTOR - COMMUNITIES**

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BACKGROUND DOCUMENTS

File F285 (11 April 1999 to existing)
Equality Impact Assessment

DIRECTIONS TO SITE.

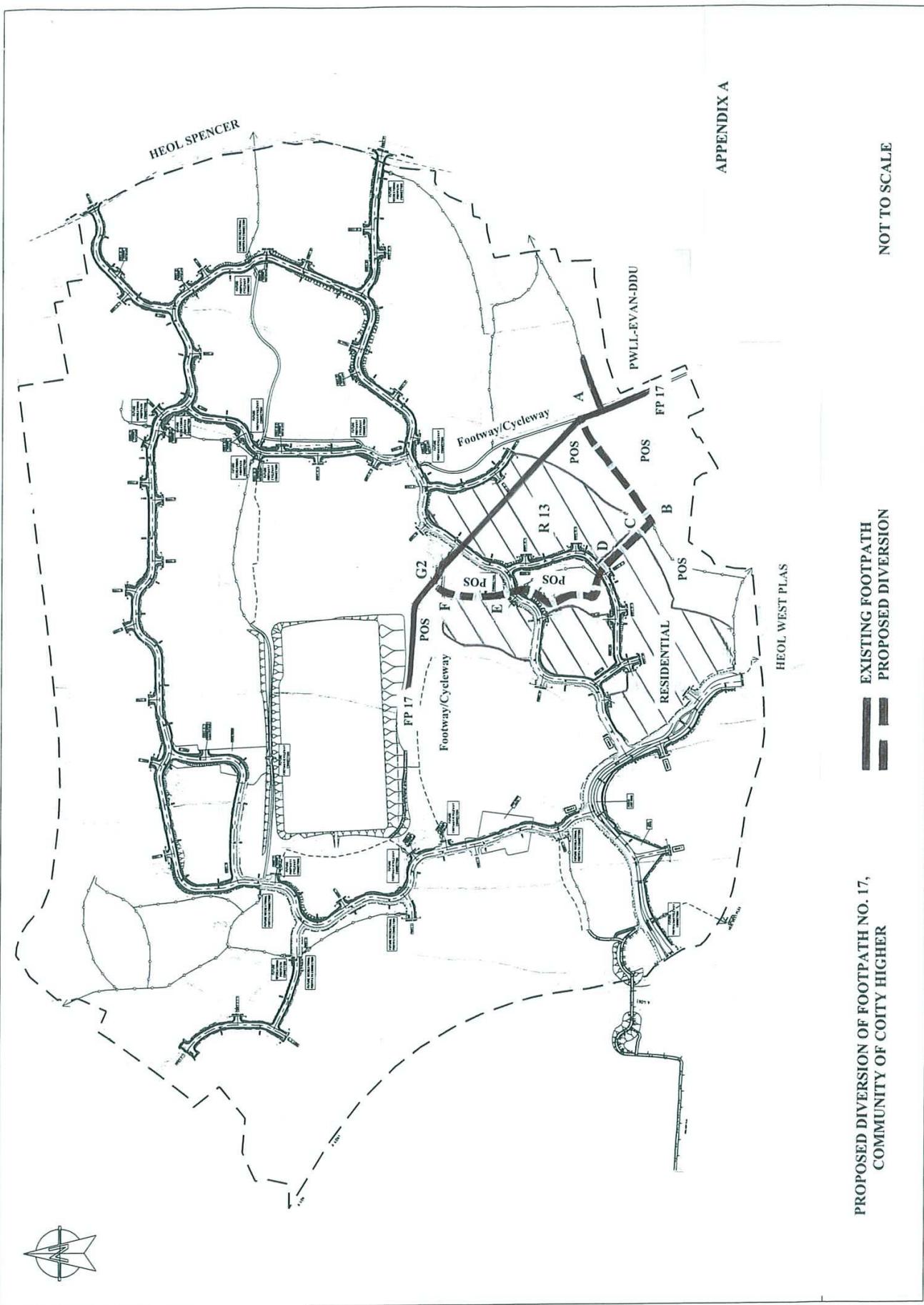
The Rights of Way Sub Committee of 29 January 2010 agreed that future Rights of Way Sub Committee reports shall provide directions to, and the postcode of sites. This will ensure that the sites are easily located for the purpose of the site meeting prior to the Rights of Way Sub Committee at the Civic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

Members are requested to meet at Point E on the attached Appendix A. The site is accessed by turning into the Parc Derwen development at the traffic lights at Heol West Plas, Coity and by proceeding north north west past the landscaped traffic island to the first turning on the right. This road is unnamed at the moment. Proceed along this road and pass on the left side of the sales information centre and show houses at Pentref Newydd. Continue around the bend in the road and into Heol Stradling. An elevated landscaped area of public open space will be seen straight ahead. The road bends to the left and the meeting point is a short distance ahead at the north end of the open space.

The postcode of the meeting point is CF35 6AN.



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APPENDIX A

PROPOSED DIVERSION OF FOOTPATH NO. 17,
COMMUNITY OF COITY HIGHER

 EXISTING FOOTPATH
 PROPOSED DIVERSION

NOT TO SCALE