

TAFLEN BENDERFYNIAD AELOD CABINET CABINET MEMBER'S DECISION NOTICE

PWNC/SUBJECT:

Maes Parcio Llyn Bach, Porthmadog / Llyn Bach Car Park, Porthmadog

AELOD CABINET/CABINET MEMBER

Cynghorydd / Councillor Dafydd Meurig

PENDERFYNIAD/DECISION

I awdurdodi cyfnewid tir trwy gytundeb gyda Cwmni Rheilffordd Ffestiniog ar safle Maes Parcio Llyn Bach, Porthmadog ac i gytuno ar raglen waith ymarferol i hwyluso Rheolaeth effeithiol o'r safle.

To authorise the exchange of land through agreement with Ffestiniog Railway Company on the site of Llyn Bach Car Park, Porthmadog, and to agree upon a practical programme of work to assist with the effective management of the site.

RHESYMAU DROS Y PENDERFYNIAD/REASONS FOR THE DECISION

Nid yw'r aneglurder sy'n deillio o'r sefyllfa bresennol yn gynaliadwy i'r Cyngor nag i'r Cwmni Rheilffordd, gyda anhwylostod yn codi o ran rheolaeth o diroedd y ddwy ochr. Bydd y cytundeb i gyfnewid tir ac i ymgymryd â man welliannau yn galluogi'r ddwy ochr i sefydlu cofnodion perchnogaeth clir ac i dacleso trefniadau rheoli'r safle er budd defnyddwyr maes parcio'r Cyngor, cwsmeriaid y Cwmni Rheilffordd a gwneud defnydd mwy effeithiol o dir a gofod er gweithrediad y Rheilffordd.

The ambiguity stemming from the current situation is unsustainable for the Council and the Railway Company, with difficulties for both parties arising from the management of the land. The agreement to exchange land and to undertake minor improvements will enable both sides to establish clear land ownership records and to improve the site management arrangements for the benefit of the Council's car park users, the Railway Company's customers, and to make more effective use of land and space for the operation of the Railway.

YSTYRIAETHAU PERTHNASOL/ RELEVANT CONSIDERATIONS

Mae hanes hir a chymhleth i'r safle a thiroedd cyfagos yn deillio yn wreiddiol o'r datblygiad i ail agor y rheilffordd rhai blynyddoedd yn ôl. Roedd newidiadau i'r defnydd a wnaed o rannau o'r tiroedd yn anorfod ond, roedd cryn bellter rhwng safbwynt y Cyngor a safbwynt y Cwmni Rheilffordd ar ddatrysiadau posib. Gwnaed y sefyllfa yn fwy cymhleth oherwydd materion Cynllunio oedd yn ymwneud ar safle a daeth y trafodaethau i ben am gyfnod yn sgil hynny. Yn ystod 2013, ail ddechreuwyd y trafodaethau wrth i'r ddwy ochr sylweddoli y byddai ceisio datrysiad trwy'r drefn gyfreithiol yn hir wyntog a chostus i bawb ac efallai yn dod i ganlyniad na fyddai yn bodloni'r naill ochr na'r llall.

Dros y flwyddyn diwethaf, cynhaliwyd sawl cyfarfod rhwng y Cyngor a'r Cwmni i ystyried opsiynau ar gyfer cyfnewid tir ac ar gyfer gwaith angenrheidiol i hwyluso rheolaeth effeithiol o'r safle, boed yn dir a fydd dan reolaeth y Cyngor neu dir gaiff ei reoli gan y Cwmni Rheilffordd. Yn ystod y cyfnod yma, mae swyddogion y Cyngor hefyd wedi cynnal

trafodaethau gyda'r aelodau lleol i gael barn a mewnbwn i'r broses er ceisio canfod cyfaddawd ac i warchod buddiannau'r gymuned leol. Oherwydd rhai o'r ystyriaethau perchnogaeth tir, bu raid symud y safle ail gylchu i faes parcio ger y Ganolfan Hamdden ym mhen arall y dref a hynny ar amserlen dynn iawn. Er i'r symudiad gael ei weithredu yn llwyddiannus, rhaid cydnabod nad oedd digon o sylw wedi cael ei roi i gyhoeddusrwydd lleol i'w hysbysu o'r symudiad.

Mae ymdrechion hefyd wedi cael eu gwneud i gael sicrhad bod y defnydd fydd yn cael eu gwneud o'r tiroedd yn cael cyn lleied o effaith ag sydd yn bosib ar fwynderau trigolion lleol. Cafwyd addewid gan y Cwmni y byddent yn parchu mwynderau'r trigolion ac yn cadw'r gweithgareddau i rai fyddai yn ymwneud a rheolaeth y rheilffordd ac yn gwneud pob ymdrech i leihau sŵn a rheoli oriau gweithredu. Bydd trefniadau'r gyfundrefn Cynllunio hefyd yn cael eu defnyddio i reoli defnydd o'r safle os bydd angen.

Mae rhaglen o waith ymarferol wedi ei chytuno er hwyluso Rheolaeth a defnydd diogel ac effeithiol o'r safleoedd. Mae'r gwaith yn cynnwys.

- Gosod bar uchder newydd ger y fynedfa.
- Addasu ychydig ar y fynedfa - newid ychydig ar y cyrbiau a symud pyst presennol i alluogi cerbydau trymion i droi i mewn i'r safle, yn cynnwys cerbydau'r Cyngor fydd angen mynediad i'w compownd gerllaw.
- Ail beintio llinellau gwyn ee ildiwch ger mynedfa'r maes parcio
- Gosod arwydd newydd ger y fynedfa i gyfeirio cerbydau i barcio ar faes parcio'r Cyngor a safle / compownd newydd WHR
- Cyfres o arwyddion parcio yn cyfeirio cerbydau i'r maes parcio o'r Stryd Fawr. Bydd yr arwyddion yn cael eu lleoli mewn manau gwahanol ac rydym yn y broses o gytuno ar ddilyniant yr arwyddion. Bydd yr arwyddion yn cyfeirio traffig i'r ddau safle (compownd /safle parcio WHR a'r Cyngor yn Llyn Bach). Mae'r gwaith i ddatblygu y cynllun arwyddo yn parhau yn destyn trafodaeth rhwng swyddogion y Cyngor a chynrychiolwyr y Cwmni Rheilffordd.
- Gosod arwydd amlwg i'r cyhoedd ar y safle ee gwahaniaethu llefydd parcio ar gyfer y cyhoedd ac ar gyfer cwsmeriaid WHR

Mae cynllun yn dangos manylion y tir i'w gyfnewid a lleoliad y man welliannau wedi eu nodi yn y cynlluniau sydd wedi eu hatodi gyda'r daflen benderfyniad hon.

Bydd y ddwy ochr yn gyfrifol am gyfarfod costau cyfreithiol eu hunain.

Bydd telerau'r trosglwyddiad yn cael eu gosod gan yr Uwch Reolwr Eiddo Corfforaethol ac nid oes bwriad i waredu unrhyw eiddo am lai na gwerth y farchnad.

The site itself and adjacent land have a long and complex history, stemming originally from the development to relocate the railway some years ago. Changes to the use of some parts of the land were inevitable, but there was some divergence between the views of the Council and the Railway Company on possible solutions. The situation was further complicated due

to planning matters relating to the site, and subsequently the discussions ceased for a period. During 2013, discussions were re-opened as both sides realised that pursuing a resolution through the legal system would be lengthy and costly for all concerned, and might result in an outcome that would not satisfy either side.

Over the past year, a number of meetings between the Council and the Company have been held to consider options for the exchange of land and for necessary works to facilitate the effective management of the site, whether the land is under the management of the Council or the Railway Company. During this period, Council officers have also held discussions with local members, so that their views and input can be included as part of the process of reaching a compromise while also protecting the interests of the local community. Due to some of the land ownership considerations, the recycling site had to be moved to the car park near the Leisure Centre at the other end of the town, which was completed within a very tight timescale. Although the move was successfully completed, it must be acknowledged that insufficient attention had been given to informing the public locally about the move.

Efforts have also been made to gain assurance that the use of land will have as little impact as possible on residential amenities. The Company has promised that it will respect the amenities of residents, and will restrict the activities to those relating to the management of the railway, and will endeavour to reduce noise and manage the hours of operation. Arrangements relevant to Planning procedures will also be used to manage the use of the site if necessary.

A practical work programme has been agreed in order to assist with the management and safe and effective use of the site. The work includes:

- Install a new height barrier at the entrance.*
 - Minor adaptations to the entrance – minor changes to the kerbs and move the existing posts to enable heavy plant to turn into the site, including Council vehicles that require access to the nearby compound.*
 - Re-paint the white lines e.g. give way near the access to the car park entrance*
 - Install a new sign near the entrance to guide vehicles to park in the Council's car park and WHR's new site / compound*
 - A series of parking signs directing vehicles to the car park from the High Street. The signs will be placed in various locations and we are currently in the process of agreeing on the signage sequence. The signs will direct traffic to both sites (WHR compound / car park and Council car park at Llyn Bach). The work to develop the signage scheme is still under discussion by Council officers and the Railway Company representatives.*
 - Install a prominent public sign on the site e.g. differentiating between public parking spaces and those for WHR customers.*
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Plans showing the details of the land to be exchanged and noting the location of the minor improvements are attached to this decision notice.

Both parties will be responsible for meeting their own legal costs.

The terms of the transfer will be determined by the Senior Corporate Property Manager and there is no intention to dispose of any property for less than market value.

BARN Y SWYDDOGION STATUDOL/VIEWS OF STATUTORY OFFICERS

1. Y Prif Weithredwr/Chief Executive:-

“Mae’n amlwg bod y mater hwn wedi bod yn destun trafod helaeth yn lleol a diau na fydd pawb yn gwbl fodlon efo’r datrysiad terfynol. Fodd bynnag, byddai methu â dod i gytundeb ar hwn yn golygu atebion hyd yn oed mwy anfoddfaol. Mae’r ymgais hon i dacluso a dwyn eglurder i’r mater felly i’w groesawu.”

It is clear that this issue has been discussed extensively locally and certainly not everyone will be wholly satisfied with the final solution. However, failure to reach agreement on the matter means even more unsatisfactory answers. This attempt to tidy up and bring clarity to the issues is welcomed.

2. Swyddog Monitro/ Monitoring Officer:-

Mae’r cynllun yn cynnig cyfle i resymoli perchnogaeth a rheolaeth y tir a dod a sicrwydd o ran rheolaeth. Dim sylwadau pellach o ran priodoldeb.

The Scheme offers the opportunity to rationalise the ownership and management of the land and gives certainty in terms of control. No further comments with regard to propriety.

3. Prif Swyddog Cyllid/Chief Finance Officer:-

“Rwyf yn croesawu’r ymdrechion hyn i dacluso’r perchnogaeth tir yn y lleoliad yma; bydd dod i gytundeb fel a amlinellir yn fodd o osgoi costau cyfreithiol sylweddol i’r ddwy ochr. Gellir gweld o’r cynlluniau fod y sefyllfa berchnogaeth gyfredol yn gwneud problemau yn anorfod i’r Cyngor a’r cwmni. Felly, nid oes gennyf wrthwynebiad i’r penderfyniad yma.

Deallaf y bydd y cyfnewidiad tir yn golygu lleihad yn nifer y llefydd parcio fydd dan reolaeth y Cyngor, ond oherwydd gwell ansawdd y llefydd parcio y bydd y Cyngor yn eu derbyn trwy’r trosglwyddiad, nid oes disgwyl lleihad arwyddocaol yn incwm y Cyngor. Er mai’r cwmni Rheilffordd fydd yn gyfrifol am gwblhau’r mwyafrif o’r rhaglen waith ar y safle, bydd y costau o osod arwyddion yn disgyn ar y Cyngor. Rwyf wedi derbyn cadarnhad gan yr Adran Rheoleiddio y bydd unrhyw wariant ar y gwaith arwyddo yn dod allan o gyllidebau presennol y Gwasanaeth Trafnidiaeth a Gofal Stryd.

I welcome these efforts to clarify land ownership at this location; coming to an agreement as outlined will be a way of avoiding significant legal costs for both sides. It can be seen from the plans that the current ownership situation makes problems inevitable for both the Council and the company. I have therefore no objection to this decision.

I understand that the land swap will involve a reduction in the number of parking spaces that will be under the control of the Council, but because of the better quality of parking spaces that the Council will receive through the transaction, a significant reduction in the Council's income is not expected. Although the Railway company will be responsible for completing the majority of the work programme on the site, the cost of placing signs will fall on the Council. I have received confirmation from the Regulatory Department that any expenditure on signage will come out of the existing budgets of the Transport and Street Care Service".

BARN YR AELOD LLEOL/VIEW OF LOCAL MEMBER

Cynghorydd/Councillor Jason Hyumphreys

Ymddengys ar y dechrau bod y Cyngor wedi datblygu'r darn penodol hwn o dir er ei ddefnydd ei hun. Mae dadleuon cyfreithiol a budd cyhoeddus o blaid ei roi i'r Cwmni yn awr (fel ag yr oedd bryd hynny) i'w ddefnyddio fel maes parcio yn unig. Fodd bynnag, mae gennyf rai pryderon o hyd.

Mae'r safle yn anaddas fel pwynt tramwyo ar gyfer gwrthrychau a deunyddiau trwm rhwng ffordd a rheilffordd gan fod hyn yn mynd yn groes i rai egwyddorion sydd wedi'u nodi yn y Cynllun Datblygu Unedol, sy'n cael eu trechu o bosib gan statudau San Steffan. Byddwn yn nodi'n benodol pa mor agos yw'r tir i dai cymdeithasol gerllaw, sy'n lloches i'r henoed ac oedolion bregus. Rwy'n awgrymu felly y dylai'r Cyngor a'r Cwmni gydweithredu ymhellach i geisio adnabod a datblygu lleoliad gwell ar gyfer y diben hwn (gyda Rheilffordd Ucheldir Cymru, o bosib).

Fel arall, gan dderbyn bod addewidion ynghylch gweithrediadau a datblygiadau'r dyfodol wedi'u gwneud yn ddiwyll, gellir eu torri'n rhy hawdd gyda'r amddiffyniad oesol fod yr "amgylchiadau wedi newid". Rhaid iddynt gael eu diffinio a'u ffurfioli'n well mewn ymgynghoriad â thrigolion cyfagos a pherchennog yr Hen Felin. Dylai'r Cyngor ddefnyddio'i ddylanwad sylweddol yn nhermau dadleuon i gadw'r tir ac ati.

Nid oes eglurhad i'r bwriad o ailgyfeirio traffig yn yr hinsawdd ariannol presennol oherwydd mae'n bosib y gellid ailgyfeirio incwm parcio o'r Cyngor i'r Cwmni. Byddai hefyd yn arwain at gynydd mewn traffig ar gyffordd beryglus. Er bod y bwriad yn sôn am ymgynghori pellach rhwng Swyddogion y Cyngor a'r Cwmni, mae Aelodau Lleol a'r gymuned ehangach yn cael eu gadael allan.

Bydd Rheoli Cyrchfannau ym Mhorthmadog yn cael ei ystyried fel rhan o'r Prosiect Partneriaeth Canol Tref. Dylai fod yn gyfle delfrydol i ystyried sut dylid cyfeirio traffig. Felly, rhaid i'r penderfyniad penodol hwn gael ei ohirio.

It does seem that at the outset, the Council developed this particular piece of land for its own use. There are legal and public interest arguments in favour of conceding it now (as there were then) to the Company for use as a car park alone. I do, however, have some outstanding concerns.

The site is unsuitable as a transit point for heavy objects and materials between road and rail because this flies in the face of some principles laid out in the Unitary Development Plan, overridden perhaps by Westminster statutes. I would specifically note the land's proximity to nearby social housing, sheltering elderly and vulnerable adults. I therefore suggest further cooperation between the Council and the Company in identifying and developing a better location for this purpose (with the Welsh Highland Heritage Railway, perhaps).

Alternatively, while accepting that promises in relation to future operations and developments have been attained and made in good faith, they can too easily be unilaterally broken with the timeless defense of "changes in circumstances". They need to be better defined and formalised in consultation with nearby residents and the owner of the Old Mill. The Council should use it's considerable leverage in terms of arguments for retaining the land etc.

The intention of re-routing traffic is inexplicable in the current financial climate because parking revenues could be redirected from the Council to the Company. It will also lead to increased volume at a dangerous junction. While the proposal does mention further consultation between Council Officers and the Company, local Members and the wider community are being left out of the loop.

Destination Management in Porthmadog will be considered as part of the Town Centre Partnership Project. It should provide an ideal opportunity to consider how traffic should be routed. This particular decision must therefore be deferred.

LLOFNOD /SIGNED

DYDDIAD/DATE



17.01.2015
