

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

### RIGHTS OF WAY SUB COMMITTEE

22<sup>nd</sup> FEBRUARY 2016

ITEM	SUBJECT
1.	PROPOSED DIVERSION OF FOOTPATH NO 17, COITY HIGHER.

#### 1 PROPOSED DIVERSION OF FOOTPATH NO 17, 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 Town & Country Planning Act 1990 which will seek to divert a section of Footpath No 17, Coity Higher at Parc Derwen, Coity.

##### 2.0 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 17, Coity Higher will achieve will help to deliver several of the Council's corporate priorities as identified in the Corporate Plan 2013 – 2017, including:

Working Together to Develop the Local Economy.

Working Together to Tackle Health Issues and Encourage Healthy Lifestyles.

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/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 will require 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**.

## 4 CURRENT SITUATION/PROPOSAL

### Current Route and Proposed Diversion

- 4.1 Currently the route commences at Point A, Grid Reference SS 9158 8199, as shown on the plan in **Appendix B**, and proceeds in a westerly direction for approximately 143 metres to Point B, Grid Reference SS 9144 8190, it then proceeds in a general north westerly direction for approximately 74 metres to Point C, Grid Reference SS 9140 8196. 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, Grid Reference SS 9139 8197, in a north westerly direction for approximately 51 metres to Point E, Grid Reference SS 9137 8201. 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.
- 4.2 The proposed alternative route of Footpath 17, Coity Higher, runs from Point A on the plan (**Appendix B**) Grid Reference SS 9158 8199 and proceeds in a west south-westerly direction for approximately 104 metres to Point F, Grid Reference SS 9148 8189, the route then proceeds in a general north westerly direction for approximately 124 metres to Point G, Grid Reference SS 9144 8201, where it turns and runs in a north easterly direction for 33 metres to Point H, Grid Reference SS 9145 8204 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, Grid Reference SS 9137 8201, 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.
- 4.3 The diversion of this section of Footpath 17, Coity Higher was originally included in a consultation undertaken in relation to a previous larger diversion that was proposed by the developers. The diversion as originally proposed can be seen from 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 proposed diversion. However no objections or representations were received in relation to the proposed diversion as set out in paragraphs 4.1 and 4.2 of this report.
- 4.4 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 consider 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 paragraphs 4.1 and 4.2 of this report.

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.

- 4.5 The reasons for processing the Orders in two phases are that firstly, without the likelihood of any objections being 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, the diversion order will 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, Coity Higher.

#### **4.6 GROUP MANAGER – HIGHWAYS AND FLEET COMMENTS.**

- 4.6.1 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 P/00/288/OUT, P/04/1715/FUL and P/12/802/RES at Parc Derwen.
- 4.6.2 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.
- 4.6.3 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**

- 8.1 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.

- 8.2 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.
- 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.

**MARK SHEPHARD  
CORPORATE DIRECTOR - COMMUNITIES**

**CONTACT OFFICER**

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**BACKGROUND DOCUMENTS**

File A763/1/FP 17 Coity Higher (TCPA 23<sup>rd</sup> December 2014 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 E 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 2<sup>nd</sup> exit onto the A4061/Rotary International Way, continue along the A4061, taking the 2<sup>nd</sup> exit at the next junction/roundabout, continue along the A4061 to another roundabout, take the 2<sup>nd</sup> exit (straight on) up to another roundabout, at the

roundabout take the 3<sup>rd</sup> exit onto Parc Derwen, follow the road around and take your first turning on the left, continue following the road until you see a left turning, you are then near to the start point.

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

The postcode for Parc Derwen is CF35 6HB. This postcode is just south of the meeting point when using Google maps.

It is advised that you park nearby and walk to the starting point as Parc Derwen is still under construction as well as being a residential area with a high volume of traffic.