

ITEM

MEETING	Planning Committee
DATE	4 April 2016
TITLE	Proposal to create a Public Footpath in the Community of Felinheli under Section 26 of the Highways Act 1980, over a piece of land in the ownership of Port Dinorwic Hotel, Felinheli, to facilitate the Wales Coast Path Project.
PURPOSE	To receive the Committee's Approval to create the Section 26 Creation Order, and that it is submitted to the planning inspectorate for a decision should the Council receive an objection to the order.
AUTHOR	Gareth Jones, Senior Manager, Planning Service, Environment and Public Protection
RECOMMENDATION	That the Committee approves the proposal to create the Section 26 Creation Order, and that it is submitted to the planning inspectorate for a decision should the Council receive an objection to the order.

1.0 Background

1.1 Local authorities have discretion under Section 26 of the Highways Act 1980 to prepare a Creation Order if they consider that a footpath or bridleway is required in their area.

1.2 Once a need has been established, the authority must consider:

- to what degree the footpath or bridleway would add to the convenience or enjoyment of a substantial section of the public, or add to the convenience of residents in the area.
- what effect the creation of the path would have on the rights of persons who have an interest in the land.

1.3 The Creation Order process includes a statutory period of consultation where parties have the opportunity to provide their observations including observations that support or object to the Order. Also, the process includes the provision for paying compensation to the landowners.

1.4 If an objection to the order is received which is not withdrawn, the Council can then refer the matter to the attention of the Planning Inspectorate for a decision.

1.5 The purpose of this report is to receive the Committee's approval on the following steps:

- a. To prepare and submit a creation order under Section 26, Highways Act 1980
- b. If an objection to the Order is received which cannot be resolved, the matter can be drawn to the attention of the planning inspectorate for a decision.

2.0 The proposal

2.1 It is proposed to create a Public Footpath that would cross approximately **8m** of land which is part of the Port Dinorwic Hotel property in the Community of Y Felinheli. Creating this footpath would link existing public footpath, number 22 Y Felinheli with a public footpath that has been agreed upon in principle with the neighbours of the property in question.

2.2 This footpath would extend the footpath network and enable the local community to have legal rights to have access to the Glan Faenol estate from the direction of Y Felinheli. In

addition, the new footpath would result in a major improvement to the Coast Path in the Arfon area. The proposal plan can be seen in **Appendix 1**.

3.0 The need for the footpath

3.1 In the Arfon area, one of the main barriers in having an unbroken path following the Menai Straits between Caernarfon and Bangor, was the lack of public access at either end of the Glan Faenol Estate that is in the ownership of the National Trust. The proposed path is essential for the completion of the Coast path between Y Felinheli and Bangor.

3.2 In 2009, Council officers started to negotiate agreements with landowners in the Felinheli Marina and Treborth areas. By spring 2015, agreements were in place or had been agreed upon with every owner with the exception of the owner of Port Dinorwic Hotel.

3.3 Effort have been made to secure a voluntary agreement but unfortunately it must be reported that those efforts have been unsuccessful. If the proposal for the Coast path are to be realised a S26 Creation Order, which is compulsory creation must be considered. The plan in **Appendix 2** shows the location of the section in question in the context of the Marina area.

3.4 The footpath is required for the following reasons:

- This is the only missing section in a footpath that is otherwise unbroken, which extends for 4.5km between Y Felinheli and Treborth.
- The footpath will be a resource for communities within a large area including Y Felinheli, Penrhosgarnedd, Bangor and Caernarfon.
- Creating an unbroken footpath that follows the Menai Straits between y Felinheli and Treborth would substantially add to the standard of the Coast Path in Gwynedd and it would be a great improvement to the current line that runs parallel to the busy A4087 and B4547 roads, as shown in **Appendix 3**

4. Alternative options

4.1 Consideration has been given to another option, namely adhering to Glyder Road surrounding the Port Dinorwic Hotel. Officers are of the opinion that this option is unsuitable because:

- It would mean that footpath users would have to share the same narrow road with vehicles.
- The road is busy at certain times of the day as this is the only road into / out of the estate.
- The gradient of the road by the hotel is very steep and unsuitable for wheelchair users, prams etc.

This option is shown in **Appendix 4**

5. Local member's views and support from other bodies

Sian Gwennlian, Local Member for Felineli.

I totally agree with the need to use Section 26 of the Highways Act 1980 to create a Creation Order in the specific area in question. This is the last piece of the complex jigsaw which is being put together to create a new section of the Coast Path through Felinheli. It has been a complex process, with several obstacles along the way, but I'm 100% supportive of the officers' tireless efforts to proceed with this. Unfortunately, Section 26 must now be used as the only remaining option to secure the last small piece of land.

The footpath would extend the local footpaths network and enable the local community to have legal rights to have access to the Glan Faenol estate from the direction of Felinheli. These have been lost in recent years although there is a long history of a link between the

estate and the village. Public footpaths are very important to the community and a map of them was recently produced which has proven very popular with local people, tourists and local businesses.

In addition, the new footpath would offer a major improvement to the Coast Path in the Arfon area giving a further boost to the local economy and adding to creating a healthy generation of people. The Footpath attracts visitors to the area who spend locally and attracts local people to areas near the coast which improves the quality of their lives.

I greatly hope that the Committee will agree with the recommendation and we can realise the plan soon.

Natural Resources Wales.

'Natural Resources Wales' policy is that the Wales Coast Path should be as close to the sea as practicable and desirable and, to provide long term certainty and clarity, entirely on routes where the public have a permanent right of access. It is also NRW policy to avoid roads which are shared with motor vehicles unless there is no practical alternative.

With regard to these criteria, NRW agree with Gwynedd Council that the proposed route is the most suitable option. Our preference is for the Wales Coast Path to be created by agreement but, if this not possible, we support the s26.'

6.0 Conclusions

- 6.1 Reference is made in part 3.2 of this report to the effort given to establish public access rights through the Marina area over a period of almost 8 years. Difficulties and complexity surrounding land ownership has meant that this process has been slow and at times frustrating. However, we are now close to achieving our objective with the exception of this 8m strip. When negotiating new public access rights the intention is always to do so by voluntary agreement, regrettably in this instance I believe that there is no choice but to follow the S26 process.
- 6.2 The proposal is supported by Natural Resources Wales as it forms a vital part of the Wales Coast Path and has allocated funding for the work needed to create the path. The creation of the footpath will bring substantial advantages in terms of providing an attractive, safe and convenient link for users of the Coast Path but as important is the benefit to the local community in terms of recreational and enjoyment including parents with prams, wheelchair users etc.
- 6.3 The Council intends to follow the statutory procedure when creating the Creation Order under Section 26 of the Highways Act 1980 and it can be confirmed that the act's requirements have been met.

7.0 Recommendation

- 7.1 The Committee is asked to approve
 - a. To submit a Section 26 Creation Order in order to ensure public access over 8m of land that is in the ownership of the Plas Port Dinorwic Hotel, Y Felinheli.
 - b. If an objection is received which is not withdrawn, that the Council submits it to the Planning Inspectorate for a decision.

Background Papers:

- Appendix 1: A plan of the footpath that is subject to section 26.
- Appendix 2: A plan showing the footpath in the context of the marina.
- Appendix 3: A plan showing the existing footpath (Wales Coast Path).
- Appendix 4: Alternative Footpath Plan