

NAME OF SCRUTINY COMMITTEE	COMMUNITIES
DATE OF MEETING	24 February 2015
TITLE	Llyn Bach Car Park, Porthmadog
AUTHOR	Aled Davies, Head of Regulatory Department
CABINET MEMBER	Councillor Dafydd Meurig
PURPOSE	Response to a request to call-in the Cabinet Member for Regulatory's decision to the Scrutiny Committee

1. On 17 January 2015 the Cabinet Member for Regulatory signed a Decision Notice in relation to Llyn Bach Car Park, Porthmadog [Appendix 1]. This decision is simply to authorise the exchange of land through agreement with Ffestiniog Railway Company and to give grounds to agree upon a practical work programme to facilitate the effective management of the site. The decision was issued a few days later.
2. On 29 January 2015 the Chair and two members of the Communities Scrutiny Committee signed a formal request to call-in the decision to the Scrutiny Committee, on the following grounds:
  - o That adequate consideration had not been given to the fact that the Railway Company could use Westminster statutes to use the land for purposes contrary to the Council's environmental and regeneration policies.
  - o That there had been insufficient local consultation.
3. Matters relating to the ownership, management and use of lands in this area has been the subject of discussions between the Council and the Railway Company for some years. Around eighteen months ago, the Head of Regulatory Department decided that the matter had been too long-drawn-out and had been compounded by several peripheral considerations and, therefore, he undertook work to review the file in its entirety. This was carried out jointly with the Council's Legal and Property officers.
4. The Head of Department's conclusion was that focus needed to be placed on the relevant matters and a solution sought before the matter would reach the point of having to be referred to a land tribunal, as that would likely result in an unsatisfactory outcome and significant costs for the Council.

5. As part of this discussion, direct discussions were held with the Railway Company and with the local members. At these meetings, the Head of Department explained what the findings were and how he anticipated a solution could be reached. During this period, answers were given to several questions and concerns arising whilst trying to explain where the Council could be firmer in terms of holding its ground and where compromising would be better.
6. The Legal Department provided guidance in relation to the Railway Company's statutory rights and this influenced the Council's viewpoint. It is acknowledged that these rights are wide-ranging and that the company does not require the Council's permission to undertake some activities which are relevant to running and maintaining a railway.
7. Based on the information received from the Company regarding what activities it would undertake on the lands in question, it is not considered that it intends to do anything which would be beyond its rights or contrary to the Council policies. Council officers have given the Company explicit guidance in relation to activities which may require permission e.g. Planning permission in terms of land use and the need to ensure that the amenities of local residents are not detrimentally affected. The Company has given assurances that it will respect this guidance and that it understands that Council officers will monitor activity on the site and will respond to any local complaints that the Council could receive.
8. In relation to local consultation, such land exchange matters are not usually subject to wide consultation and in this case it could be said that more than usual has been done in respect of the discussion with the local members. Naturally, should the Company wish to use the lands for alternative purposes it would have to follow the appropriate processes to seek permission and consultation would be a part of this.
9. The Department has already admitted to the local members and the Town Council that insufficient information and advance notice had been given regarding the changes to the location of the recycling site in this car park. The recycling site has been relocated to another site in Porthmadog. The Department has apologised for this error.