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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
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**Gwasanaethau Gweithredol a Phartneriaethol /  
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /: 01656 643696  
Gofynnwch am / Ask for: Mrs Julie Ellams

Ein cyf / Our ref:  
Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 30 August 2017

Dear Councillor,

**RIGHTS OF WAY SUB-COMMITTEE**

A meeting of the Rights of Way Sub-Committee will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 7 September 2017 at 2.00 pm.**

**AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 12  
To receive for approval the Minutes of the Rights of Way Sub-Committees of 7<sup>th</sup> February 2014 and 22<sup>nd</sup> February 2016.
4. Proposed Diversion of Footpath no 4, Community of Coity Higher 13 - 24
5. Urgent Items  
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

**P A Jolley**

Corporate Director Operational and Partnership Services

Councillors:  
TH Beedle  
RMI Shaw

Councillors  
RME Stirman  
G Thomas

Councillors  
T Thomas  
CA Webster

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## Invitees

Mr G J Wheeler, British Horse Society, Baytree, 29 Newton Nottage Road, Porthcawl CF36 5PF  
Mr L Meachin, Footpath Secretary, Bridgend Ramblers, 14 De Clare Close, Porthcawl CF36 3JH  
Mr R Pittard, 61 Chantal Avenue, Penyfai, Bridgend CF31 4NW

**Please note that a Site Visit will commence at 11 am. Members are requested to meet at (Point F shown on Appendix B to the report). The meeting point (as if coming from the Civic Offices) is accessed by proceeding north along Angel Street, turning right at the lights onto Tondu Road before proceeding to the roundabout, take the 2<sup>nd</sup> exit onto the A4061/Rotary International Way, continue along the A4061, taking the 2<sup>nd</sup> exit at the next roundabout, continue along the A4061 to another roundabout, take the 3<sup>rd</sup> exit (Brackla) onto Brackla link road. Continue a short distance to the next roundabout at which point the entrance to the new estate (Oakwood View) will be the first exit on the left. There is on road parking near to the start point on Princess Way. The wearing of Wellington boots or other waterproof footwear is strongly recommended. The closest postcode for Oakwood View is CF31 2QU. This postcode is south of the meeting point when using Google maps.**

**It is advised that you park nearby and walk to the starting point as Oakwood View is still in the early stages of construction so a high volume of construction traffic is likely.**

MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 7 FEBRUARY 2014 AT 12.30PM

Present:-

Councillor H M Williams - Chairperson

Councillors

B Jones  
M Thomas

Officers:

C D Lewis - Rights of Way Officer  
J Dessent - Legal Officer  
M A Galvin - Senior Democratic Services Officer - Committees

Invitees: Mr L Meachin, Footpath Secretary, Bridgend Ramblers Association  
Mr R Pittard, Campaign for the Protection of Rural Wales (CPRW)

1 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the Rights of Way Sub-Committee held on 15 March 2012, be approved as a true and accurate record.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so given:-

Councillor C E Rees - Unwell  
Councillor J H Tildesley - Holiday  
Councillor G Thomas - Other Council Business

3 DECLARATIONS OF INTEREST

None.

4 PROPOSED DIVERSION OF BRIDLEWAY NUMBER 5, COMMUNITY OF LLANGYNWYD MIDDLE

The Corporate Director - Communities submitted a report, that requested authorisation for the making of an Order which would seek to divert Bridleway No. 5, Community of Llangynwyd Middle.

The Rights of Way Officer confirmed that Planning consent P/12/887/FUL for a Solar PV Park necessitated the diversion of a section of Bridleway 5, Llangynwyd Middle. The plan at Appendix A to the report showed the consent curtilage and the section of the bridleway which was proposed for diversion between Points A and C.

The officer confirmed that the Length AB of the proposed diversion (Appendix A referred to) would follow a vehicular width track along a higher route at the top of the sloping valley side which accommodated Maes Cadlawr Wood. The north east

half of length A1 to B would rise gradually south westwards but the south west half of this length of bridleway would utilise a flatter route. To complete the diversion, a new section of track (BC) would be provided across the contours of the hillside. The Rights of Way Officer confirmed that the width of this section of path would be 2 metres, not 3 metres as had been anticipated. Length A to A1 of the bridleway diversion would utilise a fairly steep incline, but this gradient would be 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 would be comparable to the slope of the existing track between Points A and A1, he added.

The Rights of Way Officer then advised that the length AB of the bridleway diversion would utilise an existing track and occupy a width of approximately 3½ - 4 metres. .

A section of the barbed wire and mesh fence nearing the top of the incline at Point A1 would be removed explained the Rights of Way Officer, to facilitate the diversion, and a bridleway gate would be provided in its place. The middle part of the low embankment which supported the existing track between Points A1 and B would be reinstated, overhanging branches would be cut back to a height of 3.6 metres. The bridleway will be surfaced with blinded hard-core or a similar material, at any points where this may be required. The diversion would also be way marked, the Rights of Way Officer stated.

The officer then explained that the developer would reinstate the batter of the low embankment following the coming into operation of the diversion, should this be necessary. Similarly, the developer would 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.

The Rights of Way Officer confirmed that consultees had been consulted on the proposals and no objections had been received from these.

The individual who claimed to hold a grazing licence on the land which would accommodate the bridleway diversion had also been consulted and had outlined what he considered were the advantages of the proposed bridleway diversion. These were detailed in paragraph 4.1.6 of the report.

The individual who claimed to hold a grazing licence had also expressed some concerns regarding the proposed diversion of the Bridleway and these were summarised in paragraph 4.1.7 of the report. In relation to some of these, a recent inspection showed that the part of the damaged fence referred to as a result of works carried out on the route, had been re-erected. The developer had confirmed that he had cleared the proposed bridleway diversion of fallen trees and debris and that he had also provided the descent along B-C. Additionally, the existing track which will accommodate the diversion had been repaired. The developer further stated that he had already undertaken ecological surveys of the site and woodland in association with the planning application and contended that there were no Hares or Red Kites on the site as had been claimed by the above person.

The Rights of Way Officer referred Members to paragraph 4.2.1 of the report, and the comments of the Group Manager Highways and Fleet on the proposed diversion which confirmed that whilst the existing route of Bridleway 5 within the site followed 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 was obstructed by fencing at various points and also by the dumping of refuse to the south west of the site. The bridleway was also overgrown in places and appeared to have been unused for some

considerable time. Although the proposed route of the bridleway between Points A and B was also obstructed by a fence at present, it was much more easily identifiable and had obviously been regularly used in the past. In a previous submission, the British Horse Society contended that the route of Bridleway 5 should in fact follow this track. A bridleway gate would be provided in place of the fence referred to at Point A1.

The officer outlined that the diversion (which was 920 metres or so in length), would be no longer than the existing bridleway which it sought to replace. Although fairly steep inclines would be located at both ends of the diversion, these gradients would be considerably less steep than the unaffected route of the bridleway to the south west of the diversion which climbs the mountainside. Additionally, the developer would be responsible for the works to provide the diversion and the provision of the new route would be a cost effective way of reinstating access along the rights of way network at this point.

The Rights of Way Officer advised that, it was not considered that the diversion of the bridleway would, in itself, promote the hunting activities referred to by the person who claims to hold the grazing licence, and it would be realised that the use of the bridleway diversion for this purpose was a trespass against the owner of the land, unless their permission had been obtained.

In terms of the financial implications arising from the above proposals, the Rights of Way Officer confirmed that these are expected to be minimal, as the developer would be meeting the cost of the diversion order process and the implementation of any works required by the Council.

One of the Invitees noted that there was a drainage ditch situate at the northern side of the north eastern end of the diversion and, asked who would be responsible for the maintenance of the ditch. The Rights of Way Officer advised that he would take this matter up with the Site Developer and forward his response to the Invitee as soon as a response was received. .

- RESOLVED: (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 to the report, and to confirm the Order, 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 to the Welsh Government for determination, if any objections received are not withdrawn.

The meeting closed at 1.00pm.

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MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD IN  
COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON MONDAY  
22 FEBRUARY 2016 AT 11.00AM

Present:-

Chairperson – Councillor M Thomas

Councillors

GW Davies MBE  
DRW Lewis  
G Thomas

Invitees

L Meachin, Footpath Secretary, Bridgend Ramblers

Officers

J Dessent – Legal Advisor  
A Mason – Rights of Way Manager  
M Palmer – Rights of Way and Access Land Officer  
M A Galvin – Senior Democratic Services Officer - Committees

1. Apologies for Absence

Apologies for absence were received from Councillor JH Tildesley

2. Declarations of Interest

None

3. Proposed Diversion of Footpath No. 17, Coity Higher

The Rights of Way Manager outlined a report, requesting authorisation for the making of an Order pursuant to Section 257 Town & Country Planning Act 1990 which will seek to divert a section of Footpath No 17, Coity Higher at Parc Derwen, Coity.

The Rights of Way Manager stated that the implementation of planning consents P/00/288/OUT, which covers the whole of the Parc Derwen development and P/04/1715/FUL for recreation areas, playing fields and open spaces on the whole site but more particularly P/12/802/RES for residential development within Area R24 required a section of Footpath 17, Coity Higher to be diverted. The plan in Appendix A to the report shows the consent curtilages for all three planning consents. The sections of the footpath which are proposed for diversions are shown between Points A-B-C and D-E on the plan in Appendix B to the report.

The Rights of Way Manager outlined that currently the route commences at Point A, as shown on the plan in Appendix B, and proceeds in a westerly direction for approximately 143 metres to Point B, it then proceeds in a general north westerly direction for approximately 74

metres to Point C. The Definitive Map then shows a gap of approximately 11 metres in the alignment of the footpath which is not referred to in the Definitive Statement and would therefore appear to be an anomaly. The footpath then continues from Point D, in a north westerly direction for approximately 51 metres to Point E. The Definitive width of the footpath is 0.6 metres whilst the approximate length of the section to be diverted is 268 metres. The footpath originally had a natural surface.

The Rights of Way Manager outlined that the proposed alternative route runs from Point A on the plan (Appendix B) and proceeds in a west south-westerly direction for approximately 104 metres to Point F, the route then proceeds in a general north westerly direction for approximately 124 metres to Point G, where it turns and runs in a north easterly direction for 33 metres to Point H, before continuing in a west north-westerly direction for approximately 47 metres to Point I, at its junction with the highway at Grid Reference SS 9146 8205. The alternative footpath then turns and runs in a southerly direction as it crosses the northern most access road into parcel R24 and finally follows the estate road footway of the western loop-road in a westerly then general south-westerly direction for approximately 69 metres to Point E where the diversion joins the current alignment of Footpath 17, Coity Higher. The approximate length of the alternative route is 377 metres with a proposed width of 1.4 metres between points A-F-G-H-I and 1.8 metres between points I-E. The proposed surface of the diversion between points A-F-G-H-I will be a natural surface, whilst between points I-E there will be a tarmacadam surface.

The Rights of Way Manager advised that the diversion of this section of Footpath 17, was originally included in a consultation undertaken in relation to a previous larger diversion that was proposed by the developers and that the diversion as originally proposed was shown on the plan in Appendix C to the report. In accordance with the Councils standard consultation process the local County Borough Council members, Coity Higher Community Council, the British Horse Society, Bridgend Ramblers Association, other user groups and interested bodies, South Wales Police and public utilities, were all consulted on that proposal in July 2015. Unfortunately during the consultation process objections were received in relation to the northern section of that particular proposal. However, no objections or representations were received in relation to the proposed diversion as set out in paragraphs 4.1 and 4.2 of the report.

The Rights of Way Manager outlined that as a result of the objections that were likely to be received if the larger diversion was to proceed as originally requested, and due to the fact that the houses were already being constructed in Area R24, the Rights of Way Section considered that the larger diversion should be processed in two phases. The first phase would include that section of the footpath affected by the development of the playing field and the residential properties in Area R24 i.e. the current proposal as set out in the above paragraphs 4.1 and 4.2. The second phase will then include the continuation of the footpath from Area R24 in a north, north westerly direction towards the northern perimeter of the Parc Derwen Site.

The Rights of Way Manager advised that the reasons for processing the Orders in two phases were that firstly, without the likelihood of any objections being received it is anticipated that the diversion proposal currently under consideration by Members would be completed prior to the building works themselves being completed, which is a requirement of a diversion order made under the Town & Country Planning Act 1990. Secondly, the diversion order would be completed whilst the Temporary Diversion of the footpath remains in place. Finally, the completion of the diversion in a timely manner would resolve any issues that prospective purchasers of properties in Area R24 may be having obtaining mortgages due to the existing public footpath running through properties that have been, or are currently being, built. In addition, processing this diversion first would also provide time for



the Council to investigate a more suitable and mutually convenient diversion for the northern part of Footpath 17.

In respect of the comments of the Group Manager – Highways and Fleet, the Rights of Way Manager advised that the diversion of Footpath 17, Coity Higher, is required to facilitate the construction of residential properties and a sports playing field as per planning consents stated above. In addition, although the diversion is approximately 109 metres longer than the current definitive alignment, it is deemed that the new route would not have a detrimental effect on the enjoyment of the footpath by members of the public and that the developer would be responsible for the works to provide the diversion and that the provision of the new route will be a cost effective way of reinstating access along the rights of way network at this point.

The Chairperson then invited questions from Members/the Invitee.

A Member stated that after being on site, Members should have inspected the Footpath in question some time ago, and in advance of houses being built at the site.

The Rights of Way Manager agreed with the point made by the Member, and confirmed that this matter ideally should have been reported to the Sub-Committee earlier. The Rights of Way Manager advised that the developer had applied for the diversion prior to any development taking place on site, however, the objections made to the original proposed diversion had taken considerably longer to resolve than was anticipated, and that this had also been compounded by staff shortages in the Rights of Way Section.

A Member asked why the developer did not know that the path needed to be diverted. The Rights of Way Manager advised that the developer was aware that the site was affected by a public footpath and that on the basis of the plans submitted that it would need to be diverted. This resulted in the developer submitting an application for the diversion of the public footpath.

A Member whilst accepting the statements made by previous Members, however felt that the austerity measures imposed upon the Council were unfair. He stated that the alternative proposed route was an acceptable alternative.

The Footpath Secretary of Bridgend Ramblers Association stated that he supported the proposed diversion of the Footpath, and was of the opinion that it was both reasonable and sensible. Additionally the Secretary was of the opinion that Officers needed to way mark the new sections of the Footpath in question.

The Rights of Way Manager advised that Officers would walk the route to see if and where any signposting/way marking was required.

RESOLVED

- (1) That authorisation be given for the Assistant Chief Executive Legal and Regulatory Services to make the necessary Order to seek to realign Footpath 17, Coity Higher, to the route shown on Appendix B to the report, and to confirm the Order 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 to the Welsh Government for determination, if any objections received are not withdrawn.

- (3) 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.

The meeting closed at 11.17am

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

#### RIGHTS OF WAY SUB COMMITTEE

7th SEPTEMBER 2017

- 1 PROPOSED DIVERSION OF FOOTPATH NO 4, COMMUNITY OF COITY HIGHER.**
- 1.1 Purpose of Report**
- 1.2 This report requests authorisation for the making of an Order pursuant to Section 257 of the Town & Country Planning Act 1990 on land to the west of Newlands Avenue, Brackla Industrial Estate.
- 2 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 Footpath 4, Coity Higher will achieve will help to deliver two of the Council's corporate priorities as identified in the Corporate Plan 2016 – 2020, including:
  - Supporting a Successful Economy
  - Helping people to be more self-reliant
- 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 The implementation of planning consents P/14/464/OUT, outline application for up to 220 dwellings on Land East Of A4061, Bridgend Northern Distributor Road (BNDR), Coity, CF31 2AN and P/16/420/RES for reserved matters for 220 dwellings with associated vehicular & pedestrian accesses and parking (at the same location) will require a section of Footpath 4, Coity Higher to be diverted. The plan in **Appendix A** to the report shows the consent curtilages of both planning consents. The section of the footpath which is proposed to be diverted is shown between Points A-B-C-D-E-F on the plan in **Appendix B** to the report.
- 4 Current Situation/Proposal**
- Current Route and Proposed Diversion**
- 4.1 Currently the route as described in the Definitive Statement commences at Point A (Grid Ref. SS 91358127), as shown on the plan in **Appendix B**, and proceeds in a southerly direction to the Rehab-Invacare site at Point B (Grid Ref. SS 91408110) before turning west for approximately 255 feet to Point C (Grid Ref. SS 91348107) and then south for approximately 320 feet to Point D (Grid Ref. SS 91378098) and then in a generally easterly direction for 250 feet or so to Point E (Grid Ref. SS 91448101) on the southern boundary of the Rehab-Invacare Site. The path continues in a general southerly direction across fields to a point approximately 209 metres north east of the

north eastern corner of the rear garden of No. 29 Badgers Mead, Brackla (Grid Ref. SS 91468094) and continues in a southerly direction for approximately 52 metres to Point F (Grid Ref. SS 91448083). The approximate length of the footpath to be diverted is 549 metres with a width of between 0.7 and 1.8 metres. The footpath has a mixture of natural and tarmacadam surfaces.

- 4.2 The proposed alternative route of Footpath 4, Coity Higher, runs from Point A (Grid Ref. SS 913581270) on the plan (**Appendix B**), and proceeds in a west south-westerly direction for approximately 27 metres to Point G (Grid Ref. SS 91328126) it then continues in a north westerly direction for approximately 26 metres to Point H (Grid Ref. SS 91308127) before continuing in a general north north-easterly direction for 28 metres to Point I (Grid Ref. SS 91308130), the route then continues in a north westerly direction for a further 37 metres to Point J (Grid Ref. SS 91278131) before continuing in a south westerly direction for approximately 12 metres to Point K (Grid Ref. SS 91268130), the route then proceeds in a general south south-easterly direction for a further 319 metres to Point L (Grid Ref. SS 91348099) before continuing in a south westerly direction for 20 metres to Point M (Grid Ref. SS 91338098), and thence in a general south south-easterly direction for 25 metres to Point N (Grid Ref. SS 91338096) then in a south westerly direction for 28 metres to Point O (Grid Ref. SS 91328094), it then continues in a south easterly direction for approximately 49 metres to Point P (Grid Ref. SS 91358091), before continuing in a west north-westerly direction along an estate footway for 69 metres to Point Q (Grid Ref. SS 91418093) before crossing an estate road in a southerly direction for approximately 11 metres to Point R (Grid Ref. SS 91428092) before continuing in a west north-westerly direction, also on an estate footway, for approximately 29 metres to Point S (Grid Ref. SS 91448093) before finally proceeding in a south westerly direction for approximately 45 metres, where it joins Footpath 4 Coity Higher at Point F (Grid Ref. SS 91468088). The approximate length of the route is 724 metres. The widths and surfaces of the new route would be as follows:
- 4.3 Points A-G-H-I - 1.8 metres wide with a tarmacadam surface
- 4.4 Points I-J – 2 metres wide with a tarmacadam surface
- 4.5 Points J-K-L - 1.4 metres wide with a natural surface
- 4.6 Points L-M-N-O-P - 3 metres wide with a tarmacadam surface
- 4.7 Points P-Q-R-S-F – 1.8 metres wide with a tarmacadam surface
- 4.8 The diversion of this section of Footpath 4, Coity Higher was originally discussed with the developer in 2014 when outline planning consent was sought (P/14/464/OUT) but could not be acted upon until the reserved matters application was granted in 2016 (P/16/420/RES) as required by the relevant legislation. During the 2016 planning application process the Rights of Way section received an application from the developer to divert that section of Footpath 4, Coity Higher.
- 4.9 The original diversion application that was submitted by the developer, as shown on the plan (**Appendix C**), diverted users of the footpath onto the cycle track that runs adjacent to the Bridgend Northern Distributor Road (BNDR), Point Z on the plan (**APPENDIX C**).

- 4.10 In accordance with the Councils standard consultation process for Public Path Orders the local County Borough Council members, Coity Higher Community Council, the British Horse Society, Bridgend Ramblers Association, other user groups and interested bodies, South Wales Police and public utilities, were all consulted on the original proposal in May 2017. During the consultation process three representations were received in relation to the proposed diversion. These are outlined below.
- 4.11 Bridgend Ramblers – No objection
- 4.12 South Wales Police Designing out Crime Officer – Concerns were raised with regards to the proposed route between Points I – J as the route runs along the rear of a small number of properties. It was suggested that this section should be planted with defensible planting e.g. thorny bushes to prevent/make it difficult for would be criminals to gain access to the gardens. Other points raised were that the new route would be favourable if it was:
- As straight as possible
  - Wide
  - Well lit
  - Devoid of potential hiding places
  - Overlooked by surrounding buildings and activities

These points were forwarded to the developer who made the following comments:

- The new footpath that will be constructed between Points I – J will be 2 metres wide, with defensible planting to protect those properties that the route runs to the rear of. The defensible planting will be included within an area that varies width between 0.5 and 1.5 metres.
- 4.13 Natural Resources Wales (NRW) – No objection although they did recommend that a strip of undisputed vegetation (of ideally 7m in this instance) be left between Morfa Brook and the footpath where the proposed footpath runs parallel to the Morfa Brook between Points J – L and Point M – N and where it crosses the brook between Point L – M. If this was not possible then additional pollution prevention measures may need to be adopted. These comments were also forwarded to the developer who confirmed that they had been in contact with NRW with regards to additional pollution prevention measures within the site which would incorporate the proposed diverted footpath.
- 4.14 Whilst the initial consultation was being carried out, the Rights of Way Section obtained information which indicated that a Prohibition of Pedestrian Order was in place for the BNDR, including the adjacent cycle track, that the proposed diversion of Footpath 4 would join (Point Z on the plan in **Appendix C**). This would therefore make it illegal for users of the footpath to use that route and as such, would create a dead end route. A further meeting was held with the developer to discuss this issue, which resulted in a new diversion route being proposed.
- 4.15 A second consultation was carried out in June 2017 in relation to the proposed new route. All parties who were originally consulted during the first consultation were consulted on the new proposal in accordance with the Councils standard consultation process. During the second consultation process only one representation was received from Bridgend Ramblers who had no objection to the proposal.
- 4.16 As part of the development the developer is required to extend the cycle route from the Brackla link roundabout to the roundabout at the south west corner of the Parc

Derwen development – junction of the A4061 and Heol West Plas. The developer is also required to rescind that part of the Prohibition of Pedestrian Order referred to in paragraph 4.14 above to enable this newly constructed route to become a shared use pedestrian/cycle route. Once this happens the developer has confirmed that they will enter into a Footpath Creation Agreement with the Council to register as a public footpath that section of the original proposed route as shown between Points X-Y-Z on the map in **Appendix C** to ensure that there is a link from the new development to the cycle track.

4.17 It should be noted that of the 220 proposed properties that are due to be constructed within the development area, approximately 43 are affected by the existing alignment of Footpath 4 Coity Higher and of these 43 properties none have been constructed however the groundworks have commenced.

4.18 The reasons for processing the Order as soon as possible are threefold. Firstly, provided no objections are received it is anticipated that the diversion proposal currently under consideration by Members will be completed prior to the building works themselves being completed. This is a requirement of a diversion order made under the Town & Country Planning Act 1990. Secondly, it is anticipated that the diversion order will be completed whilst the Temporary Diversion of the footpath remains in place. Although the current Temporary Diversion expires on the 19<sup>th</sup> September an application is being submitted to Welsh Government for the order to be extended for a further 6 months. Finally, the completion of the diversion in a timely manner would resolve any issues that prospective purchasers of properties within the development may have obtaining mortgages if the existing public footpath was not diverted prior to them being built and purchased.

#### **4.19 Group Manager – Highways and Fleet Comments.**

4.19.1 The diversion of Footpath 4, Coity Higher is required to facilitate the construction of 220 dwellings with associated vehicular & pedestrian accesses and parking as per planning consents P/14/464/OUT and P/16/420/RES at Land East of A4061 (BNDR), Coity, Bridgend.

4.19.2 Although the diversion is approximately 175 metres longer than the current definitive alignment, it is deemed that the new route would not have a detrimental effect on the enjoyment of the footpath by members of the public. Furthermore, any pedestrian wishing to gain access to the Brackla Industrial Estate via the link to Newlands Avenue as a commuter route would be more likely to use the estate footways rather than the diverted footpath which would be seen as more of a recreational route.

4.19.3 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.

### **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**

7.2 That authorisation be given for the Corporate Director, Operational and Partnership Services to make the necessary Order to seek to realign Footpath 4, Coity Higher, to the route shown on **Appendix B** to the report, and to confirm the Order provided no objections or representations are made within the prescribed period, or if any so made are withdrawn.

7.3 That the Corporate Director, Operational and Partnership Services be authorised to forward the Order to the Welsh Government for determination, if any objections received are not withdrawn.

8.3 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.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR - COMMUNITIES**

### **Contact Officer**

Contact Officer: Mr Mathew Palmer  
Rights of Way and Access Land Officer

Telephone: 01656 642595/Email: [mathew.palmer@bridgend.gov.uk](mailto:mathew.palmer@bridgend.gov.uk)

Postal Address: Rights of Way  
Communities Directorate  
Bridgend County Borough Council  
Innovation Centre  
Technology Drive  
Bridgend  
CF31 3NA

### **Background Documents**

File A763/1/FP 4 Coity Higher (s257 TCPA'90 21<sup>st</sup> April 2017 to present)  
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 (Point F shown on the attached map (**Appendix B**)). The meeting point (as if coming from the Civic Offices) is accessed by proceeding north along Angel Street, turning right at the lights onto Tondu Road before proceeding to the roundabout, take the 2<sup>nd</sup> exit onto the A4061/Rotary International Way, continue along the A4061, taking the 2<sup>nd</sup> exit at the next roundabout, continue along the A4061 to another roundabout, take the 3<sup>rd</sup> exit (Brackla) onto Brackla link road. Continue a short distance to the next roundabout at which point the entrance to the new estate (Oakwood View) will be the first exit on the left. There is on road parking near to the start point on Princess Way.

The wearing of Wellington boots or other waterproof footwear is strongly recommended.

The closest postcode for Oakwood View is CF31 2QU. This postcode is south of the meeting point when using Google maps.

It is advised that you park nearby and walk to the starting point as Oakwood View is still in the early stages of construction so a high volume of construction traffic is likely.





**APPENDIX A - KEY**

— Planning Application  
 P/14/464/OUT &  
 P/16/420/RES

Compiled from CAMS by M Palmer



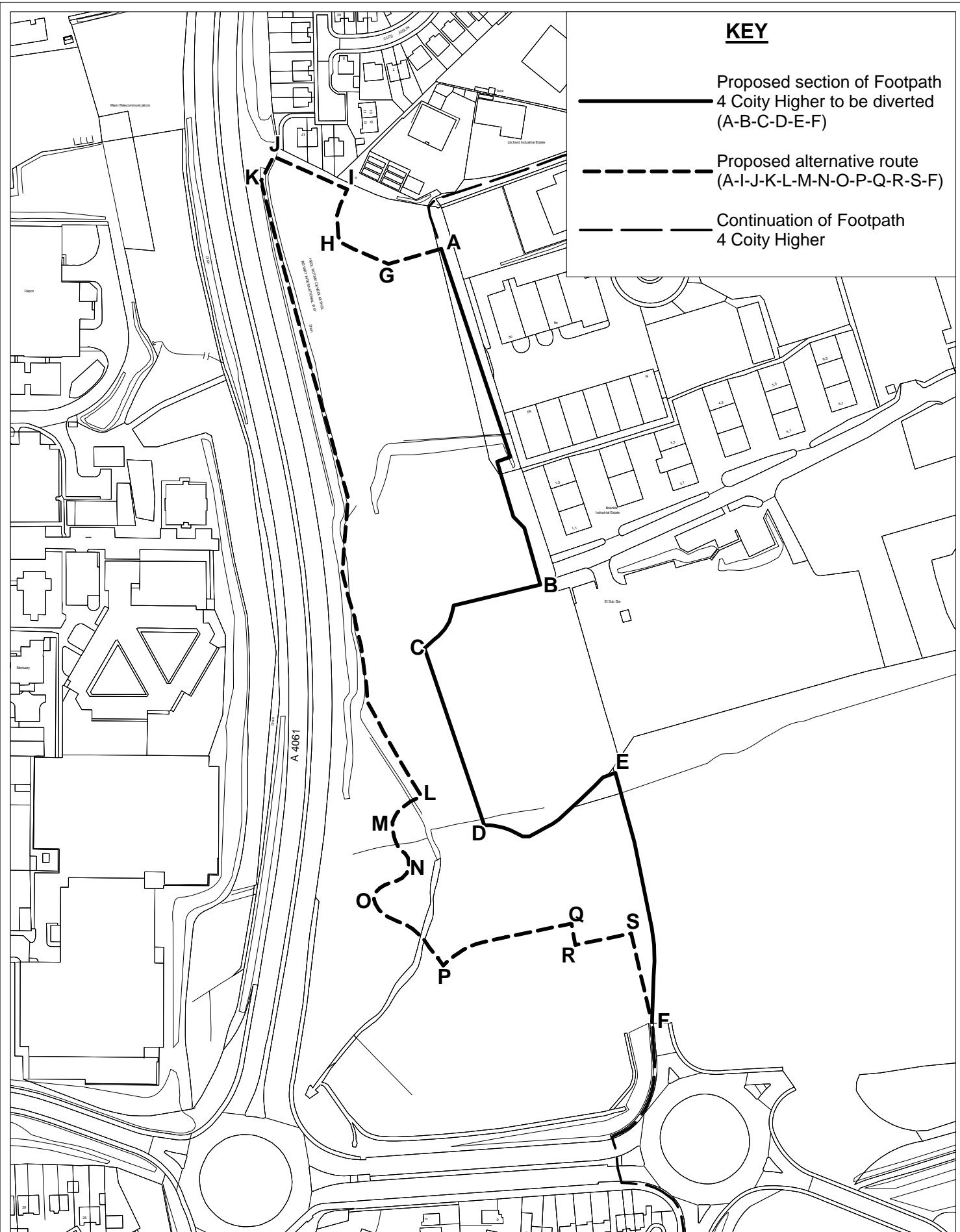
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Scale 1:2500

Date: 22/05/2017

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**KEY**

Proposed section of Footpath 4 Coity Higher to be diverted (A-B-C-D-E-F)

Proposed alternative route (A-I-J-K-L-M-N-O-P-Q-R-S-F)

Continuation of Footpath 4 Coity Higher



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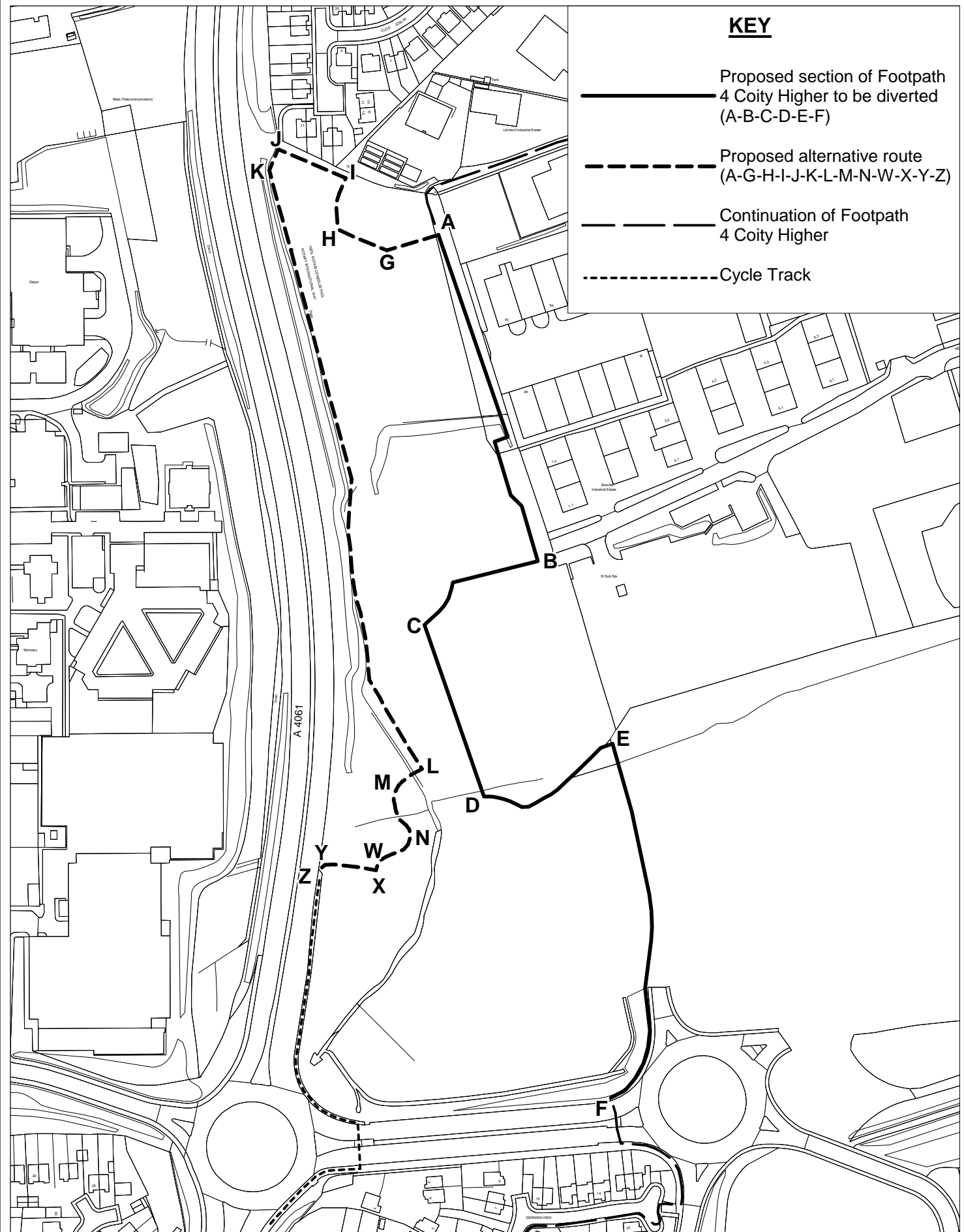
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Date: 02/08/2017

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**KEY**

- Proposed section of Footpath 4 Coity Higher to be diverted (A-B-C-D-E-F)
- - - Proposed alternative route (A-G-H-I-J-K-L-M-N-W-X-Y-Z)
- - - Continuation of Footpath 4 Coity Higher
- ..... Cycle Track



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