

Present

Councillor G Thomas – Chairperson

DK Edwards

RM Granville

JC Radcliffe

Apologies for Absence

CA Webster

Officers:

Jane Dessent

Solicitor

Andrew Mason

Rights of Way Manager

Kevin Mulcahy

Group Manager - Highways Services

Matthew Palmer

Rights of Way and Access Land Officer

Andrew Rees

Democratic Services Officer – Committees

14. DECLARATIONS OF INTEREST

None.

15. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of the Rights of Way Sub-Committee of 5 October 2021 be approved as a true and accurate record.

16. PROPOSED DIVERSION OF FOOTPATH 12, PORTHCAWL

The Rights of Way Manager sought authorisation for the making of an Order pursuant to Section 257 (diversion) of the Town & Country Planning Act 1990, on land at Moor Lane Porthcawl.

He reported that the implementation of planning consents P/16/497/FUL and P/17/554/RLX will require a section of Footpath 12, Porthcawl to be diverted. To enable its diversion, an additional section of Footpath 12 Porthcawl, not in the ownership of the applicant, would also require to be diverted. He informed the Sub-Committee that the plan submitted, showed the consent curtilage of the planning consent, while the section of Footpath 12 Porthcawl of the proposed diversion was shown between Points A-B on the plan.

The Rights of Way Manager reported that currently section of Footpath 12 to be diverted commenced at Point A (Grid Ref. SS 81657916), as shown on the plan in Appendix B, and proceeded in a north easterly direction for approximately 265 metres to its termination point at Point B (Grid Ref. SS 81827936). The current definitive width of the route is 1.2 metres and the footpath is of a natural surface. He stated that the current route was obstructed by a mature hedgerow at a point approximately 13 metres to the west of Point B (Grid Ref. SS 81827936). He informed the Sub-Committee of the proposed alternative route of Footpath 12, Porthcawl and stated that the approximate total length of the new route is 391 metres with a width of 5 metres (Points A-C-D) and 1.2 metres between Points D-E-B. The surface between Points A-C-D-E will be a natural surface and between Points E-B will be a hardcore surface. The 5 metre width

(Points A-C-D) was suggested by the applicant as minimum width for a landscape/ecology belt surrounding the development site as per planning application P/16/497/FUL. A kissing gate will be provided at Point X (Grid Ref. SS 81817937).

The Rights of Way Manager reported that during the pre-order consultation process, it was noted that for the proposed diversion to be successful this would leave Footpath 12, Porthcawl as a route with an anomaly, in that the definitive alignment is currently obstructed by a mature hedgerow. A request was made in writing to the applicant's agent as to whether they would agree to include an additional section of Footpath 12, Porthcawl, not in the applicants' ownership, to resolve the anomaly. The agent had confirmed the amendments were acceptable to them, and written confirmation from the adjoining landowner, the Grove Golf Club had been received agreeing to the diversion of the additional section of Footpath 12, Porthcawl, subject to the views of other consultees. He stated that no objections were received arising from the consultation process.

The Rights of Way Manager reported that to facilitate the development and variation of condition 2 of P/16/497/FUL relating to occupancy of chalets at land at Moor Lane Porthcawl CF36 3EJ a section of Footpath 12, Porthcawl will need to be diverted. He outlined the Guidance of the Welsh Government which applies in making an Order, and the following which should be taken into account: the interests of the general public; the potential effects of the Order on some members of the public, such as occupiers of property adjoining the highway and any potential financial loss to members of the public. The Rights of Way Manager informed the Sub-Committee that in respect of the three considerations outlined, the Council is aware that the new route will be 126 metres longer than the existing route. In the long term the proposed diversion enables the Rights of Way network to be protected from obstruction for the enjoyment of the public. It also enables the network to be accurately recorded and maintained and will allow for the footpath to remain as a continuous off-road walking route for members of the public between Moor Lane and the A4229. It was considered that the proposal is in the interests of the public and the test can be said to be satisfied. There did not appear to be any additional effects of the Order on any adjoining properties. The Council is unaware of any potential financial loss to members of the public. The developer will be responsible for any works that are required to provide the diversion and the provision of the new routes.

The Rights of Way Manager displayed for the benefit of the Sub-Committee photographs and aerial views of the site.

A member of the Sub-Committee asked what the significance was of diverting the footpath from the centre of the field to its edge. The Rights of Way Manager informed the Sub-Committee that the developer is building lodges and it would not be possible to walk down the centre of the field.

- RESOLVED:**
- (1) That authorisation be given for the Chief Officer Legal and Regulatory Services, HR and Corporate Policy to make the necessary Order to seek to divert Footpath 12, Porthcawl as shown on the plan in 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 Chief Officer Legal and Regulatory Services, HR and Corporate Policy be authorised to forward the Order(s) to the Welsh Government for determination, if any objections received are not withdrawn.

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(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.

17. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 11:20