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## **Penderfyniad ar yr Cais**

Ymweliad â safle a wnaed ar 12/12/2018

**gan Joanne Burston BSc MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 07/01/19**

## **Application Decision**

Site visit made on 12/12/18

**by Joanne Burston BSc MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 07/01/19**

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### **Application Ref: COM/3210842 Coity Wallia Common, Bridgend**

Register Unit: CL 21

Size of Common: 1065 Hectares

Commons Registration Authority: Bridgend County Borough Council

Landowner: Dunraven Estates

Description of area of Common: Bryncethin Memorial Hall Car-park

- The application, dated 1 September 2018, is made under section 38 of the Commons Act 2006 ('the 2006 Act') for consent to carry out restricted works on common land.
  - The application is made by St Brides Minor Community Council.
  - The works comprises resurfacing gravel car park with tarmac.
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### **Decision**

1. Consent is granted for the works in accordance with the application dated 1 September 2018 and the accompanying plans, subject to the following conditions:
  - 1) The works shall begin no later than three years from the date of this decision; and
  - 2) All temporary fencing shall be removed within one month of the completion of the works.
2. For the purposes of identification only the location of the works is shown in red on the attached plan.

### **Procedural Matters**

3. I carried out an accompanied site inspection on 12 December 2018. My decision has been made on the basis of my observations on this visit, taking account of the application and any representations received in response to the advertisement of the application.
  4. I have had regard to the Welsh Government Common Land Consents Guidance, published in August 2014, which sets out the benefits which common land should deliver, and the outcomes that it considers must be ensured by the consents process. This document has been published for the guidance of both the Planning Inspectorate and applicants. However, the application will be considered on its merits and a
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determination will depart from the published policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.

5. Furthermore, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

### **Main Issue**

6. Section 38 of the 2006 Act provides that a person may apply for consent to carry out restricted works on land registered as common land. Restricted works are any that prevent or impede access over the land.
7. In considering such an application I am required by section 39 of the 2006 Act to have regard to the following:
  - a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
  - b) the interests of the neighbourhood;
  - c) the public interest which includes the interest in nature conservation, the conservation of the landscape, the protection of public rights of access and the protection of archaeological remains and features of historic interest; and
  - d) any other matters considered to be relevant.

### **Reasons**

#### *Background*

8. The Common comprises a large area of land from Sarn to Pencoed and back to Blackmill and Glynogwr, north of Bridgend, South Wales. The Common is owned by the Dunraven Estates and managed by the Coity Wallia Board of Conservators.
9. The area of Common, subject to this application, is on the edge of the settlement of Bryncethin and is a gravel surfaced car park. The wider common comprises rough grassland, scrub and small tree copse.
10. The application was made following a grant of planning permission<sup>1</sup> which included extending the car parking area. The local planning authority has confirmed that tarmac is an acceptable surfacing material and no further planning permission is required.
11. The Applicant states that the carpark is in daily use and the current gravel surface has been churned up, causing pot holes. These potholes are a health and safety concern for both pedestrians and vehicles.

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<sup>1</sup> Planning permission reference P/15/672/FUL refers.

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***The interests of those occupying or having rights over the land***

12. Rights of pasture, to cut bracken and cut and take away timber for farm fencing and repairs exists on the common.
13. The Applicant has confirmed that these rights are not exercised on the application site due to its use as a car park for the Bryncethin Memorial Hall. The landowner and the Conservators have confirmed that they have no objection to the proposed works. I do not consider that the proposed works will prevent the exercise of common rights, particularly given the small scale of the works proposed.
14. I am satisfied that the proposed works will not harm the interests of those occupying or having rights over the land.

***The interests of the neighbourhood and the protection of public rights of access***

15. The interests of the neighbourhood test relates to whether the works will unacceptably interfere with the way the common land is used by local people. Given the use of the area as a car park for the adjoining Memorial Hall I do not consider that the proposed works will interfere with the way the Coity Wallia Common as a whole is used by local people.
16. It is likely to be necessary to erect temporary works fencing around the carpark during its resurfacing. This will create a works compound enclosure to which public access would be completely prevented during the period of works. I am satisfied that excluding the public from the work site in this way would be necessary for health and safety reasons. I consider that the temporary enclosure of land will not significantly harm public access interests in the long term.
17. I conclude that the proposed works will not impact adversely on the interests of the neighbourhood and the protection of public rights of access.

***Nature conservation, archaeological remains and features of historic interest and conservation of the landscape***

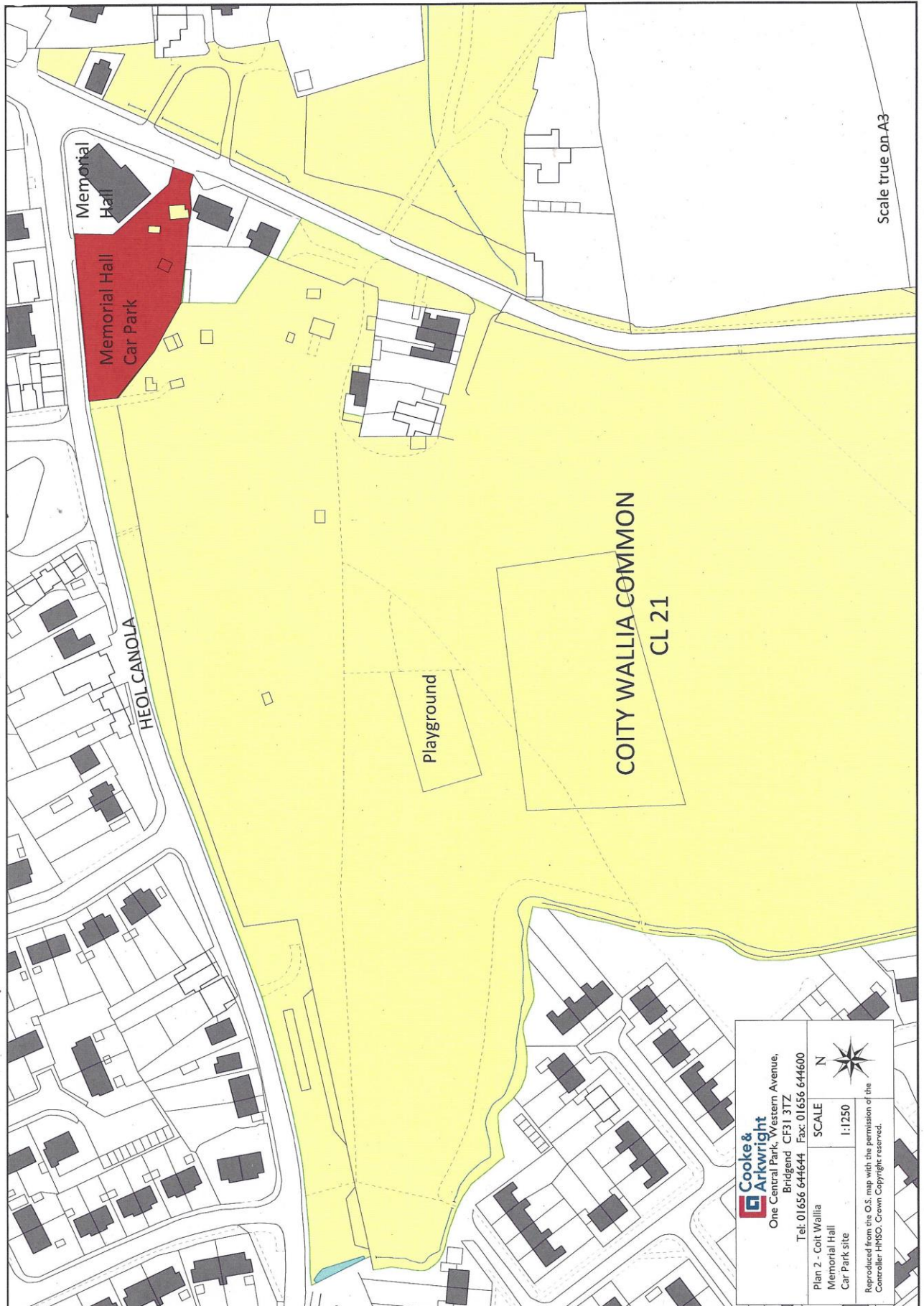
18. There is no evidence before me to indicate that the proposed works will harm nature conservation interests or harm any archaeological remains or features of historic interest.
19. As a new tarmac surface it will undoubtedly have a visual impact on the landscape. However, it replaces an existing gravel surface and is unlikely to appear as an unduly alien feature on this part of the Common. Further, I do not consider that the temporary works will have a significant or lasting impact on the Common as a whole.
20. I am satisfied that that the resurfacing of the car park is sympathetic to the local landscape and will not therefore unacceptably harm the conservation of it.

**Conclusions**



21. Having regard to the interests set out in paragraph 6 above, I conclude that the proposed works will not unduly harm the interests set out in paragraph 5 above and that any impact would be outweighed by benefits to the neighbourhood by providing an improved car park. Consent is therefore granted for the works subject to the conditions set out in paragraph 1.

*Joanne Burston* - INSPECTOR

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Scale true on A3

 <b>Cooke &amp; Arkwright</b> One Central Park, Western Avenue, Bridgend CF31 3TZ Tel: 01656 644644 Fax: 01656 644600		SCALE	1:1250
		Plan 2 - Coit Wallia Memorial Hall Car Park site	
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