

**ARTHOG COMMUNITY COUNCIL**  
**MINUTES OF AN EXTRA ORDINARY MEETING OF THE COMMUNITY**  
**COUNCIL HELD AT THE**  
**FAIRBOURNE VILLAGE HALL ON WEDNESDAY 23<sup>RD</sup> MAY 2018**  
**TO DISCUSS FOOTPATH 13 MORFA FRIOG SALT MARSH**  
**COMENCING 7.00 PM**

**676: The Chairman,** Cllr Eves, opened the meeting at 7.00 pm

**677: Present:** Cllr Eves, Cllr (Mrs) J Woolley, Cllr B Woolley, Cllr J Haycock, Cllr (Mrs) Hughes, Cllr P Roberts. Invited Guests: Mark Wiles, Gemma Evans, John Evans, Gill Cave and Angela Thomas – Clerk.

**678: Apologies Received:** Cllr Thomas and Cllr Scott, and Cllr (Mrs) R Stott.

**679:** Cllr Eves opened the meeting by welcoming Mark Wiles and the other invited guests and asked Mark to run through his discussion notes. In light of an email that had been received that day from Wyn Williams of GC, indicating that the NRW in conjunction with Gwynedd Council were preparing to commence work almost immediately on the construction of a footpath to run parallel with the road, wide enough for both walkers and horses, the wind had somewhat been taken out of our sails. No plans have been drawn up and therefore not available for consideration or discussion.

Mark started by explaining that the planning application C12/1333/01/LL, although unpalatable to the Community Council and residents and visitors alike to Fairbourne, had been completed to the letter of the planning law. All i's were dotted and t's were crossed. So, it was unlikely that any challenge or complaint raised with regard to the planning process would progress.

The second part of his presentation dealt with the status of the public right of way. Mark, having read the planning documents, together with the marine licence, noted a number of issues. "The right of way affected by the salt marsh creation appears to be a designated footpath, not a bridleway. It would appear though that GC's responsible officer accepts that horses have always used the footpath and suggests that de facto permissive powers had accrued to ride horses across the site and it would be helpful to the Riding School if the Council could bring pressure to bear on the NRW to formalise this arrangement." None of the work undertaken by the NRW with reference to the creation of the salt marsh is in fact illegal. However, by virtue of the fact that the planning document states that flooding will take place for a few hours on several days per month, the depth of flooding will be at most 200mm and of low velocity means that the footpath will be out of use for periods of time. Under the Countryside and Rights of Way Act 2000, there is a clause that can allow the public's right to roam intertidal salt marsh to be prohibited in exceptional cases. This would appear to give the NRW the permission to perhaps prohibit access during tidal events, however, it would require consent of the Highway Authority Gwynedd if a more permanent

closure were proposed. Marks investigation would appear to show the GC are aware of the issue of the salt marsh creation and are monitoring the situation.

Mark pointed out several areas for concern, one being the way in which the Morfa Friog Salt Marsh Creation was portrayed and presented to the Community Council and Residents of Fairbourne. No professional support had been offered to the Community Council to consider the application. GC had sold the land to the NRW for £52,000, without anybody knowing. The conversion to salt marsh had been portrayed as a requirement whereas in fact it was to satisfy the NRW's objectives which had been set by the Welsh and UK Government. It was also felt that the planning application was rushed through to meet European funding time limits. It was unusually quickly passed through. Whilst it might seem unfair that Fairbourne has lost Morfa Friog to salt marsh as part of a wider initiative to increase provision, in the long term it will be seen to be the effective and proper use of the planning system. With regard to the Public Right of Way, the fact that assurances were given that there was no intention to close the ProW13 across Morfa Friog satisfied the Planning process. The matter of the site now being impassable is a matter for the Public Rights of Way Officer and is covered by different legislation. The assurances that the NRW gave that despite the area being flooded on several occasions throughout the month to a depth of no more than 20cm their assurances do not correspond with the requirements that other land owners should maintain a clear footway free of obstacles to their use. If a farmer ploughs a public footpath that runs through a field the farmer is obliged to restore the footpath within 14 days.

Mark's second area of concern was the issue of the Riding School. He felt that it might be worthwhile, as part of the negotiations and monitoring of the NRW's maintenance of the ProW13, to consider, as some form of pay-back, getting a written agreement to allow the riding school to continue to use the footpath and site formally and avoid the technical breach of the law that horses are not allowed on footpaths.

**680: Open Discussion:** Mark Wiles said that what was needed from Arthog Councils position is to say, regretfully we "hold our noses" and admit that there is nothing to be done from the planning point of view but we have to sort the issue of the right of way. It is not acceptable to have it flooding and in effect inaccessible two or three days every month to a depth of 20cm. It was pointed out that Gwynedd Council's policy is to make the countryside accessible to all people. Somebody pushing a pushchair or pram and/or a mobility scooter would not be able to use the current footpath. Cllr B Woolley said he had a feeling of having been in this position before with regard to the NRW. Cllr Haycock said that he felt that the NRW had been totally misleading with regard to the Brickyard Project as well, and that that had also not turned out to be what was promised. Cllr Eves then said that because it would appear that there is no chance of getting the breach filled in then what was needed was to get the best second option from the NRW for the Riding School and for everybody else concerned. Gemma Evans said that the proposed new footpath/bridle path next to the existing roadway would not be acceptable because of the chance of the horses being spooked by motor cycles/cars etc., also widening of the footpath next to the road would or could possibly encourage the continued overnight use of Camper Vans parking up etc. Cllr (Mrs) Hughes asked would the proposed new footpath require planning. Mark Wiles said that actually all planning consents were in place.

Cllr Eves said that because of the complexity of the whole matter it would be wise to request a site meeting with GC and the NRW with all interested parties in attendance. He asked the Clerk to make contact/write a letter to Wyn Williams to that end. Mark Wiles also suggested that the Riding School, ramblers and walkers etc should be involved in the design process as there are so many points to consider. (The Train, cars, motorbikes, walkers, cyclists). The Clerk said that she would make contact the following day. Cllr B Woolley also said that he thought it would be wise if after the site meeting and even during the site meeting that minutes are taken so that there is no dispute as to what was said and agreed by whom. And a meeting should be arranged as soon as possible in light of the work starting in the very near future by GC.

A copy of Mark Wiles notes are available and are on file.

**681:** The meeting closed at 8.00pm