

RIGHTS OF WAY SUB-COMMITTEE - MONDAY, 22 AUGUST 2022

**MINUTES OF A MEETING OF THE RIGHTS OF WAY SUB-COMMITTEE HELD REMOTELY -
VIA MICROSOFT TEAMS ON MONDAY, 22 AUGUST 2022 AT 10:00**

Present

Councillor RM Granville – Chairperson

C L C Davies

RM Granville

H Griffiths

S J Griffiths

M R John

Officers:

Jane Dessent

Solicitor

Andrew Mason

Rights of Way Manager

Matthew Palmer

Rights of Way and Access Land Officer

Michael Pitman

Technical Support Officer – Democratic Services

1. APPROVAL OF MINUTES

RESOLVED: That the minutes of the 17/03/2022 be approved as a true and accurate record.

2. PROPOSED DIVERSION OF FOOTPATH 16 AND 17, YNYSAWDRE AND
PROPOSED PART EXTINGUISHMENT OF FOOTPATH 16, YNYSAWDRE AND
PROPOSED DIVERSION OF FOOTPATH 12, 16 AND 17 NEWCASTLE HIGHER

The Rights of Way Manager presented a report which requested authorisation for the making of two Orders pursuant to Section 257 of the Town & Country Planning Act 1990, on land west of Maesteg Road, Tondu, CF32 9DF.

He stated that the implementation of the following planning consents will require sections of Footpaths 16 and 17 Ynysawdre and Footpaths 12, 16 and 17 Newcastle Higher to be diverted as well as the part extinguishment of Footpath 16, Ynysawdre. These were listed at 3.1 of the report.

The Rights of Way Manager stated that the plan in Appendix A to the report showed the consent curtilage of the planning consent. The sections of footpaths which were proposed to be diverted were shown by solid black lines running between the following points on the plan in Appendix B to the report.

The Rights of Way Manager provided details of the various routes that were proposed to be diverted, part extinguished and created and these were provided in detail at Appendix B and section 4 of the report.

The Rights of Way Manager highlighted an error in the report at section 4.12. The report referenced the proposed new route between point P and G1 as being approximately 110 metres in length, this was in fact approximately 37 metres.

In support of the report, the Rights of Way and Access Land Officer provided photographs to Members which showed the current views of all relevant points in the footpaths, as well as aerial photographs.

A Member asked if the new route's paths would be part tarmac and part natural. The Rights of Way Manager stated that there were no new footpaths that would be part of

each material. He added that only Footpath 16 Newcastle Higher would be all-natural surface and the rest of the routes would be full tarmac.

A Member asked if there were plans to install any street lighting on the new diverted footpaths. The Rights of Way Manager stated that there was no statutory duty by the Council to do this, and there were no plans to do so for these routes. He added that there was one section of footpath 12 Newcastle Higher, from point P in the south west direction that was intended to have 3 streetlights installed.

The Chairperson asked in relation to the underpass mentioned in the report, was there streetlighting being installed here. The Rights of Way Manager stated that there was no lighting proposed for this route.

The Rights of Way Manager advised that as a result of the error at paragraph 4.12 of the report in respect of the distance, the change to the overall length of the network in the area as a result of the proposals outlined in the report would now only be 102 metres longer than it currently is and not 175 metres as stated in paragraph 4.27 of the report.

RESOLVED:

- 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 Footpaths 16 and 17 Ynysawdre and Footpaths 12, 16 and 17 Newcastle Higher and to create an additional link footpath 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.
- That authorisation be given for the Chief Officer Legal and Regulatory Services, HR and Corporate Policy to make the necessary Order to seek to part extinguish Footpath 16 Ynysawdre 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.
- 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.
- 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.

3. PROPOSED DIVERSION OF FOOTPATH 19, COYCHUCH LOWER AND PROPOSED PART EXTINGUISHMENT OF FOOTPATH 18, COYCHURCH LOWER

The Rights of Way Manager presented a report which sought authorisation to revoke the original decision in regard to the proposed diversion of Footpath 19 Coychurch Lower and proposed part extinguishment of Footpath 18 Coychurch Lower made by the Rights of Way Sub-Committee on the 5th October 2021 and to request authorisation for the making of two Orders pursuant to Section 257 (diversion) and Section 258 (Extinguishment) of the Town & Country Planning Act 1990, on land east of the A48 (Crack Hill), Brocastle, Bridgend, CF31 5AU.

The Rights of Way Manager provided background to the report as detailed at section 3 of the report. Of particular note was the fact that the matter had previously been reported to the Rights of Way Sub-Committee on the 5th October 2021. It was having to be

reconsidered due to slight changes to two sections of the proposed diverted route having been discovered prior to the previously authorised Orders being made. The plan in Appendix A to the report showed the consent curtilage of the planning consent. The section of Footpath 19 Coychurch Lower which is proposed to be diverted is shown by solid black lines between Points A-B on the plan in Appendix D to the report.

He explained that the section of Footpath 18 Coychurch Lower which is proposed to be extinguished is shown by solid black lines between Points J-W on the plan in Appendix D to the report; and, for completeness, the two new links to be created are shown by dashed black lines between Points A-M-N-O-P-Q and R-S-TU-V on the plan in Appendix D to the report.

The Rights of Way Manager explained that currently Footpath 19, Coychurch Lower commences at Point A (Grid Ref. SS 92857765), as shown on the plan in Appendix D, and proceeds in a general east north-easterly direction for approximately 615 metres to its termination point at the Brocastle Brook (County Borough Boundary) at Point B (Grid Ref. SS 93407790). The definitive width of the route is undefined. The footpath has a natural surface.

He explained that the proposed alternative routes of Footpath 19, Coychurch Lower were described in detail in paragraphs 4.2 and 4.3 of the report. Further information in regard to the various proposals was outlined at section 4 of the report.

The Rights of Way Manager highlighted an error in the report at paragraph 4.2. The paragraph references point X of appendix D, however this should read point Z.

The Rights of Way Manager stated that in accordance with the Rights of Way Section's standard consultation process for Public Path Orders the local County Borough Council member, Coychurch Lower 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 proposal in September 2018. No objections were received from:

Bridgend Ramblers Association
South Wales Police
Wales & West Utilities
Coychurch Lower Community Council

Objections were received by Dwr Cymru Welsh Water (DCWW) as they had apparatus in the area that was affected by the proposal. Discussions took place between the agent and DCWW and a final email was sent stating that as a result of those discussions DCWW would be withdrawing their objection.

Further information on the new proposals, which were submitted by the applicant as a result of proposed changes to the planning consent, a further consultation was undertaken in July 2020. Details of this and the objections received were provided at section 4 of the report.

There were no questions from Members.

RESOLVED:

- That authorisation be given to revoke the original decision in regard to the proposed diversion of Footpath 19 Coychurch Lower and part extinguishment of Footpath 18 Coychurch Lower as shown on the plan in Appendix B to the report, that was made by the Rights of Way Sub-Committee on the 5th October 2021.

- That authorisation be given for the Chief Officer - Legal, HR and Regulatory Services to make the necessary Orders to seek to divert Footpath 19 Coychurch Lower and to part extinguish Footpath 18 Coychurch Lower as shown on the plan in Appendix D to the report, subject to the amendment to reflect points Z as opposed to point X as indicated at 4.2 of the report, and to confirm the Orders provided no objections or representations are made within the prescribed period, or if any so made are withdrawn.
- That the Chief Officer - Legal, HR and Regulatory Services be authorised to forward the Order(s) to the Welsh Government for determination, if any objections received are not withdrawn.
- 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.

4. **URGENT ITEMS**

None

The meeting closed at 12:00