

<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 EXTINGUISHMENT AND PART DIVERSION OF FOOTPATH 58 MAESTEG</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 planning consent P/22/71/FUL, full planning application for the erection of a new building for training and office space alongside with access, parking, landscaping and drainage infrastructure works, will require a section of Footpath 58, Maesteg to be diverted and an additional section of the same footpath to be extinguished. 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 east of Siderise Insulation Ltd, Forge Industrial Estate, Maesteg CF34 0AH.

## **2. Background**

- 2.1 The implementation of planning consent P/22/71/FUL, full planning application for the erection of a new building for training and office space alongside with access, parking, landscaping and drainage infrastructure works will require a section of Footpath 58,

Maesteg to be diverted and a further section of the same footpath to be extinguished. 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, and the section of the Footpath which is proposed to be extinguished is shown between Points C-D-E 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 a tarmacked surface and commences at Point A (Grid Ref. SS 8495 9184) and proceeds in a general southerly direction for approximately 51 metres to Point B (Grid Ref. SS 8494 9179). The Footpath also has a remnant anomaly on the Definitive Map which commences at Point C (Grid Ref. SS 8493 9169) and proceeds in a general northerly direction for 32 metres to Point D (Grid Ref. SS 8494 9172), then proceeds east northeast for 69 metres to Point E (Grid Ref. SS 8500 9175) where it terminates. The anomaly has never been available to the public and has always been obstructed in several places. The width of the Footpath is undefined in the Definitive Statement.
- 3.2 The proposed alternative route of Footpath 58 Maesteg, runs from Point A (Grid Ref. SS 8495 9184) on the plan (**Appendix B**), and proceeds in a general southerly direction for approximately 8 metres along the footway to Point F (Grid Ref. SS 8495 9184) then continues along an already constructed path in a general south south-easterly direction for approximately 130 metres to meet the adopted footway at Point G (Grid Ref. SS 8500 9172). The approximate length of the diversion route is 138 metres and the proposed width is to be 3 metres. The surface is a 3 metre wide Tarmacked path commencing at its junction with High Street for 128 metres and then a 2.5 metre wide Tarmacked path with 0.25 metre verge on either side for 10 metres to its termination with the adopted cycle path.
- 3.3 The application to divert this section of the Footpath was submitted in March 2023 and the proposed alternative route was agreed in principle by the Rights of Way Section at that time. The agent for the landowner was also advised that the additional part extinguishment would also be necessary to rectify the anomaly on the Definitive Map which would otherwise prevent the development. Furthermore, this could be included in the same Order
- 3.4 In accordance with the Councils standard consultation process for Public Path Orders the local County Borough Council members, Maesteg Town 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 four representations were received in relation to the proposed diversion. These are outlined below.
  - a.) Councillor Ross Thomas – Local Member – No objection.
  - b.) Maesteg Town Council – Support

c.) Wales and West Utilities – No comment

d.) South Wales Police – Gave the following Recommendations:

*1. 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.*

*2. 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.*

*3. In respect of footpath 58 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.*

4. Vehicular access, e.g. motor bikes, should be prevented onto the footpath.

- 3.5 In regard to South Wales Police's recommendations, the Council wrote back in response to their submission answering the queries raised as follows:

*The purpose of the proposed Order is to divert the footpath onto an existing permissive cycle path which is already constructed and available to the public.*

*There is currently no proposal to install any physical restrictions to prevent motorcycles as such measures would potentially also restrict people with mobility vehicles and families with pushchairs, etc. However, this can be monitored.*

*The Rights of Way team have noted your further suggestion that the width of a footpath within an urban/suburban setting should be 3 metres with at least a 2 metre verge on either side but would advise that there is no legal requirement for this in relation to public rights of way. In this particular instance the already constructed route does happen to be 3 metres wide.*

- 3.6 Following receipt of the Council's response South Wales Police advised that they advise preventing motorcycles as the norm but realise often this is difficult – sometimes impossible.

#### **GROUP MANAGER – HIGHWAYS AND GREEN SPACES.**

- 3.7 In order to facilitate the construction of a new building for training and office space alongside with access, parking, landscaping and drainage infrastructure works as per planning consent P/22/71/FUL a section of Footpath 58, Maesteg will need to be diverted, and an additional section of the same footpath will need to be extinguished.

- 3.8 The Welsh Governments 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 proposed diversion is slightly longer than the existing route it connects the Footpath to the highway network and removes an anomalous footpath which has never been available to the public. In addition the current width is undefined whereas the new width will have a defined width of 3 metres. No works are necessary to bring the Footpath into use.
- As the footpath is being moved on to a route that already exists on the ground the same landowner will be affected albeit that the "used" route will now become legally defined as a public footpath. Therefore, there does not appear to be any additional effects of the Order on any adjoining properties.
- 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 and part extinguishment of Footpath 58 Maesteg enables the landowner 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 an existing path of suitable standards and the extinguishment resolves an outstanding anomaly removing any 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:** An alternative already exists 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 Town or 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 any works required by the Council, however none are expected as the route is already constructed.

## **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 extinguish and partly divert Footpath 58 Maesteg, 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 and its postcode are as follows.

On street parking is available at Siderise Insulation, Forge Industrial Estate Maesteg, Bridgend CF34 0AH near to Point A, alternatively there is 2-hour customer parking at Tesco Stores Ltd, Castle St, Maesteg CF34 9UY near to Point G on the attached map (**Appendix B**).

Wherever members park the meeting point for the start of the site visit will be Point A on the map.