

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

6 SEPTEMBER 2016

REPORT OF THE CORPORATE DIRECTOR OF COMMUNITIES

PROPOSED COMMUNITY ROUTE BETWEEN PENCOED AND HEOL Y CYW

1. Purpose of Report.

- 1.1 To seek Cabinet approval for the creation of a community route between Pencoed and Heol y Cyw and the subsequent adoption of the proposed route as a highway maintainable at the public expense .
- 1.2 To inform Cabinet of the current position in respect of Section 106 Agreement funding received pursuant to a Section 106 Agreement dated the 10th October 2007 and the use of this funding for the proposed route.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 Corporate plan 2016-2020

Priority Two – Helping people to be more self-reliant by enabling community groups and the third sector to have more voice and control over community assets.

3. Background.

- 3.1 In 2006 Rockwool Ltd submitted a planning application to increase the size of their operational facility off Wern Tarw near Pencoed.
- 3.2 During subsequent discussions between Rockwool Ltd and the Council it was agreed that Condition 12 of planning consent P/06/1588/FUL would be superseded by a Section 106 Agreement requiring:
 - A contribution of £20,000 towards a road improvement scheme on Route A473 at Ty Merchant, Pencoed, incorporating traffic management features, kerblines adjustments, pedestrian facilities and enhanced signing and lining.
 - To provide a contribution of £10,000 towards a full signalisation and carriageway widening/improvement of junction 35 m4 to facilitate improved management of the increased level of HGVs utilizing this junction.
 - A contribution of £212,000 towards the following works:
 - Vehicle actuated signing and enhanced street lighting should be provided at the junctions of Wern Tarw/Bryn Garw Road; Wern Tarw/B4280; B4280/Penprysg Road
 - Pedestrian footway/stepping off points at 100 metre intervals, from the property access to the junction of Penprysg Road/B4280 to mitigate pedestrian/HGV

conflict. To include at least two pedestrian crossing points to facilitate safe pedestrian access to public transport facilities.

- 3.3 The scheme was designed by the Council but as part of the proposed works would be located on registered common consent was required from the Planning Inspectorate under Section 194 of the Law of Property Act 1925 (this procedure is now replaced by Section 38 of The Commons Act 2006) to construct works on common land. The Section 194 application process required letters of support from the Commoners Association, the Board of Conservators for the Coity Wallia Common and the Freeholder (the Dunraven Estate) indicating their approval of the proposed scheme.
- 3.4 The Council was unable to obtain these letters of support from the Commoners or the Board of Conservators. Consequently only works on Council owned land were implemented during 2010.
- 3.5 Around April/May 2012 the Heol Y Cyw Community Access Group approached the Council about the proposal to construct a community route from Pencoed to Heol Y Cyw.
- 3.6 The Heol y Cyw Community Access Group subsequently agreed a route that was acceptable to the Commoners Association and the Heol y Cyw Community Access Group. This alternative scheme was discussed with the Rockwool Finance Director & the Operations Director on 19/11/12 and a letter of confirmation of re-allocation of remaining Section 106 funds was received from Rockwool dated 13/12/12. The alternative scheme was then designed and planning approval subsequently obtained. This scheme comprised of the construction of a community route on the opposite side of Penprysg Road to that previously proposed between Pencoed and Wern Tarw Cross, at Wern Tarw Cross move over to the other side of Penprysg Road and continue the construction all the way to Heol y Cyw. A considerable period of time elapsed once again in obtaining written approval/support for the proposal from the Commoners Association and the Board of Conservators. Approval has now been obtained with a view to obtaining consent under Section 38 Commons Act 2006.
- 3.7 It is proposed that the remaining Section 106 monies will be used exclusively on construction of the works between Pencoed and Wern Tarw Cross. The remaining Section 106 monies are not sufficient to construct all of the proposed route from Pencoed to Wern Tarw Cross. Rockwool have conditioned that, in order for the Section 106 monies to be used to fund part of the construction of the route, the Community Group have to gain access to sufficient additional monies to construct the section from Pencoed to Wern Tarw Cross before a build contract is entered into.
- 3.8 It is proposed that when the proposed route has been completed to a satisfactory standard it will be adopted by the Council as a highway maintainable at the public expense. It is anticipated that this may involve phased dedication of sections of the proposed route.

4. Current situation / proposal.

- 4.1 In respect of the proposed scheme identified in paragraph 3.6 above:

- The route has been designed;
- Planning consent has now been obtained;
- An Ecological Survey has been completed;
- The scheme is supported by the Freeholder, the Commoners Association, the Board of Conservators for the Coity Wallia Common and Rockwool Ltd;
- An application will need to be submitted to obtain consent in accordance with Section 38 of the Commons Act 2006.

5. Effect upon Policy Framework & Procedure Rules.

5.1 There is no effect upon Policy Framework and Procedural Rules

6. Equality Impact Assessment

6.1 The proposed works have been designed in compliance with DDA Regulations and will be constructed similarly. An Equality Impact Assessment screening form has been completed concluding NO FURTHER EIA required.

7. Financial Implications.

7.1 The cost of Communities Directorate Officer time associated with the progression of this scheme will be funded from the Section 106 monies.

8. Recommendation.

8.1 It is recommended that Cabinet approves:

8.1.1 The submission of an application under Section 38 of the Commons Act 2006 to the Planning Inspectorate Wales for consent to construct works on common land.

8.1.2 That the Corporate Director, Operational & Partnership Services is authorised:

- To advertise notice of the section 38 Commons Act 2006 application.
- To enter into a licence with the Landowner (The Dunraven Estate) and the Conservators of the common to enable works to be completed prior to dedication.
- To enter into a Footpath Creation Agreement with the Landowner, the Conservators of the Coity Wallia Common and Commoners Association pursuant to section 25 of the Highways Act.
- To obtain such further consents that are required under the Coity Wallia Commons Act 1976.
- To progress a cycletrack conversion order pursuant to the Cycle Tracks Act 1984 to enable use of the proposed route by cycles.
- Invite tenders and award a contract for the construction of the proposed works.

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Background documents

None