

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

RIGHTS OF WAY SUB COMMITTEE

7th SEPTEMBER 2017

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

1.1 Purpose of Report

1.2 This report requests authorisation for the making of an Order pursuant to Section 257 of the Town & Country Planning Act 1990 on land to the west of Newlands Avenue, Brackla Industrial Estate.

2 Connection to Corporate Improvement Objectives / other Corporate Priorities.

2.1 The improvement in access to the rights of way network that the diversion of this section of Footpath 4, Coity Higher will achieve will help to deliver two of the Council's corporate priorities as identified in the Corporate Plan 2016 – 2020, including:

Supporting a Successful Economy
Helping people to be more self-reliant

2.2 Improving physical access to public rights of way is also a major element in the Council's Rights of Way Improvement Plan (ROWIP). The ROWIP has been designed to complement the Council's policies as well as other national and regional policies.

3 Background

3.1 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, CF31 2AN and P/16/420/RES for reserved matters for 220 dwellings with associated vehicular & pedestrian accesses and parking (at the same location) will require a section of Footpath 4, Coity Higher to be diverted. The plan in **Appendix A** to the report shows the consent curtilages of both planning consents. The section of the footpath which is proposed to be diverted is shown between Points A-B-C-D-E-F on the plan in **Appendix B** to the report.

4 Current Situation/Proposal

Current Route and Proposed Diversion

4.1 Currently the route as described in the Definitive Statement commences at Point A (Grid Ref. SS 91358127), as shown on the plan in **Appendix B**, 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 continues 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. The footpath has a mixture of natural and tarmacadam surfaces.

- 4.2 The proposed alternative route of Footpath 4, Coity Higher, runs from Point A (Grid Ref. SS 913581270) on the plan (**Appendix B**), 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 approximate length of the route is 724 metres. The widths and surfaces of the new route would be as follows:
 - 4.3 Points A-G-H-I - 1.8 metres wide with a tarmacadam surface
 - 4.4 Points I-J – 2 metres wide with a tarmacadam surface
 - 4.5 Points J-K-L - 1.4 metres wide with a natural surface
 - 4.6 Points L-M-N-O-P - 3 metres wide with a tarmacadam surface
 - 4.7 Points P-Q-R-S-F – 1.8 metres wide with a tarmacadam surface
- 4.8 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. 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.
- 4.9 The original diversion application that was submitted by the developer, as shown on the plan (**Appendix C**), diverted users of the footpath onto the cycle track that runs adjacent to the Bridgend Northern Distributor Road (BNDR), Point Z on the plan (**APPENDIX C**).

- 4.10 In accordance with the Councils standard consultation process for Public Path Orders 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 the original proposal in May 2017. During the consultation process three representations were received in relation to the proposed diversion. These are outlined below.
- 4.11 Bridgend Ramblers – No objection
- 4.12 South Wales Police Designing out Crime Officer – Concerns were raised with regards to the proposed route between Points I – J as the route runs along the rear of a small number of properties. It was suggested that this section should be planted with defensible planting e.g. thorny bushes to prevent/make it difficult for would be criminals to gain access to the gardens. Other points raised were that the new route would be favourable if it was:
- As straight as possible
 - Wide
 - Well lit
 - Devoid of potential hiding places
 - Overlooked by surrounding buildings and activities

These points were forwarded to the developer who made the following comments:

- The new footpath that will be constructed between Points I – J will be 2 metres wide, with defensible planting to protect those properties that the route runs to the rear of. The defensible planting will be included within an area that varies width between 0.5 and 1.5 metres.
- 4.13 Natural Resources Wales (NRW) – No objection although they did recommend that a strip of undisputed vegetation (of ideally 7m in this instance) be left between Morfa Brook and the footpath where the proposed footpath runs parallel to the Morfa Brook between Points J – L and Point M – N and where it crosses the brook between Point L – M. If this was not possible then additional pollution prevention measures may need to be adopted. These comments were also forwarded to the developer who confirmed that they had been in contact with NRW with regards to additional pollution prevention measures within the site which would incorporate the proposed diverted footpath.
- 4.14 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 in **Appendix C**). This would therefore make it illegal for users of the footpath to use that route and as such, would create a dead end route. A further meeting was held with the developer to discuss this issue, which resulted in a new diversion route being proposed.
- 4.15 A second consultation was carried out in June 2017 in relation to the proposed new route. All parties who were originally consulted during the first consultation were consulted on the new proposal in accordance with the Councils standard consultation process. During the second consultation process only one representation was received from Bridgend Ramblers who had no objection to the proposal.
- 4.16 As part of the development the developer is required 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 is also required to rescind that part of the Prohibition of Pedestrian Order referred to in paragraph 4.14 above to enable this 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 in **Appendix C** to ensure that there is a link from the new development to the cycle track.

- 4.17 It should be noted that of the 220 proposed properties that are due 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 none have been constructed however the groundworks have commenced.
- 4.18 The reasons for processing the Order as soon as possible are threefold. Firstly, provided no objections are received it is anticipated that the diversion proposal currently under consideration by Members will be completed prior to the building works themselves being completed. This is a requirement of a diversion order made under the Town & Country Planning Act 1990. Secondly, it is anticipated that the diversion order will be completed whilst the Temporary Diversion of the footpath remains in place. Although the current Temporary Diversion expires on the 19th September an application is being submitted to Welsh Government for the order to be extended for a further 6 months. Finally, the 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.

4.19 Group Manager – Highways and Fleet Comments.

- 4.19.1 The diversion of Footpath 4, Coity Higher is required to facilitate the construction of 220 dwellings with associated vehicular & pedestrian accesses and parking as per planning consents P/14/464/OUT and P/16/420/RES at Land East of A4061 (BNDR), Coity, Bridgend.
- 4.19.2 Although the diversion is approximately 175 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. Furthermore, any pedestrian wishing to gain access to the Brackla Industrial Estate via the link to Newlands Avenue as a commuter route would be more likely to use the estate footways rather than the diverted footpath which would be seen as more of a recreational route.
- 4.19.3 The developer will be responsible for the works to provide the diversion and the provision of the new route will be a cost effective way of reinstating access along the rights of way network at this point.

5 Effect upon Policy Framework and Procedure Rules

- 5.1 It is considered that there is no effect upon policy framework and procedure rules.

6 Equality Impact Assessment

6.1 An Equality Impact Assessment has been undertaken and the diversion of this footpath will not prejudice recreation along the public rights of way network for any sections of the community. There are no other implications or impact on specific equality groups.

7 Financial Implications

7.1 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.

8 Recommendation

7.2 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.

7.3 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.

8.3 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.

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Background Documents

File A763/1/FP 4 Coity Higher (s257 TCPA'90 21st April 2017 to present)
Equality Impact Assessment

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.

Members are requested to meet at (Point F shown on the attached map (**Appendix B**)). The meeting point (as if coming from the Civic Offices) is accessed by proceeding north along Angel Street, turning right at the lights onto Tondu Road before proceeding to the roundabout, take the 2nd exit onto the A4061/Rotary International Way, continue along the A4061, taking the 2nd exit at the next roundabout, continue along the A4061 to another roundabout, take the 3rd exit (Brackla) onto Brackla link road. Continue a short distance to the next roundabout at which point the entrance to the new estate (Oakwood View) will be the first exit on the left. There is on road parking near to the start point on Princess Way.

The wearing of Wellington boots or other waterproof footwear is strongly recommended.

The closest postcode for Oakwood View is CF31 2QU. This postcode is south of the meeting point when using Google maps.

It is advised that you park nearby and walk to the starting point as Oakwood View is still in the early stages of construction so a high volume of construction traffic is likely.