

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