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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
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 dewis iaith.

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh.



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147

Gofynnwch am / Ask for:

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Dydd Mawrth, 5 Awst 2025

Annwyl Cyngorydd,

IS BWYLLGOR HAWLIAU TRAMWY

Cynhelir Cyfarfod Is Bwyllgor Hawliau Tramwy Hybrid a bydd Aelodau a Swyddogion mynychu trwy Siambr y Cyngor, Swyddfeydd Dinesig / o bell Trwy Timau Microsoft ar **Dydd Llun, 11 Awst 2025** am **10:00**.

AGENDA

1 Ymddiheuriadau am absenoldeb

Derbyn ymddiheuriadau am absenoldeb gan Aelodau.

2 Datganiadau o fuddiant

Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2014.

3 Cymeradwyaeth Cofnodion

3 - 6

I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 11/04/2025

4 Dargyfeirio Rhannol Arfaethedig o Lwybr Troed 55 Llangrallo Uchaf

7 - 20

5 Diddymu Rhannol a Dargyfeirio Rhannol Arfaethedig Llwybr Troed 58 Maesteg

21 - 32

6 Materion Brys

Ffon/Tel: 01656 643643

Facs/Fax: 01656 668126

Ebost/Email: talktous@bridgend.gov.uk

Negeseuon SMS/SMS Messaging: 07581 157014 [Twitter@bridgendCBC](https://twitter.com/bridgendCBC)

Gwefan/Website: www.bridgend.gov.uk

Cyfnwidd testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Test relay: Put 18001 before any of our phone numbers for the text relay service

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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council

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



I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Nodyn: Bydd hwn yn gyfarfod Hybrid a bydd Aelodau a Swyddogion mynychu trwy Siambr y Cyngor, Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont ar Ogwr / o bell Trwy Timau Microsoft. Bydd y cyfarfod cael ei recordio i'w drosglwyddo drwy wefan y Cyngor. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643148 / 643694 / 643513 / 643159

Yn ddiffuant

K Watson

Prif Swyddog, Gwasanaethau Cyfreithiol a Rheoleiddio, AD a Pholisi Corfforaethol

Dosbarthiad:

Cynghorwr:

A R Berrow

RJ Collins

RM Granville

S J Griffiths

J Llewellyn-Hopkins

J E Pratt

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MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON FRIDAY, 11 APRIL 2025 AT 11:00

Page 3

Present

Councillor RM Granville – Chairperson

A R Berrow

J Llewellyn-Hopkins

J E Pratt

Present Virtually

S J Griffiths

Apologies for Absence

RJ Collins

Declarations of Interest

None

Officers:

Jane Dessent
Mark Galvin
Andrew Mason
Michael Pitman

Solicitor
Senior Democratic Services Officer - Committees
Rights of Way Manager
Technical Support Officer – Democratic Services

Approval of Minutes

Decision Made	<u>RESOLVED:</u> That the minutes of the 22/08/2022 be approved as a true and accurate record
Date Decision Made	11 April 2025

6. Proposed Diversion Of Footpath 17 Porthcawl

Decision Made	The Rights of Way Manager presented a report which requested authorisation for the making of an Order pursuant to Section 257 of the Town & Country Planning Act 1990 on land adjoining 15 The Burrows, Porthcawl, CF36 5AJ He explained that the current footpath was set out in Appendix B of the report with the diversion point also set out. The following points were covered in the report: - Consultation - statutory consultees as well as local members and Town or Community councils and their views were considered before a decision was made to make the order - Objections – These were received from the British Horse Society - Welsh Government Guidance 2016 – outlined at section 3.17 of the report - Public Interest - the diversion satisfies public interest despite a slight increase in length. - Financial Implications - The developer will bear the costs of the diversion process and works. A Member asked who owned the land and who was responsible for maintenance The Rights of Way Manager stated that the Developer owns the land and will initially maintain the path. Once the Rights of Way Team sign off on the completed path. The responsibility of maintenance will be that of Bridgend County Borough Council.
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	<u>RESOLVED:</u> That the Rights of Way Sub Committee: 1. Gave authorisation for the Chief Officer Legal and Regulatory Services, HR and Corporate Policy to make the necessary Order to seek to realign Footpath 17, Porthcawl, 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. Gave authorization to the Chief Officer Legal and Regulatory Services, HR and Corporate Policy to forward the Order to the Welsh Government for determination, if any objections received are not withdrawn. 3. Ensured that the Order(s) excluded any section of the diversion, which utilises highways which are maintainable by Bridgend County Borough Council, as public rights already exist over them.
Date Decision Made	11 April 2025

7. Urgent Items

Decision Made	There were no urgent items
Date Decision Made	11 April 2025

To observe further debate that took place on the above items, please click this link

The meeting closed at 11:15.

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Meeting of:	RIGHTS OF WAY SUB-COMMITTEE
Date of Meeting:	11 AUGUST 2025
Report Title:	PROPOSED PART DIVERSION OF FOOTPATH 55 COYCHURCH HIGHER
Report Owner / Corporate Director:	CORPORATE DIRECTOR COMMUNITIES
Responsible Officer:	TIM PRICE-PHILLIPS RIGHTS OF WAY AND LAND ACCESS OFFICER
Policy Framework and Procedure Rules:	It is considered that there is no effect upon the policy framework and procedure rules.
Executive Summary:	The implementation of Developments of National Significance (DNS) planning consent P/21/1100/DNS, for a Solar park and ancillary development will require a section of Footpath 55, Coychurch Higher to be diverted. An application to divert that part of the footpath affected by the proposed development has been submitted and consultations undertaken with various individuals and statutory bodies in accordance with the Council's standard consultation process for Public Path Orders. Consideration of any objections is contained within the body of the report. Further to these considerations the report seeks authorisation for the making of an Order pursuant to Section 257 of the Town & Country Planning Act 1990.

1. Purpose of Report

- 1.1 This report requests authorisation for the making of an Order pursuant to Section 257 of the Town & Country Planning Act 1990 on "Land between Heol Laethog and Heol Y Cyw Bridgend".

2. Background

- 2.1 The implementation of Developments of National Significance (DNS) planning consent **P/21/1100/DNS** (DNS/3279521), for a Solar park and ancillary development will require a section of Footpath 55, Coychurch Higher to be diverted. The plan in **Appendix A** to the report shows the consent curtilage of the planning consent. The section of the footpath which is proposed to be diverted is shown between Points A-

B-C, and the proposed alternative route of the Footpath is shown between Points A-D-E-F-G-H-I on the plan in **Appendix B** to the report.

3. Current situation / proposal

- 3.1 Currently the route as shown on the Definitive Map has an unmade grass surface where it commences at Point A (Grid Ref. SS 9362 8465) and proceeds in a generally southerly direction for 185 metres to Point B (Grid Ref. SS 9365 8447) where it joins a wide surfaced trackway, and continues in a general south easterly direction along the trackway for 250 metres to Point C (Grid Ref. SS 9381 8429) where it joins Footpath 37. The length is 435 metres. The width is undefined.
- 3.2 The proposed diversion route commences at Point A (Grid Ref. SS 9362 8465) and proceeds in a south south-easterly direction for 22 metres then turns east at point D (Grid Ref. SS 9363 8463) proceeding through two pedestrian gates and continuing in a general easterly direction for 195 metres to Point E (Grid Ref. SS 9382 8467), then proceeds in a general south south-easterly direction along a field boundary for 99 metres to Point F (Grid Ref. SS 9387 8459) where it then turns and runs in a general west south-westerly for 22 metres to Point G (Grid Ref. SS 9386 8457), before proceeding in a general south south-easterly direction for 197 metres to Point H (Grid Ref. SS 9394 8439) at which point it turns and runs in an east south-easterly direction for 10 metres where it joins Footpath 37 Coychurch Higher Point I (Grid Ref. SS 9395 8439). The approximate length of the diversion route is 546 metres and the proposed width is to be 2 metres.
- 3.3 The application to divert this section of the Footpath was submitted in November 2024 and the proposed alternative route was agreed in principal by the Rights of Way Section at that time. As part of the development, and in order to enhance access to the rights of way network in the area, the applicant has also proposed to create an additional Footpath as shown between Points A-B-C-D-E on the plan in **Appendix C**. The footpath would be created by Agreement with the developer.
- 3.4 In accordance with the Council's standard consultation process for Public Path Orders the local County Borough Council members, St Brides Minor Community Council, Coychurch 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 in December 2024. During the consultation process three representations were received in relation to the proposed diversion. These are outlined below.
1. Les Meachin – Ramblers – No objection
 2. St Brides Minor Community Council responded that they “had no objection to a temporary diversion of footpath 55, however it must revert to its original definitive path when the project ends.”

3. South Wales Police – Gave the following Recommendations:

- a) Pedestrian routes should be designed to ensure that they are visually open, direct and well used. They should not undermine the defensible space of neighbourhoods and therefore should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.
- b) Public footpaths should be straight and direct, and where possible well-lit and overlooked by surrounding buildings. It is important that a pedestrian footpath has good visibility along its route.
- c) In respect of footpath 55 I would ask that where space permits, the footpath be at least 3 metres wide (to allow people to pass without infringing personal space), with at least a 2 metre verge on either side.
- d) Vehicular access, e.g. motor bikes, should be prevented onto the footpath.

3.5 In regard to St Brides Minor Community Council's objections, there is no mechanism to automatically divert the Footpath back to its original line upon decommissioning of the Solar farm, however the applicant has issued the following statement:- *"Subject to landowner permission and prior consultation with the local highway authority and community council at the time Cenin would seek to make an application for the diversion upon decommissioning."*

3.6 In regard to South Wales Police's response, the proposal conforms with the recommendations where possible. The path will be at least 2 metres in width with at least 1.5 metres of space either side. There will be kissing gates installed at either end which would restrict vehicular access.

GROUP MANAGER – HIGHWAYS AND GREEN SPACES.

3.7 In order to facilitate the construction of a Solar park and ancillary development as permitted by planning consent DNS/3279521 at Ty'n y waun, Heol Y Cyw, Bridgend CF35 6HL a section of Footpath 55 Coychurch Higher will need to be diverted.

3.8 The Welsh Government's Guidance for Local Authorities on Public Rights of Way – August 2016 states:

'Before making an Order the Council must be satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission that has been granted.'

As Members are aware, it should not be assumed that an Order should be made simply because planning permission has been granted.

'In determining whether an Order is 'necessary' the Council must examine the activities authorised by the planning permission to see whether they are, or are not, compatible with the retention of highway rights. An activity which would involve obstruction of a highway (for example, the erection of a structure across the line of a highway or introducing a use such as outdoor storage or long-term parking) would be incompatible with the highway and so make out a case of necessity.'

'Even where a case of necessity is made out, an authority still has discretion whether to make an Order or not. However, having concluded that the planning permission should be granted, there must be good reasons for deciding that an Order, which would permit implementation of that permission, should not be made.'

'In coming to a judgment as to whether to make an Order, the following 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.*
- Any potential financial loss to members of the public.'*

3.9 In regard to the three considerations outlined above Members are advised as follows:

- The interests of the public can be said to be satisfied because although the path to be extinguished is partly a surfaced trackway and the proposed diversion is entirely on unmade natural surface, it is in keeping with the surrounding path network and follows a field boundary adjacent to an ancient woodland that improves the amenity value of the proposed route. There will in addition to the diversion be a creation agreement for a Footpath shown between Points A-B-C-D-E on the plan in **Appendix C** which will create an additional east – west link in the Public Rights of Way network. The developer will be responsible for the works to provide the diversion route and the creation of the new footpath.
- The footpath is being moved from one side of an area of open ground to the other, therefore the same properties will still be affected by the route albeit to a greater or lesser extent. Therefore there does not appear to be any additional effects of the Order on any adjoining Landowners.
- The Council is unaware of any potential financial loss to members of the public.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the

impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The Well-being of Future Generations (Wales) Act 2015 Assessment Template has been completed and a summary of the implications from the assessment relating to the five ways of working is below:

- **Long-term:** In the short-term the part diversion of Footpath 55 Coychurch Higher enables the applicant to complete a development for which planning permission has been granted whilst long-term this 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.

- **Prevention:** The proposed diversion utilises a wide buffer between the development and the woodland edge and creates an additional path through sheep fields set aside from the development removing the likelihood of future conflicts.

- **Integration:** With agreed construction methods, as well as time frames, the diversion of footpaths to enable development to be implemented allows for an attractive and diverse economy that will encourage more people to use the route during their daily routine.

- **Collaboration:** The developer must provide a suitable alternative that is no less commodious to users of the existing footpath. The diverted route is open to objection and cannot be implemented until all objections are withdrawn or, where objections do remain the Order is confirmed by the Planning Inspectorate.

- **Involvement:** Consultations are carried out with statutory consultees as well as local members and community councils and their views are considered before a decision is made to make the order.

5.2 The rights of way provision will contribute to the following elements of the Bridgend County Borough Council Corporate Plan Delivery Plan 2025-26: :

- Wellbeing Objective 1.2 'Protect Landscapes and Open Spaces'. This proposal protects and enhances public access to the RoW Network
- Wellbeing Objective 1.6 'Provide opportunities for culture, leisure, and play' The RoW Network provides access to the countryside for leisure.

6. Climate Change and Nature Implications

- 6.1 Bridgend County Borough Council's 2030 Net Zero Carbon Strategy states that "To achieve our carbon neutral goal, we need to improve air quality, protect, and enhance our thriving green spaces, support sustainable travel, and continue to create energy efficient, good quality places to live and work to make the county borough a healthier and happier place to live." The rights of way network promotes and supports sustainable travel and benefits the wellbeing of its residents, making the county borough a healthier and happier place to live.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

8. Financial Implications

- 8.1 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 all works required by the Council.

9. Recommendations

- 9.1 That authorisation be given for the Chief Officer Legal and Regulatory Services, HR and Corporate Policy to make the necessary Order to partly divert Footpath 55 Coychurch 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.
- 9.2 That the Chief Officer Legal and Regulatory Services, HR and Corporate Policy be authorised to forward the Order to the Welsh Government for determination, if any objections received are not withdrawn.
- 9.3 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.

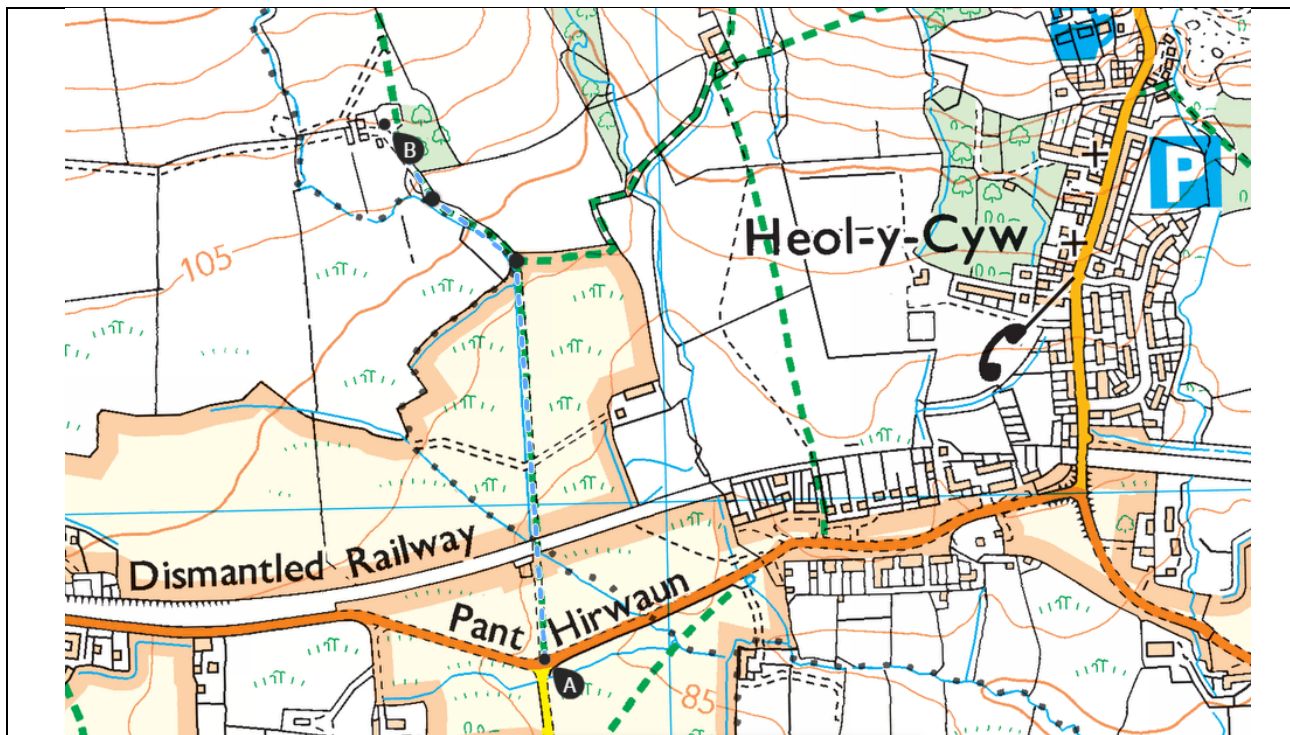
Background documents

None.

DIRECTIONS TO SITE.

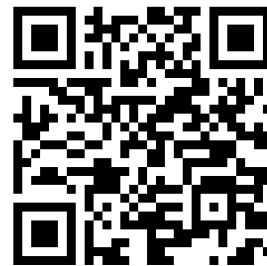
The Rights of Way Sub Committee of 29 January 2010 agreed that future Rights of Way Sub Committee reports shall provide directions to, and the postcode of sites. This will ensure that the sites are easily located for the purpose of the site meeting prior to the Rights of Way Sub Committee at the Civic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

Parking is available on site. From the junction of Heol Llan and Pant Hirwaun (Point A on the plan below). Turn on to the Farm Track. Proceed through the field gate and follow the track north through another field gate, to Point B on the plan below.



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Scan code for directions via Google Maps



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Ty'n y Waun

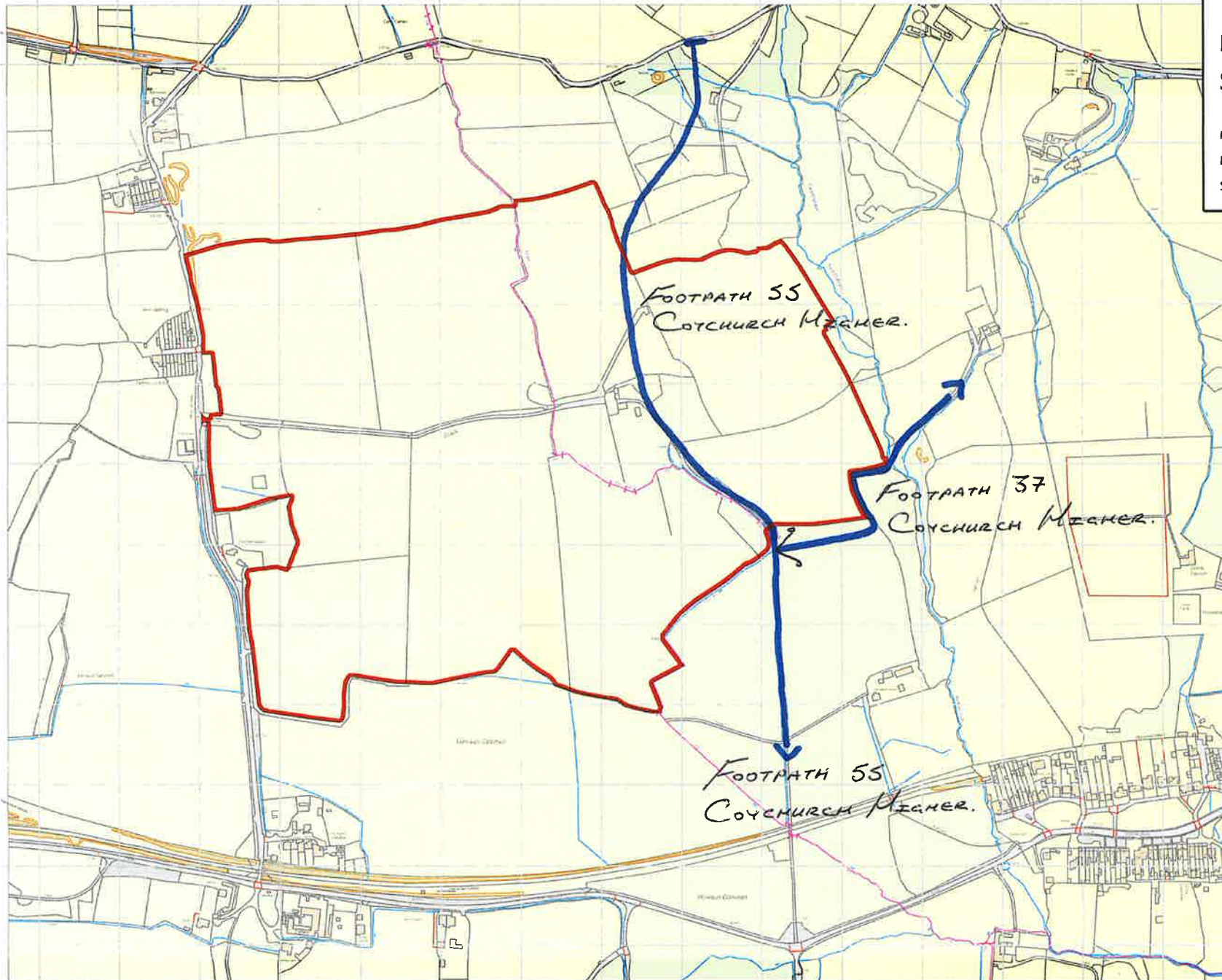
Proposed Solar Farm

Site Location Plan

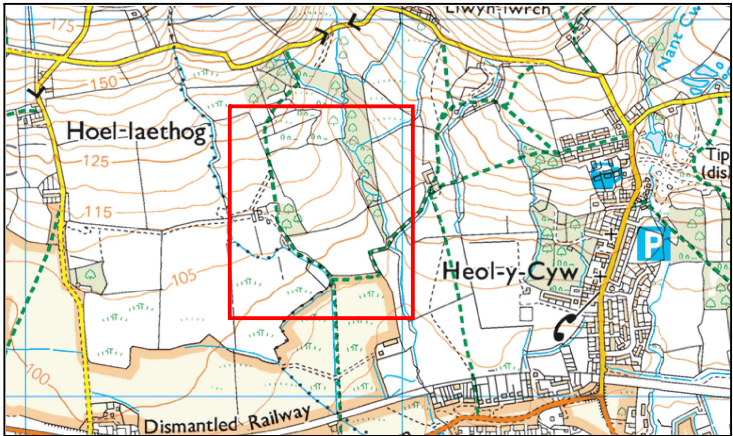
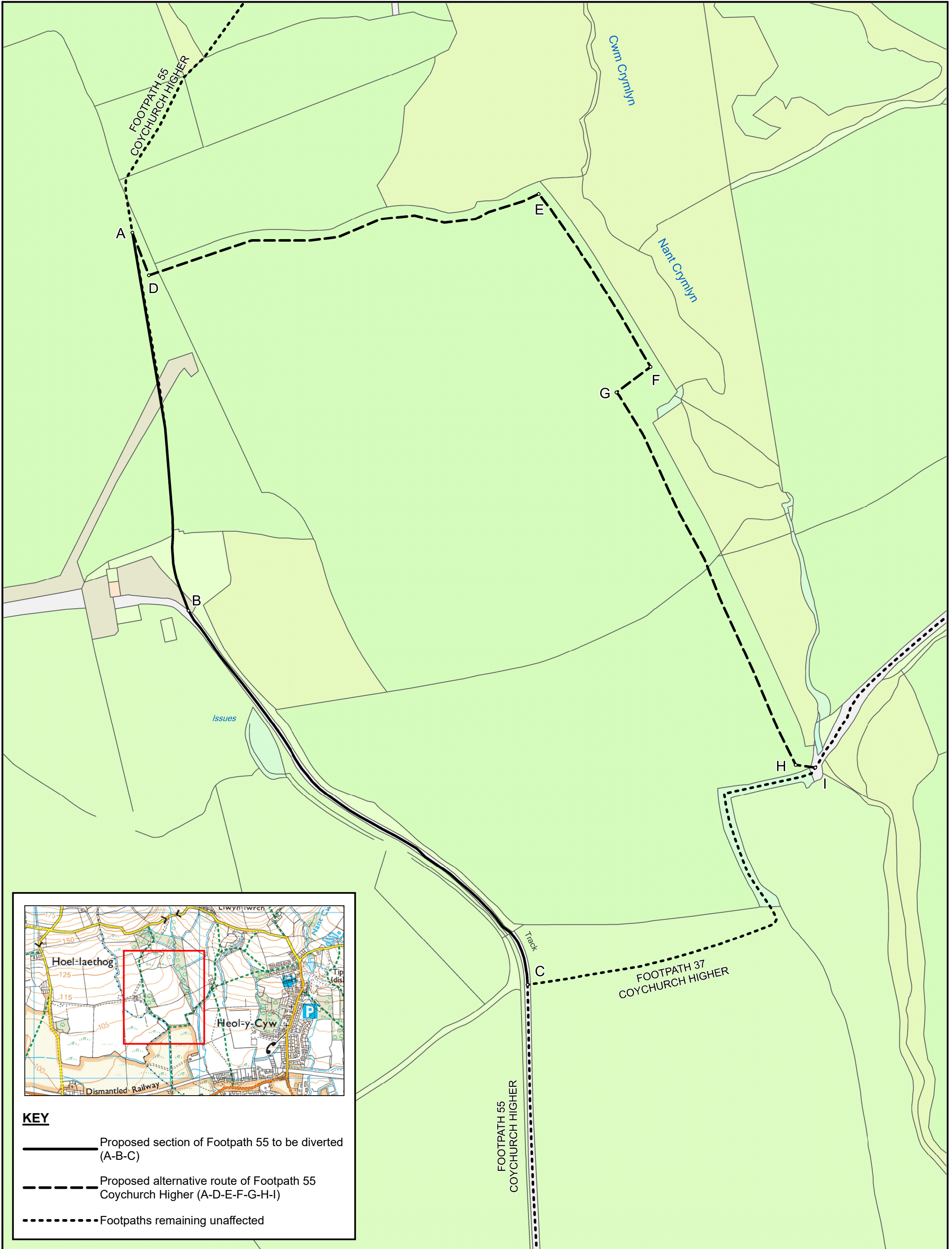
November 2022

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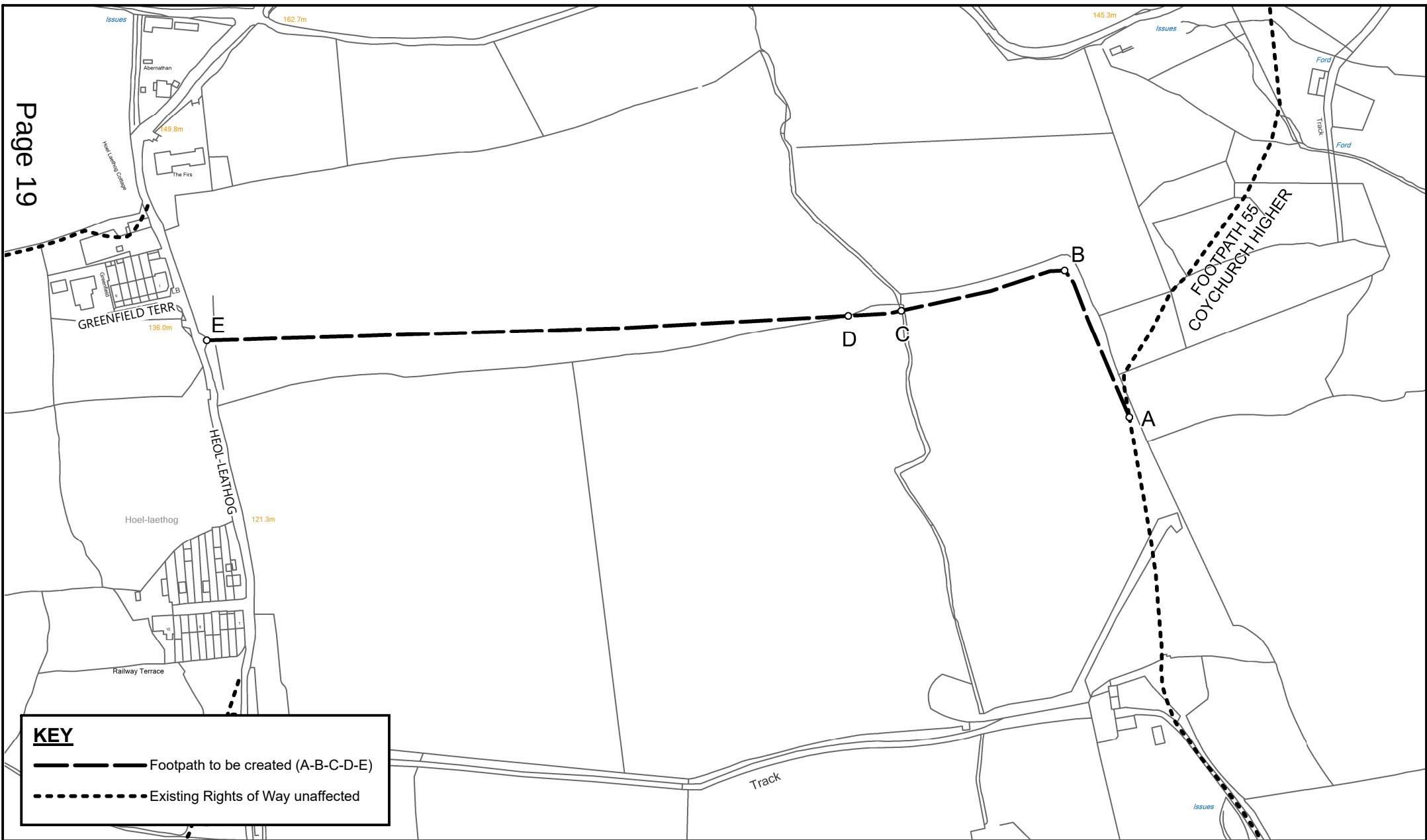


KEY

- Proposed section of Footpath 55 to be diverted (A-B-C)
- Proposed alternative route of Footpath 55 Coychurch Higher (A-D-E-F-G-H-I)
- Footpaths remaining unaffected



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KEY

- Footpath to be created (A-B-C-D-E)
- Existing Rights of Way unaffected



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Meeting of:	RIGHTS OF WAY SUB-COMMITTEE
Date of Meeting:	11 AUGUST 2025
Report Title:	PROPOSED PART EXTINGUISHMENT AND PART DIVERSION OF FOOTPATH 58 MAESTEG
Report Owner / Corporate Director:	CORPORATE DIRECTOR COMMUNITIES
Responsible Officer:	TIM PRICE-PHILLIPS RIGHTS OF WAY MANAGER
Policy Framework and Procedure Rules:	It is considered that there is no effect upon the policy framework and procedure rules.
Executive Summary:	The implementation of planning consent P/22/71/FUL, full planning application for the erection of a new building for training and office space alongside with access, parking, landscaping and drainage infrastructure works, will require a section of Footpath 58, Maesteg to be diverted and an additional section of the same footpath to be extinguished. An application to divert that part of the footpath affected by the proposed development has been submitted and consultations undertaken with various individuals and statutory bodies in accordance with the Council's standard consultation process for Public Path Orders. Consideration of any objections is contained within the body of the report. Further to these considerations the report seeks authorisation for the making of an Order pursuant to Section 257 of the Town & Country Planning Act 1990.

1. Purpose of Report

- 1.1 This report requests authorisation for the making of an Order pursuant to Section 257 of the Town & Country Planning Act 1990 on Land east of Siderise Insulation Ltd, Forge Industrial Estate, Maesteg CF34 0AH.

2. Background

- 2.1 The implementation of planning consent P/22/71/FUL, full planning application for the erection of a new building for training and office space alongside with access, parking, landscaping and drainage infrastructure works will require a section of Footpath 58,

Maesteg to be diverted and a further section of the same footpath to be extinguished. The plan in **Appendix A** to the report shows the consent curtilage of the planning consent. The section of the footpath which is proposed to be diverted is shown between Points A-B, and the section of the Footpath which is proposed to be extinguished is shown between Points C-D-E on the plan in **Appendix B** to the report.

3. Current situation / proposal

- 3.1 Currently the route as shown on the Definitive Map has a tarmacked surface and commences at Point A (Grid Ref. SS 8495 9184) and proceeds in a general southerly direction for approximately 51 metres to Point B (Grid Ref. SS 8494 9179). The Footpath also has a remnant anomaly on the Definitive Map which commences at Point C (Grid Ref. SS 8493 9169) and proceeds in a general northerly direction for 32 metres to Point D (Grid Ref. SS 8494 9172), then proceeds east northeast for 69 metres to Point E (Grid Ref. SS 8500 9175) where it terminates. The anomaly has never been available to the public and has always been obstructed in several places. The width of the Footpath is undefined in the Definitive Statement.
- 3.2 The proposed alternative route of Footpath 58 Maesteg, runs from Point A (Grid Ref. SS 8495 9184) on the plan (**Appendix B**), and proceeds in a general southerly direction for approximately 8 metres along the footway to Point F (Grid Ref. SS 8495 9184) then continues along an already constructed path in a general south south-easterly direction for approximately 130 metres to meet the adopted footway at Point G (Grid Ref. SS 8500 9172). The approximate length of the diversion route is 138 metres and the proposed width is to be 3 metres. The surface is a 3 metre wide Tarmacked path commencing at its junction with High Street for 128 metres and then a 2.5 metre wide Tarmacked path with 0.25 metre verge on either side for 10 metres to its termination with the adopted cycle path.
- 3.3 The application to divert this section of the Footpath was submitted in March 2023 and the proposed alternative route was agreed in principle by the Rights of Way Section at that time. The agent for the landowner was also advised that the additional part extinguishment would also be necessary to rectify the anomaly on the Definitive Map which would otherwise prevent the development. Furthermore, this could be included in the same Order
- 3.4 In accordance with the Councils standard consultation process for Public Path Orders the local County Borough Council members, Maesteg Town Council, the British Horse Society, Bridgend Ramblers Association, other user groups and interested bodies, South Wales Police and public utilities, were all consulted in December 2024. During the consultation process four representations were received in relation to the proposed diversion. These are outlined below.
 - a.) Councillor Ross Thomas – Local Member – No objection.
 - b.) Maesteg Town Council – Support

c.) Wales and West Utilities – No comment

d.) South Wales Police – Gave the following Recommendations:

1. Pedestrian routes should be designed to ensure that they are visually open, direct and well used. They should not undermine the defensible space of neighbourhoods and therefore should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.

2. Public footpaths should be straight and direct, and where possible well-lit and overlooked by surrounding buildings. It is important that a pedestrian footpath has good visibility along its route.

3. In respect of footpath 58 I would ask that where space permits, the footpath be at least 3 metres wide (to allow people to pass without infringing personal space), with at least a 2 metre verge on either side.

4. Vehicular access, e.g. motor bikes, should be prevented onto the footpath.

- 3.5 In regard to South Wales Police's recommendations, the Council wrote back in response to their submission answering the queries raised as follows:

The purpose of the proposed Order is to divert the footpath onto an existing permissive cycle path which is already constructed and available to the public.

There is currently no proposal to install any physical restrictions to prevent motorcycles as such measures would potentially also restrict people with mobility vehicles and families with pushchairs, etc. However, this can be monitored.

The Rights of Way team have noted your further suggestion that the width of a footpath within an urban/suburban setting should be 3 metres with at least a 2 metre verge on either side but would advise that there is no legal requirement for this in relation to public rights of way. In this particular instance the already constructed route does happen to be 3 metres wide.

- 3.6 Following receipt of the Council's response South Wales Police advised that they advise preventing motorcycles as the norm but realise often this is difficult – sometimes impossible.

GROUP MANAGER – HIGHWAYS AND GREEN SPACES.

- 3.7 In order to facilitate the construction of a new building for training and office space alongside with access, parking, landscaping and drainage infrastructure works as per planning consent P/22/71/FUL a section of Footpath 58, Maesteg will need to be diverted, and an additional section of the same footpath will need to be extinguished.

- 3.8 The Welsh Governments Guidance for Local Authorities on Public Rights of Way – August 2016 states:

'Before making an Order the Council must be satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission that has been granted.'

As Members are aware, it should not be assumed that an Order should be made simply because planning permission has been granted.

'In determining whether an Order is 'necessary' the Council must examine the activities authorised by the planning permission to see whether they are, or are not, compatible with the retention of highway rights. An activity which would involve obstruction of a highway (for example, the erection of a structure across the line of a highway or introducing a use such as outdoor storage or long-term parking) would be incompatible with the highway and so make out a case of necessity.'

'Even where a case of necessity is made out, an authority still has discretion whether to make an Order or not. However, having concluded that the planning permission should be granted, there must be good reasons for deciding that an Order, which would permit implementation of that permission, should not be made.'

'In coming to a judgment as to whether to make an Order, the following 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.*
- *Any potential financial loss to members of the public.'*

3.9 In regard to the three considerations outlined above Members are advised as follows:

- The interests of the public can be said to be satisfied because although the proposed diversion is slightly longer than the existing route it connects the Footpath to the highway network and removes an anomalous footpath which has never been available to the public. In addition the current width is undefined whereas the new width will have a defined width of 3 metres. No works are necessary to bring the Footpath into use.
- As the footpath is being moved on to a route that already exists on the ground the same landowner will be affected albeit that the "used" route will now become legally defined as a public footpath. Therefore, there does 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.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The Well-being of Future Generations (Wales) Act 2015 Assessment Template has been completed and a summary of the implications from the assessment relating to the five ways of working is below:

- **Long-term:** In the short-term the part diversion and part extinguishment of Footpath 58 Maesteg enables the landowner to complete a development for which planning permission has been granted whilst long-term this 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.

- **Prevention:** The proposed diversion utilises an existing path of suitable standards and the extinguishment resolves an outstanding anomaly removing any future conflicts.

- **Integration:** With agreed construction methods, as well as time frames, the diversion of footpaths to enable development to be implemented allows for an attractive and diverse economy that will encourage more people to use the route during their daily routine.

- **Collaboration:** An alternative already exists that is no less commodious to users of the existing footpath. The diverted route is open to objection and cannot be implemented until all objections are withdrawn or, where objections do remain the Order is confirmed by the Planning Inspectorate.

- **Involvement:** Consultations are carried out with statutory consultees as well as local members and Town or Community councils and their views are considered before a decision is made to make the order.

- 5.2 The rights of way provision will contribute to the following elements of the Bridgend County Borough Council Corporate Plan Delivery Plan 2025-26::

- Wellbeing Objective 1.2 'Protect Landscapes and Open Spaces'. This proposal protects and enhances public access to the RoW Network

- Wellbeing Objective 1.6 'Provide opportunities for culture, leisure, and play' The RoW Network provides access to the countryside for leisure.

6. Climate Change and Nature Implications

- 6.1 Bridgend County Borough Council's 2030 Net Zero Carbon Strategy states that "To achieve our carbon neutral goal, we need to improve air quality, protect, and enhance our thriving green spaces, support sustainable travel, and continue to create energy efficient, good quality places to live and work to make the county borough a healthier and happier place to live." The rights of way network promotes and supports sustainable travel and benefits the wellbeing of its residents, making the county borough a healthier and happier place to live

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

8. Financial Implications

- 8.1 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, however none are expected as the route is already constructed.

9. Recommendations

- 9.1 That authorisation be given for the Chief Officer Legal and Regulatory Services, HR and Corporate Policy to make the necessary Order to partly extinguish and partly divert Footpath 58 Maesteg, 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.
- 9.2 That the Chief Officer Legal and Regulatory Services, HR and Corporate Policy be authorised to forward the Order to the Welsh Government for determination, if any objections received are not withdrawn.
- 9.3 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.

Background documents

None

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.

On street parking is available at Siderise Insulation, Forge Industrial Estate Maesteg, Bridgend CF34 0AH near to Point A, alternatively there is 2-hour customer parking at Tesco Stores Ltd, Castle St, Maesteg CF34 9UY near to Point G on the attached map (**Appendix B**).

Wherever members park the meeting point for the start of the site visit will be Point A on the map.

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PENDRAGON:

Existing Siderise Factory Unit and Warehouse
Expansion works to include extending Production Unit to
North west corner with covered Canopy to Northern
side of existing unit.

Existing small
detached asbestos
clad unit demolished
and factory unit
expanded to
additional production
floor.

TURNING HEAD:

Existing Estate Road end incorporated within expanded
Siderise-site. Works to include introducing a gatehouse
and rolling gate along line of new perimeter fencing, and
new turning head to end of highway.

EGAN:

New R&D unit for assembling and testing of products
as intended for use within construction details.

TANWEN:

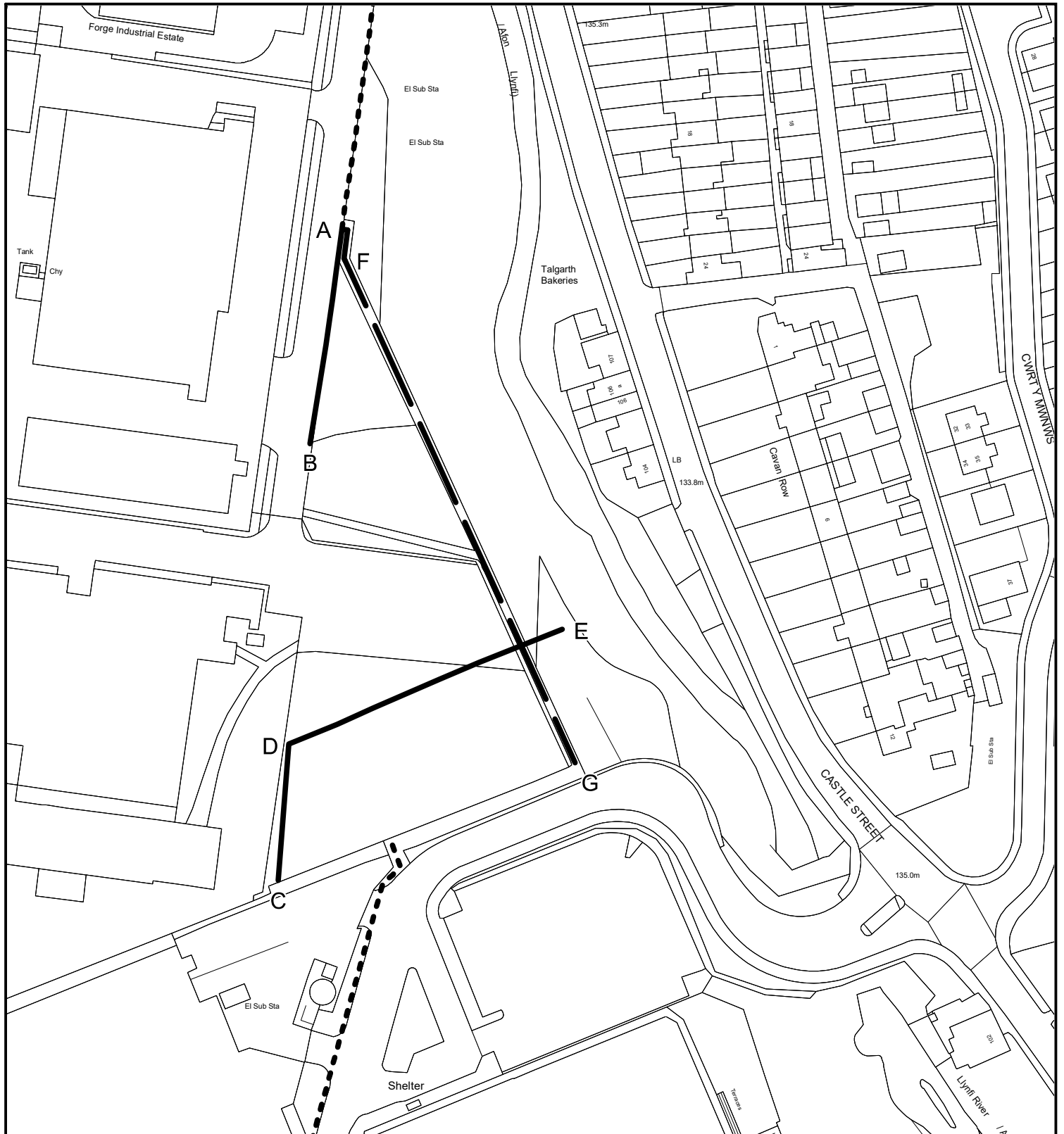
New Training Block and support Offices
Two story block with central entrance, reception and
hands on training area.

MALINDA:

Existing Unit altered and refurbished as required to
serve as new production unit and offices for Siderise
operations.

Proposed Site Plan

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PROPOSED PART DIVERSION AND PART EXTINGUISHMENT FOOTPATH 58 MAESTEG

Date: 11/12/2024

Scale 1:1,250



KEY

Section of Footpath 58 Maesteg to be diverted
(A-B)

Section of Footpath 58 Maesteg to be
extinguished (C-D-E)

Proposed new route (A-F-G)

Continuation of Footpath 58 Maesteg

Janine Nightingale
Corporate Director - Communities
Communities Directorate

Bridgend County Borough Council,
Civic Offices,
Angel Street,
Bridgend,
CF31 4WB

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