

MINUTES OF THE LLANDYRNOG COMMUNITY COUNCIL HELD VIRTUALLY 20TH OCTOBER 2020

1.Present: Cllrs R.Griffith, G.C.Evans, M.Parry,E.Williams,A.Evans,G.Butler,J.Mc Guire,A.Rowley Williams, two members of public (Messrs Emyr and John Morris) and Clerk

2.Apologies: PCSO Geraint Jones, Cllrs P.Gore Rees, A.Thomas and H.Wright

3.Declaration of interest – there were no declarations of interests

4.Public Speaker – Mr Emyr Morris

Chair, I would like to thank you for allowing me this Agenda item and for having the opportunity to speak to you all about the issue in relation to footpath 34 & 36. I am already aware that the Community Council is familiar with the Application being made to Denbighshire County Council to change the status of the footpaths to a restricted by way and have received a copy of that document as was reported in the August edition of the village voice. A copy of this application dated 4 th August was also sent to us and to adjoining land and property owners – Mr & Mrs Evans Ger y Llan, Mr & Mrs James Ty Gwyn and possibly others. I would like to draw the Council's attention to the fact that a Restricted by way status would additionally allow Horses, Cyclists and even Horse Drawn Carts to use the footpath from the main road to the road at Ty Gwyn.

Although your Clerk has already distributed a letter that we sent to the Community Council on the 23 rd September regarding our objection, I appreciate that in following protocol you as a council are not asked to provide an opinion on the matter until you receive the formal request to do so from Adrian Walls, the Rights of Way officer, and I fully respect that. However, since my original letter other pertinent information has come to light.

For some of you we have been here before. In October 2006, we attended a Community Council Meeting to object to an agenda item from September 2006, which we only became aware of by chance, at

which, again, you were deciding in regard to Footpaths 34 & 36. To refresh your memories, the application was being made by one of your then Councillors, Mr D Murfitt, for the exact same purpose of changing the footpaths to a byway.

The copy of the minutes that I requested tell me that, in September 2006, the Community Council took a unilateral position to support

the intended application without reference to any affected parties.

In fact, the people which that decision affected were never consulted or engaged with. I have now in my possession a copy of the letter the Community Council sent to Adrian Walls, the Right of Way Officer, in September 2006, actively supporting the proposal even though, according to Adrian Walls, no formal application was ever made or submitted for his consideration by the applicants and no decision had been requested or sought from the Community Council.

When we attended the meeting in October 2006, no one had the courtesy to inform us that the Community Council had already made this decision behind our backs and had already sent a letter to Adrian Walls in September (I have a copy of this in my possession). My understanding of the Local Government Act 2000 is that the Community Council's responsibility is to, and I quote:

"When taking part in meetings of your Council, or when arriving at decisions relating to the Council's business, you must do so with an open mind and objectively. During the decision-making process you must act fairly and take proper account of the public interest."

As the meeting was in the days of pre-digital minutes, we had NO notification of the council's decision, even when we raised an objection. I had written confirmation from the Clerk that I would receive a copy of the minutes from the October 2006 meeting we attended, once they had been confirmed as read and signed. I was never sent these and my request for a copy of these minutes currently remains outstanding. I regret to inform you that I feel that

these actions can only be construed as a breach of your Code of Conduct.

The letter sent by the Community Council in 2006 could seriously prejudice the current application against any objection that we raise, and is totally unacceptable.

I trust that the Community Council is fully conversant with how the current status of footpaths was achieved. For the avoidance of any confusion, here is a brief summary –

1. Prior to 1949, the full decisions on Footpaths, Bridleways and By Ways was in the hands of the Parish Council – here that would have been Llandyrnog Parish Council, which preceded Community Councils.

2. In 1949, an Act of Parliament was introduced being the NATIONAL PARK AND ACCESS TO THE COUNTRYSIDE ACT 1949 and, in essence, the Parish Council had to present their decision on what would be put forward as footpaths, bridleways and restricted by ways for inclusion on the first Definitive Maps, and which of these would be discontinued.

3. Many of the paths were not put forward in Llandyrnog as is evidenced by certain maps of that period. The Green to the village and to Ty Gwyn were designated as footpaths. From this legal transfer to Local Authorities, this was now legally recognised as a FOOTPATH ONLY.

4. This was further reinforced when it was a requirement for Local Authority to mark any footpath or Bridleway with a finger posts in the early 70's where they left a metallised road. These signs existed then and continue to exist now – very clearly showing the designation of a FOOTPATH. For you to state in your minutes (September 2006) that horse riders were surprised by the fact that it was not a bridleway beggars belief and I can only put it down to the fact that they chose to

disregard the signs – no different to people choosing to break a speed limit after already seeing the speed limit signs displayed.

5. Finally, I can confirm that horse riders were challenged about using the footpath and were requested not to do so. Some accepted the advice whilst others chose to be abusive. In fact, one of the current applicants for status change when

challenged for the fourth time and told she was breaking the law replied, “people break the law every day”.

Many people use the footpaths. We recognise and chat to many and, particularly during covid lockdown, many more found the footpath possibly for the first time. We, as a family, have ALWAYS maintained our styles and hedges and have never blocked or stopped anyone from using the footpath. It is only in the last 20 years that the Local Authority, who should be in charge of maintaining the footpath, and not ourselves, have started to cut the footpath from Penisa'r Waen to Ty Gwyn. In the post 1949 act, the County Surveyor stated that the track, which was recorded as a footpath only, would be maintained by the authority. Our records indicate that this only happened twice - in 1950 and 1958 - when stone was provided for the footpath. Other than this event, it was maintained by my late father in law and ourselves.

Over the past 26 years, there has been what I can only describe as an unhealthy interest in our farm track and footpath. I have personally been involved in dealing with all manner of attempt to interfere with this footpath and our legal and free right of access to the farm –

These include –

1. Claiming and registering ownership of the access to our right of way – overturned
2. Attempt to close and divert our access from the main road

where the footpath also exists - stopped

3. Noncompliance of DCC Planning conditions to improve the visibility splay of the access track to the main road – not done

4. Legal action to remove a reinforced concrete ramp and plinths across our access route and footpath – this was

installed by one of the current modification applicants – overturned and removed

5. Deliberate blocking of our access by vehicles.

6. Illegal use of footpath by horse riders

7. Illegal use of scrambler motorbikes on the track and footpath – currently being dealt with by Rights of Way officer and police.

In conclusion, I am disappointed with how some individuals and groups of individuals have chosen to treat us and some of our neighbours. This has been compounded by some of the actions taken by the Community Council. We have always wanted to live in peace and harmony but clearly some are not prepared to allow us to do this. However, be in no doubt that I will not accept this situation any longer.

5. Correspondence

- Request for financial assistance from Paige Tynan – unfortunately under Section 137 as defined in the local government act community councils are not permitted to provide financial assistance to individuals – Clerk to write to Paige and explain the reason but would be looking at other options of providing assistance
- E mail 19/10/2020 from DCC – development by Maes Llan confirming that although the 30mph signs would be re located the Highways have not requested any traffic calming measures on the main road
- E mail 19/10/2020 from DCC - Application for bench – DCC confirmed they have now found original application and would be processed in due course

- E mail 30/9/2020 – Customer Care Post Office – confirming they were making enquiries as to why there was no cover while the current postholder was on leave – Clerk to contact for update
- E mails DCC 11/10/2020 – DCC/M Parry/B Wilcox Jones – concerns about speeding traffic through village -Clerk to follow matter up with B Wilcox Jones
- E mail MHC 16/10/2020 – confirmation from MHC they would be advising staff about appropriate disposal of PPE
- One Voice Wales – virtual training – circulated to members
- Two quotations for play equipment – one from Playquest for the sum of £23,632.50 plus vat and two from Wicksteed £17,44.36 or £13,985.73 depending on the type of roundabout – Clerk to seek further quotation from G L Jones Bethesda on a like for like basis

6.Community policeman

PCSO Geraint Jones had sent an apology and a written confirmation that only one crime had been reported in Llandyrnog since June 2020 attempted break in to outbuilding

7.Matters Arising

- Gates on bridleway between Pen y Bryn and Moel Famau car park has been dealt with
- Additional quotation for carpet – Corwen Carpets had not responded Clerk to contact another local firm – Coastal Carpets
- Gladstone Terrace – Clerk had met G.Lloyd fencing on site and approx. four posts would be replaced
- Footpath 26 Pentrefelin to Llandyrnog – style had been repaired
- School had been contacted and the Headmaster more than happy to get children involved with community engagement event re play equipment
- Reported to Clerk post meeting – concerns about parking on the pavement outside Olivers Row – Cllr Parry had contacted PCSO Geraint Jones and was awaiting response

8.Financial Report

The Clerk had circulated full financial report to each member together with full quarterly reconciliation and had scanned and sent copies of the statement to Chair and Vice Chair who confirmed they were correct

Balances

Current Account £30,063.86

Business Account £19,322.15

9.Matters for Payment

Members agreed to pay the following:

Robbie Lee Painter	Cocoa rooms painting	£550.00
Bryn Davies	Zoom Account	£11.99 plus vat £14.39
HMRC	National Insurance	£68.40
J.A.Jones	Cae Nant duties	£72.00
H.W.Jones	Cocoa Rooms caretaking	£36.00
Carl williams	Painting Gates	£70.00
Salisbury Accountant	Payroll duties	£65.00 plus vat £78.00

10.Planning Matters

Cllr Parry declared an interest in Planning Matters

reference	<u>18/2020/0734</u>
location	Plas Ashpool,Llandyrnog
proposal	Listed building application conversion of outbuilding to holiday let
comments	Clarity required whether or not both buildings were listed and also Design and Access statement referred to disabled toilet but not shown on plan – otherwise support the application to bring the building back into use

11.Members Items

- Comments on the good quality of repairs to road by Groes Efa
- Members were concerned that the sales particulars of the White Horse include a proposal for development and particular concerns about the cobbled access should be retained – Cllr Parry confirmed that the drawings were conceptual for illustrative purposes and that the White Horse as a building was not listed
- Harvesting of maize crops – the landowners and CC seemed to be working together to ensure minimal disruption
- Sweet chesnut tree – Clerk to thanks Streetscene for clearing the excess sweet chestnuts from around the bus stop and pavement
- De fibrillator – Clerk had attempted to register the defibrillator on a central database but had not been successful but would try again

- There were concerns again about dog fouling on Cae Nant – it was hopefully an isolated incident but continue dialogue with Llandyrnog Sports and Football Association – it has been previously noted that there were concerns regarding installation of cameras in and around play areas and the Council would need to be very careful

There being other business the meeting was closed

Date of next meeting Tuesday 17th November 19:00

Signed.....

Date.....