



Janet Finch-Saunders MS|AS

Aelod Senedd Cymru dros Aberconwy
Member of the Welsh Parliament for Aberconwy



Mr Geraint Edwards,
Head of Environment, Roads, and Facilities,
Conwy County Borough Council,
By Email

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Re: Footpath No 73, Deganwy

Dear Head of Service, Geraint,

I hope that this letter finds you well. I am writing with regards to Public Footpath Rail Crossing Extinguishment Order S.118A Highways Act 1980, Footpath No 73, Deganwy. I am writing to formally request that Conwy County Borough Council give careful consideration to rejecting the application.

In the first instance, I would like to stress the importance of public safety, and that I like others in the community who have fought so hard to see the crossing re-open do not want to see anyone harmed.

This application is a considerable blow for the community as we worked tirelessly to see the definitive map and statement for the area amended so that it includes a public footpath in a place where it was proven that the crossing was and is a public right of way.

The crossing has been used for centuries. This is corroborated by the article entitled 'A short history of Old Llandudno' in The Llandudno Advertiser on 22 December 1899. In the column, the following is noted:

'The other access to the town was along Conway Shore, turning to the left at Tywyn, following along the beach, passing Deganwy (which was then a gentleman's mansion), turning down to the sands, passing through Cerrig Duon (Black Stones), and turning up to Morfa Uchaf (Higher Marsh), just opposite the present west entrance to Gloddaeth Street'.

My understanding of the above is that the turning left at Tywyn could only be the route currently under consideration. As there is no mention of the railway, the narrative seems to relate to what happened before the line was built. Therefore, this is evidence that there was a right of way at the crossing point before the railway was constructed.

Importantly, the crossing has received extensive use after the railway was built. It has previously been proven that there was extensive use of the crossing before it was closed in 1992. In fact, a letter sent by H Gilles-Smith, Asset Liability Manager, Railtrack PLC on 29 November 2001 includes the following in relation to the Tywyn Level Crossing:

'This was once a vehicular level crossing probably constructed at the time of the advent of the railway here. Although the crossing is now disused, in as far as vehicles are concerned, separate pedestrian facilities are provided and are perpetuated. I cannot trace that any signs have been displayed, at this site, that would lead any user to believe that there was an intention by Railtrack or its predecessors, not to dedicate the route to public use'.

As the above evidence shows, public access across the railway at the point has been facilitated and maintained in the past, so it must be questioned whether the attempt by Network Rail to keep the crossing closed is reasonable.

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Whilst appreciating Network Rail's statutory duties to uphold the safe and efficient operation of the railway, I must note that I am not aware of a single fatality at this crossing whilst it was open, which is an important point when considering that it has seen considerable use.

As has been suggested to me by local residents, if Network Rail are concerned about safety, rather than stopping the crossing, they should find an innovative solution, such as a bridge or subway. Having undertaken a meeting with the organisation some time ago in which this matter was raised, I must acknowledge that I appreciate the difficulties they might face in trying to implement a creative solution. However, I believe that there should be an effort made by the Local Authority and Network Rail so to cooperate on designing and costing a feasible solution before any consideration is given to pursuing an extinguishment order.

It would be very much appreciated if you could kindly let me know what decision the Council's General Licensing Committee make.

Kind regards,

Janet Finch-Saunders MS/AS