

<b>DATE</b>	14th of July 2025
<b>TITLE</b>	Proposal to create a Public Footpath in the Community of Llanystumdwy under Section 26 of the Highways Act 1980, over a parcel of land that is part of a private property called Fferm Afonwen, Glanllynau and Tŷ'n Morfa to facilitate the Wales Coast Path Project and the interests of the area's residents.
<b>PURPOSE</b>	To consider whether the Council should formulate a Path Creation Order under section 26 of the Highways Act 1980
<b>RECOMMENDATION</b>	That the Council approves the proposal to create the Section 26 Creation Order, and that it is submitted to the Planning and Environment Decision Wales (PEDW) for a decision should the Council receive an objection to the order that cannot be resolved.

## 1.0 Background

- 1.1 Local authorities have a discretion under Section 26 of the Highways Act 1980 to create 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 facility or enjoyment of a substantial proportion of the public or add to the facilities of residents in the area.
  - what impact its creation would have on the rights of people who have an interest in the land.
- 1.3 The Council will follow the statutory Process: The Council shall do and seal the order, do and publish the Warning that will say , that the order had been completed, and invite objection for the proposal. Then if an objection is received, the Council shall forward all Information to PEDW for determination.
- 1.4 If the order is confirmed, then the Council shall publish a second notice , noting the same, and notifying that anyone shall complain if the Council has failed to follow the correct procedure.  
Following this the order will be officially confirmed.
- 1.5 The purpose of this report is to receive the following delegated approval:
  - 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 PEDW

## **2.0 The Proposal**

- 2.1 It is proposed to create a Public Footpath that would cross approximately **2.63km** of land which is part of the properties of Fferm Afonwen, Glanllynau and Tŷ'n Morfa near the village of Chwilog in the community of Llanystumdwy. Creating this footpath would link existing public footpath number 54 in Llanystumdwy and the unclassified road referred to as Road from the A497 Afonwen Roundabout to the south towards the Railway

- 2.2 The path would secure legal rights for the public to have access on foot to the area located between Afonwen and the current footpath network in the vicinity of Tŷ'n Morfa property. In addition, the new footpath would offer a major improvement to the Coast Path in the area.

The proposal plan can be viewed in **Appendix 1**.

*(\*Note the officers have not accessed the land to carry out a survey for the Purpose of producing a plan, however it can be noted that the proposed path will run on the landward side of the railway line in the vicinity of the Coast on Afonwen Farm , and Glanllynau Farm, before following a track underneath the railway line to Tŷ'n Morfa. A detailed plan will be produced for the purpose of the legal order.*

## **3.0 The need for the footpath**

- 3.1 In this area, the Wales Coast Path follows a pavement on the side of the Road from Afonwen to the Coast near Fferm Aberkin with a distance of **5.3km**.

- 3.2 An effort was made to secure a voluntary agreement but unfortunately it must be reported that those efforts were unsuccessful and if the plan is to be realised, a S26 Order procedure, i.e. creation through enforcement, must be considered. As the council considered the impact of the footpath on the landowners, they have refused the offer to discuss and clearly and politely stated from the outset that they will not agree to the proposal.

- 3.3 The footpath is required for the following reasons:

- This is the only section that does not follow the Coast and uses a busy road, in a proposed unbroken section of footpath between Llanbedr near Harlech and Porth Neigwl near Abersoch, which is approximately 50km or 32 miles.  
*\*Note that the coast path in the Gwynedd Region is 180 miles long and forms a integral part in the All Wales Coastal Path project being 870miles long.*

- The footpath will be a resource for communities within local area, including Pwllheli, Abererch, Chwilog, Llanystumdwy, Cricieth, as well as the wider area of Llŷn , Eifionydd, and across Gwynedd.
- Creating an unbroken footpath that follows the Coast would significantly add to the standard of the Coast Path in Gwynedd and would be a great improvement on the current line that runs parallel to the busy A4987 road, which is a short but substantial diversion from the coastline. This is shown in **Appendix 2**.

#### 4.0 Alternative Options

- The Council is of the opinion that this is the best option.
- There are no public footpaths close to the site, except for the eastern side near Tŷ'n Morfa, therefore it is not possible to take advantage of the current public footpath network.
- The landowners have NOT discussed any other alternative option with the Council

#### 5.0 Conclusions

- 5.1 Reference was made in part 3.2 of the report to the effort given to try to ensure public access, but the owners in question are adamant that they will not agree, and therefore to respect their decision an order is necessary.

**In each similar case, the wish is to seek public access rights through an agreement; however, I now feel that, unfortunately, there are no further options but to follow the S26 order procedure.**

- 5.2 The proposal is supported by Natural Resources Wales as stated “ We are fully supportive of this proposal in this area for the reason that it in keeping with our original objectives of having a path as close as possible to the coast.
- 5.3.i The proposal is supported by local member at Cyngor Gwynedd, Councillor Mr Rhys Tudur and, on the 16<sup>th</sup> of June 2025 , “ *I can confirm that I am supportive of the proposal to create a path through from Afonwen to Ty'n Morfa. This will be a*

*step forward and a way to get a path away from the main road and closer to the Coast.*

- 5.3.ii The proposal is also supported by Llanystumdwy Community Council, and on the 12<sup>th</sup> of June 2025 the clerk noted, The councillors were unanimous in support of this proposal to create a new public footpath at this location.”
- 5.4 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.

## **6.0 Recommendation**

6.1 The Committee is asked to approve:

- a. The submission of a Section 26 Creation Order to ensure public access over 2.63km of land in private ownership.
- b. Should an objection to the order not be received, or should an objection be received which is withdrawn at a later date, that the Order is approved.
- c. Should an objection be received which is not withdrawn, that the Council submits it to the PEDW

### **Background Papers:**

Plan 1: A plan of the footpath which is subject to section 26.

Plan 2: A plan showing the existing footpath (Wales Coast Path).

### **Authorised Officer's Decision**

Agree with the recommendation ☐

Disagree with the recommendation ☐

**Signed..... Date.....**

