

**RIGHTS OF WAY SUB-COMMITTEE - THURSDAY, 7 SEPTEMBER 2017**

**MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD IN COMMITTEE ROOMS 2/3 - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 7 SEPTEMBER 2017 AT 14:00**

Present

Councillor RMI Shaw – Chairperson

TH Beedle

RME Stirman

CA Webster

Apologies for Absence

G Thomas and T Thomas

Officers:

Jane Dessent

Solicitor

Andrew Mason

Rights of Way Manager

Andrew Rees

Senior Democratic Services Officer - Committees

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor G Thomas

Councillor T Thomas

2. DECLARATIONS OF INTEREST

None

3. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meetings of the Rights of Way Sub-Committee of 7 February 2014 and 22 February 2016 be approved as a true and accurate record.

4. URGENT ITEMS

There were no urgent items.

5. PROPOSED DIVERSION OF FOOTPATH NO 4, COMMUNITY OF COITY HIGHER

The Rights of Way Manager presented the report of the Corporate Director Communities which sought authorisation for the making of an Order pursuant to section 257 of the Town and Country Planning Act 1990 on land to the west of Newlands Avenue, Brackla Industrial Estate.

The Rights of Way Manager reported that 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 and P/16/420/RES for reserved matters for 220 dwellings with associated vehicular & pedestrian accesses and parking (at the same location) required the diversion of a section of Footpath 4, Coity Higher. He outlined to the Sub-Committee plans which show the consent curtilages of both planning consents and which showed the section of the footpath which was proposed to be diverted between Points A-B-C-D-E-F.

The Rights of Way Manager reported that currently the route commenced at Point A (Grid Ref. SS 91358127) 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 continued 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. He stated that the footpath has a mixture of natural and tarmacadam surfaces.

The Rights of Way Manager reported that the proposed alternative route of Footpath 4, Coity Higher, runs from Point A (Grid Ref. SS 913581270) on the plan 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 Rights of Way Manager informed the Sub-Committee that the approximate length of the route is 724 metres and the widths and surfaces of the new route would be from Points A-G-H-I - 1.8 metres wide with a tarmacadam surface; Points I-J - 2 metres wide with a tarmacadam surface; Points J-K-L - 1.4 metres wide with a natural surface. He stated that following discussion with the developer, Points L-M-N-O would now be 2 metres wide with a tarmacadam surface whilst Points O-P would be 3 metres wide with a tarmacadam surface. Points P-Q-R-S-F would be 1.8 metres wide with a tarmacadam surface.

The Rights of Way Manager reported that 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. However 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. He stated that the original diversion application submitted by the developer, as shown on the plan, diverted users of the footpath onto the cycle track that runs adjacent to the Bridgend Northern Distributor Road (BNDR), Point Z on the plan.

The Rights of Way Manager outlined the outcome of the consultation undertaken with 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, which resulted in three representations being received in relation to the proposed diversion. That Rights of Way Manager stated that 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. He informed the Sub-Committee that this would make it illegal for users of the footpath to use that route and as such, would create a dead end route. Discussions were held with the developer to discuss this issue, which resulted in a new diversion route being proposed.

The Rights of Way Manager outlined the outcome of the second consultation undertaken on the proposed new route, which resulted in one representation being received from the Bridgend Ramblers who had no objection to the proposal. He stated that the developer is required, as part of the development 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 was also required to rescind that part of the Prohibition of Pedestrian Order to enable the 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 to ensure that there is a link from the new development to the cycle track.

The Rights of Way Manager informed the Sub-Committee that of the 220 proposed properties 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 one has been partially constructed to roof level and groundworks have commenced on some of the other properties that are affected. He outlined the reasons for processing the Order as soon as possible in that provided no objections are received it was anticipated that the diversion proposal currently under consideration would be completed prior to the building works themselves being completed. It was anticipated that the diversion order would be completed whilst the Temporary Diversion of the footpath remains in place. Although the current Temporary Diversion expires on the 19 September an application is being submitted to Welsh Government for the order to be extended for a further 6 months. The Rights of Way Manager advised that the Council had recently received confirmation from the Welsh Government which agreed that the Temporary Diversion could be extended and that it would now remain in force until the 19th March 2018. He also informed the Sub-Committee that 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.

The Rights of Way Manager outlined to the Sub-Committee the comments of the Group Manager – Highways and Fleet in relation to the diversion.

RESOLVED: (1) 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.

(2) 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.

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(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 14:18