

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.