

<b>Meeting of:</b>	<b>RIGHTS OF WAY SUB-COMMITTEE</b>
<b>Date of Meeting:</b>	<b>11 AUGUST 2025</b>
<b>Report Title:</b>	<b>PROPOSED PART DIVERSION OF FOOTPATH 55 COYCHURCH HIGHER</b>
<b>Report Owner / Corporate Director:</b>	<b>CORPORATE DIRECTOR COMMUNITIES</b>
<b>Responsible Officer:</b>	<b>TIM PRICE-PHILLIPS RIGHTS OF WAY AND LAND ACCESS OFFICER</b>
<b>Policy Framework and Procedure Rules:</b>	It is considered that there is no effect upon the policy framework and procedure rules.
<b>Executive Summary:</b>	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.

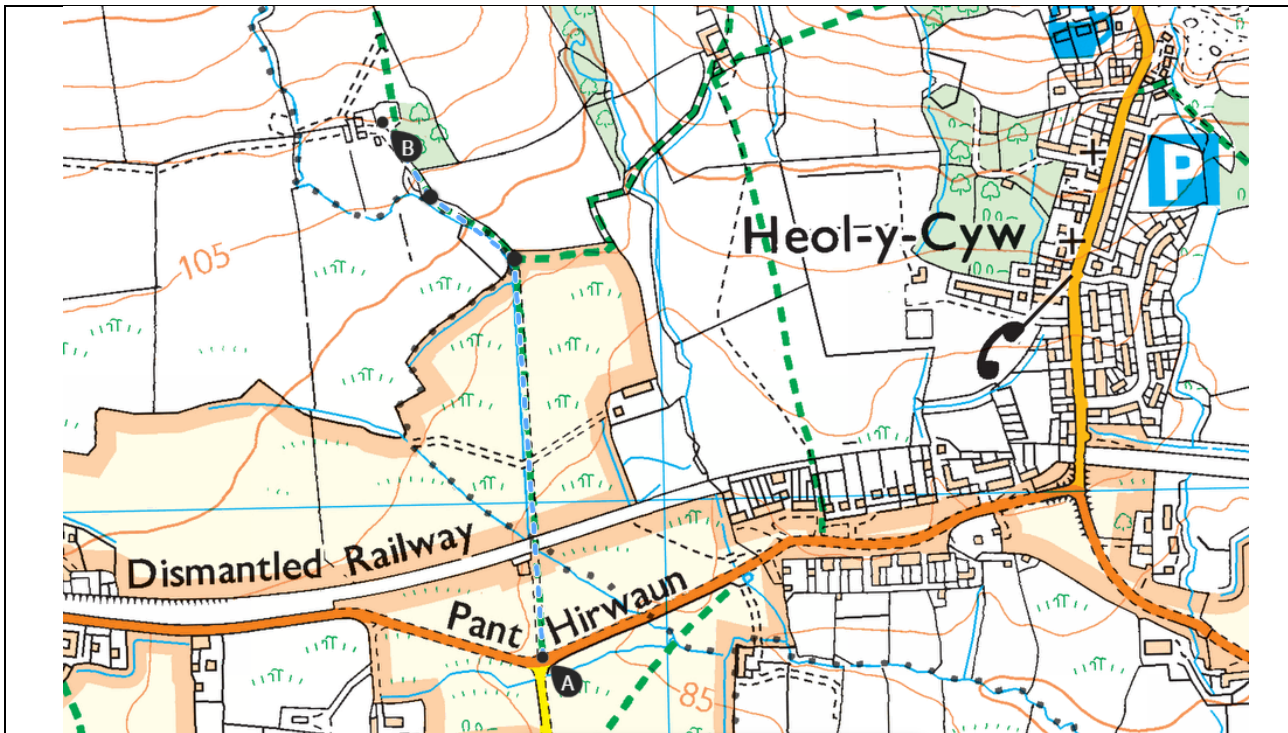
## **Background documents**

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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