LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

REPORT NO. 504

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

REPORT ON THE DEE ESTUARY

COMISIWN FFINIAU LLYWODRAETH LEOL I LOEGR

RHIF YR ADRODDIAD 504

COMISIWN FFINIAU LLYWODRAETH LEOL I GYMRU

ADRODDIAD ABER DYFRDWY

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

REPORT NO. 504

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

REPORT ON THE DEE ESTUARY

COMISIWN FFINIAU LLYWODRAETH LEOL I LOEGR

RHIF YR ADRODDIAD 504

COMISIWN FFINIAU LLYWODRAETH LEOL I GYMRU

ADRODDIAD ABER DYFRDWY

COMISIWN FFINIAU LLYWODRAETH
LEOL I LOEGR

LOCAL GOVERNMENT BOUNDARY
COMMISSION FOR ENGLAND

CADEIRYDD

CHAIRMAN

Mr G J Ellerton CMG MBE

DIRPRWY GADEIRYDD

DEPUTY CHAIRMAN

Mr J G Powell FRICS FSVA

AELODAU

MEMBERS

Lady Ackner
Mr Tyrrell Brockbank DL
Professor G E Cherry
Mr K J L Newell
Mr Brian Scholes OBE

COMISIWN FFINIAU LLYWODRAETH
LEOL I GYMRU

LOCAL GOVERNMENT BOUNDARY
COMMISSION FOR WALES

CADEIRYDD

CHAIRMAN

Lady Elisabeth Crawshay

DIRPRWY GADEIRYDD

DEPUTY CHAIRMAN

Mr Idris Davey BSc

Y GWIR ANRHYDEDDUS KENNETH BAKER AS
YSGRIFENNYDD GWLADOL YR AMGYLCHEDD

Y GWIR ANRHYDEDDUS NICHOLAS EDWARDS AS
YSGRIFENNYDD GWLADOL CYMRU

1. Yn Ionawr 1978, derbyniasom sylwadau ar y cyd gan Gynghorau Sir Clwyd, Caer a Glannau Mersi, wedi'u llunio o dan Adran 62 Deddf Llywodraeth Leol 1972, ynglŷn â'r ffin rhwng y siroedd yn ardal Afon Dyfrdwy a'i haber sy'n rhan o'r ffin rhwng Cymru a Lloegr.

2. Tynnai'r Cyd-sylwadau ein sylw at y ffaith bod y ffin rhwng Sir y Fflint a Swydd Gaer, a bennwyd gan Statud Rhuddlan ym 1284, yn dilyn yn wreiddiol gwrs Afon Dyfrdwy fel y llifai o bryd i'w gilydd. O ganlyniad i gamlaseiddio yn y 18fed ganrif, newidiwyd cwrs Afon Dyfrdwy yn sylweddol i'r dwyrain o Burton Point a, gan hynny, fe deimlid bod angen gweithredu deddfwriaeth i ddiogelu'r status quo ar y pryd. Felly, darparwyd trwy Adran 37 Deddf Gyhoeddus 1732, o dan y teitl "An Act to recover and preserve the Navigation of the River Dee in the County Palatine of Chester", na ddylai'r addasiad yng nghwrs sianel yr afon a awdurdodwyd gan y Ddeddf newid nac effeithio ar ffiniau'r ddwy Sir ac y dylai sianel yr afon fel y bodolai ar y pryd aros yn ffin rhwng y ddwy Sir am byth wedi hynny. Fodd bynnag, ni ddangosid y wir ffin gyfreithlon rhwng Sir y Fflint a chyn-Iarllaeth Balatin Caer a grewyd gan Ddeddf 1732 ar unrhyw fap na chynllun cyfoes a oedd yn hysbys i'r Cynghorau a gyflwynai'r sylwadau.

3. Ers 1888 (nodai'r Cyd-sylwadau) câi'r ffin i'r gorllewin o Burton Point yn yr aber ei dangos ar fapiau'r Arolwg Ordnans ar hyd llinell ganol Aber Dyfrdwy gyda'r geiriau "Boundary between

THE RT HON KENNETH BAKER MP
SECRETARY OF STATE FOR THE ENVIRONMENT

THE RT HON NICHOLAS EDWARDS MP
SECRETARY OF STATE FOR WALES

1. In January 1978 we received a Joint Submission from the County Councils of Clwyd, Cheshire and Merseyside, made under Section 62 of the Local Government Act 1972, concerning the boundary between the counties in the area of the River Dee and Dee Estuary which forms part of the border between England and Wales.

2. The Joint Submission drew our attention to the fact that the boundary between Flintshire and Cheshire which was established by the Statute of Rhuddlan in 1284 was originally the course of the River Dee as it flowed from time to time. As a result of canalisation in the 18th century, the course of the River Dee was significantly altered eastward of Burton Point and, accordingly, it was felt necessary to enact legislation to protect the then status quo. Thus, it was provided by S.37 of the Public Act of 1732, entitled "An Act to recover and preserve the Navigation of the River Dee in the County Palatine of Chester", that the alteration in the course of the channel of the river authorised by the Act should not alter or affect the boundaries of the two Counties and that the channel of the river then existing should remain the boundary between the two Counties for ever thereafter. However, the true legal boundary between Flintshire and the former County Palatine of Chester arising out of the 1732 Act was not shown on any contemporary map or plan known to the Councils making the submission.

3. Since 1888 (the Joint Submission pointed out) the boundary westward of Burton Point in the estuary had been shown on Ordnance Survey maps along the centre line of the Dee Estuary with the legend "Boundary between the

the Counties of Chester and Flint adopted for the purposes of the Ordnance Survey" ac yn sgîl Deddf Llywodraeth Leol 1972 newidiwyd hyn i ddarllen "Boundary between the Counties of Merseyside and Cheshire and the County of Clwyd adopted for the purposes of the Ordnance Survey". Yn gynnar ym 1974, cytunodd Cynghorau Sir Caer a'r Fflint mai'r ffin gyfreithlon rhwng y Siroedd i'r dwyrain o Burton Point mor bell â Chaer oedd yr un a welid ar fap modfedd (seithfed gyfres) yr Arolwg Ordnans. Ni allent gytuno, fodd bynnag, a oedd darpariaethau Adran 37 Deddf 1732 yn ymwneud â diogelu'r ffiniau rhwng y Siroedd i'r gorllewin o Burton Point.

4. Oherwydd eu hawydd am ddiffinio gwir ffin gyfreithlon y bu i'r tri Chyngor Sir ofyn yn ffurfiol i Gomisiynau Cymru a Lloegr, yn eu Cyd-sylwadau ar 3 Ionawr 1978, am gyflwyno cyd-gynigion i'r Ysgrifennydd Gwladol er mwyn cadarnhau mai'r ffin rhwng y siroedd dan sylw oedd llinell bresennol yr Arolwg Ordnans.

5. Ar ôl ystyried y Cyd-sylwadau, penderfynodd ein dau Gomisiwn, o ran egwyddor, ymgymryd â'r arolwg hwn yn unol â'r drefn a osodir gan Adran 62(2) Deddf 1972. Rhoddwyd rhybudd i'r perwyl hwn ar 5 Mehefin 1978 mewn cyd-lythyr ymgynghori a gyfeiriwyd at y tri Chyngor Sir. Anfonwyd copïau o'r llythyr at holl Gynghorau Dosbarth, Plwyf a Chymdeithas yr ardal, at Awdurdod Iechyd Rhanbarthol Mersi, Awdurdod Iechyd Clwyd, Awdurdod Dŵr y Gogledd-orllewin, Awdurdod Dŵr Cymru, Rhanbarth Gogledd-orllewinol Adran yr Amgylchedd, y Swyddfa Gymreig, Cymdeithasau Awdurdodau Lleol Cymru a Lloegr, y papurau lleol sy'n cylchredeg yn y dosbarthau perthnasol, Aelodau Seneddol yr etholaethau perthnasol, Pencadlys Adran yr Amgylchedd, a'r Comisiwn Ffiniau Seneddol. Cyhoeddwyd dechrau'r arolwg trwy gyfrwng rhybuddion yn y wasg leol a gwahoddwyd sylwadau oddi wrth aelodau'r cyhoedd a chyrff â diddordeb.

6. Mewn ymateb i'r llythyr ymgynghori, bu i Gyngor Sir Clwyd, Cyngor Sir Caer a Chyngor Sir Glannau Mersi ailadrodd, yn unol ag Adran 62 Deddf Llywodraeth Leol 1972, dermau eu cyd-sylwadau a ofynnai ar 3 Ionawr 1978

Counties of Chester and Flint adopted for the purposes of the Ordnance Survey", which, following the introduction of the Local Government Act 1972, was amended to read "Boundary between the Counties of Merseyside and Cheshire and the County of Clwyd adopted for the purposes of the Ordnance Survey". Early in 1974, Cheshire and Flintshire County Councils agreed that the legal boundary between the Counties eastward of Burton Point to Chester was that shown on the Ordnance Survey one inch map (seventh series). They were, however, unable to agree whether the provisions of Section 37 of the 1732 Act related to the preservation of the boundaries between the Counties westward of Burton Point.

4. It was because of their concern to define a true legal boundary that the three County Councils formally requested the English and Welsh Commissions, in their Joint Submission of 3 January 1978, to make Joint proposals to the Secretary of State to confirm the boundary between the said counties as the current Ordnance Survey line.

5. After consideration of the Joint Submission our two Commissions decided in principle to undertake this review in accordance with the procedure laid down in Section 62 (2) of the 1972 Act. Notice to this effect was given on 5 June 1978 in a joint consultation letter addressed to the three County Councils. Copies of the letter was circulated to all the Districts, Parish and Community Councils in the area, the Mersey Regional Health Authority, the Clwyd Health Authority, the North West Water Authority, the Welsh Water Authority, Department of the Environment North West Region, the Welsh Office, the Local Authority Associations of England and Wales, the local newspapers circulating in the districts concerned, Members of Parliament for the constituencies concerned, the Headquarters of the Department of the Environment, and the Parliamentary Boundary Commission. Notices inserted in the local press announced the start of the review and invited comments from members of the public and from interested bodies.

6. In response to the consultation letter, Clwyd County Council, Cheshire County Council and Merseyside County Council reiterated the terms of their joint submission in accordance with Section 62 of the Local Government

i'r ddau Gomisiwn gyflwyno i'r Ysgrifennydd Gwladol gyd-gynigion y dylid cadarnhau mai'r ffin rhwng eu Siroedd yn Aber Afon Dyfrdwy i'r gorllewin o Burton Point yw llinell bresennol yr Arolwg Ordnans ac y dylai'r ffin rhwng Siroedd Clwyd a Chaer i'r dwyrain o Burton Point fod yr un a ddangosir ar fapiau cyfoes yr Arolwg Ordnans. Fe'i gwnaethid yn glir gan Gyngor Sir Clwyd yn arbennig y byddai unrhyw gynigion na chydweddent â'r sylwadau hyn yn gwbl annerbyniol iddynt hwy. Tan hynny, ni roesid i ni unrhyw resymau pam y byddai'r llinell a gynigient hwy yn un i'w dymuno er lles llywodraeth leol effeithiol a chyfleus, a gwnaethom wahodd y tair Sir i gyflwyno sylwadau ynglŷn ag anfanteision y sefyllfa bresennol ac unrhyw welliannau o ran llywodraeth leol effeithiol a chyfleus a ddeuai yn sgîl y newid arfaethedig i statws y ffin. Dywedodd y tair Sir y byddai ffin wedi'i diffinio'n gyfreithiol yn dileu ansicrwydd ac yn rhoi terfyn ar wahaniaeth barn ymhlith yr awdurdodau; byddai llinell y ffin gyfreithlon hefyd yn bwysig yn y dyfodol pe digwyddid ystyried pont dros Afon Dyfrdwy a datblygiadau yn y corstir.

7. Cyflwynwyd sylwadau a gytunai â barn y Cynghorau Sir gan Gyngor Bwrdeistref Wirral, Cyngor Bwrdeistref Ellesmere Port a Neston, Cyngor Bwrdeistref Delyn, Cymdeithas Cynghorau Lleol Clwyd a Mr W H Sefton (bellach yr Arglwydd Sefton o Garston). Cytunai Cyngor Dinas Caer â'r farn honno cyn belled ag yr oedd y llinell i'r gorllewin o Burton Point yn y cwestiwn.

8. Dywedodd Cyngor Dosbarth Alun a Glannau Dyfrdwy na ddylid gwneud llinell bresennol yr Arolwg Ordnans yn ffin gyfreithlon gan mai at ddibenion gweinyddol yn unig y mabwysiadwyd y llinell honno. Credent fod tystiolaeth hanesyddol map a gyhoeddwyd ym 1732 yn dangos bod y wir ffin yn rhedeg i'r dwyrain o linell yr Arolwg Ordnans ac mai honno bellach y dylid ei dilysu fel y wir ffin gyfreithlon.

9. Er y derbynnid bod y ffin wreiddiol yn dilyn Afon Dyfrdwy cyn i honno gael ei gwyro ym 1732, dywedodd Cyngor Tref Connah's Quay mai'r ffin at ddibenion ymarferol ac eraill oedd yr un a ddefnyddiwyd ac a ddangosid ar fapiau cyfredol yr Arolwg Ordnans. Credent mai'r ffin hon, a ddefnyddid ers y 250 mlynedd diwethaf, y dylid ei mabwysiadu fel y ffin gyfreithlon.

Act 1972 which requested both Commissions on 3 January 1978 to make joint proposals to the Secretary of State that the boundary between their Counties in the Dee Estuary westward of Burton Point should be confirmed as the now existing Ordnance Survey line and that the boundary between the Counties of Clwyd and Cheshire eastward of Burton Point should be that shown on the contemporary Ordnance Survey maps. Clwyd County Council in particular had made clear that any proposals at variance with this submission would be completely unacceptable to them. At this stage, we had not been given any reasons why the line proposed by them would be desirable in the interests of effective and convenient local government, and we invited the three Counties to give their views on the disadvantages of the current position and any improvements in effective and convenient local government that would result from the proposed alteration to the status of the boundary. The three Councils said that a legally defined boundary would remove uncertainty and would end conflicting inter-authority viewpoints; the line of the legal boundary would also be important in the future if a possible Dee crossing and developments in the marshlands fell to be considered.

7. Representations which agreed with the views of the County Councils were submitted by Wirral Borough Council, Ellesmere Port and Neston Borough Council, Delyn Borough Council, the Clwyd Association of Local Councils and Mr W H Sefton (now Lord Sefton of Garston). Chester City Council agreed with these views so far as the line to the west of Burton Point was concerned.

8. Alyn and Deeside District Council said that the existing Ordnance Survey line should not be made the legal boundary because the line had been adopted for administration purposes only. They considered that the historical evidence contained in a map of 1732 showed that the line of the true boundary ran to the easterly side of the Ordnance Survey line and should now acquire validity as the true legal boundary.

9. Connah's Quay Town Council said that although it was accepted that originally the boundary followed the line of the River Dee prior to its diversion in 1732, the boundary, for practical and other purposes, had been the one used and indicated on the current Ordnance Survey maps. They considered that this boundary, used for the past 250 years, should be adopted as the legal boundary.

10. Tra'n cydnabod bod y mater hwn yn cael ei reoli bellach gan Ddeddf Llywodraeth Leol 1972, cyfeiriodd Pwyllgor Etholaeth Dwyrain Sir y Fflint o Blaid Cymru at dystiolaeth hanesyddol a ategid gan ddogfennau a mapiau yn ymwneud â llinell hen sianel yr afon yn yr aber a dywedasant y dylai'r ffin ddilyn yr hen sianel honno fel y bodolai cyn torri'r sianel fordwyo newydd ym 1732.

11. Dywedodd Mr Ivor Wynne Jones mai'r ffin yn yr aber oedd canol y sianel fordwyo fel y bodolai cyn 1732 ac fel a ddangoswyd gan arolwg y Capten G Collins ym 1684-89. Yn ei farn ef, yr oedd llinell yr Arolwg Ordnans yn rhoi 8 milltir sgwâr o dir i Loegr ac fe awgrymodd, fel cyfaddawd, linell syth yn cysylltu dau ben llinell yr Arolwg Ordnans.

12. Er na allai'r Cynghorau Sir perthnasol awgrymu unrhyw fanteision diymdroi ac amlwg a ddeuai yn sgîl diffinio ffin newydd ar wahân i ddileu'r ansicrwydd presennol, daeth y ddau Gomisiwn i'r casgliad dros dro, er lles llywodraeth leol effeithiol a chyfleus, y byddai'n ddymunol addasu'r ffin sirol honno sy'n rhan o ffin Cymru/Lloegr i'r gogledd-orllewin o Gaer.

13. Gwnaethom fabwysiadu fel sail i gynigion drafft, felly, y ffin i'r gorllewin o Burton Point a gynigiwyd gan y tri Chyngor Sir perthnasol ac a ddangosid ar fapiau'r Arolwg Ordnans ar gyfer yr ardal gyda'r geiriau "Boundary between the Counties of Merseyside and Cheshire and the County of Clwyd adopted for the purposes of the Ordnance Survey". Cytunwyd gennym hefyd i beidio â gwneud unrhyw gynigion i newid y ffin i'r dwyrain o Burton Point fel y'i dangosir ar fapiau cyfoes yr Arolwg Ordnans. Wrth ddod i'n casgliad, bu i ni gadw mewn cof yr holl awgrymiadau a sylwadau a gafwyd oddi ar i ni gyhoeddi'n cyd-lythyr ymgynghori ar y pwnc.

14. Ar 19 Mawrth 1982, cyhoeddwyd ein cynigion drafft ac anfonwyd y rhain at bawb a dderbyniasai ein cyd-lythyr ymgynghori ac at bawb a gyflwynasai sylwadau arno. Gofynnwyd i Gyngor Sir Clwyd, Cyngor Sir Glannau Mersi a Chyngor Sir Gaer gadw ein cynigion drafft, ynghyd â'r map perthynol a ddangosai linelliad arfaethedig y ffin, yn eu prif swyddfeydd i gael eu harchwilio. Gwahoddwyd sylwadau ar ein cynigion drafft oddi wrth y bobl hynny y'u hanfonwyd atynt a, thrwy gyfrwng hysbysiadau cyhoeddus, oddi wrth aelodau'r cyhoedd a chyrff oedd â

10. The East Flintshire Constituency Committee of Plaid Cymru, while appreciating this matter was now determined by the Local Government Act 1972, referred to historical evidence supported by documents and maps relating to the line of the old river channel in the estuary and said that the boundary line should follow this old channel as it existed prior to the construction of the new navigable channel in 1732.

11. Mr Ivor Wynne Jones stated that the boundary in the estuary was the centre of the navigable channel as it existed prior to 1732 as shown in Captain G Collins' survey of 1684-89. In his view the Ordnance Survey line annexed 8 square miles of estuary to England and he suggested as a compromise a straight line drawn to join the two extremities of the Ordnance Survey line.

12. Although the County Councils concerned were not able to indicate any obvious immediate advantages that would be gained in defining a new boundary other than the removal of the present situation of uncertainty, the two Commissions provisionally concluded that, in the interests of effective and convenient local government, it would be desirable to make alterations to the boundary between those counties which form part of the England/Wales border north west of Chester.

13. We therefore adopted as the basis of draft proposals the boundary line west of Burton Point advocated by the three County Councils concerned and shown on the Ordnance Survey maps of the area, bearing the legend "Boundary between the Counties of Merseyside and Cheshire and the County of Clwyd adopted for the purposes of the Ordnance Survey". We also agreed to make no proposals to alter the boundary east of Burton Point that is shown on contemporary Ordnance Survey maps. In reaching our conclusion we bore in mind all the suggestions and representations received since the issue of our Joint Consultation letter on the subject.

14. On 19 March 1982 we issued our draft proposals and these were sent to all who had received our Joint Consultation letter and to those who had submitted representations thereon. Clwyd County Council, Merseyside County Council and Cheshire County Council were asked to make our draft proposals, and the accompanying map showing the proposed alignment of the boundary, available for inspection at their main offices. Representations on our draft proposals were invited from those to whom they were circulated and by public notices from members of the public and interested bodies. We

diddordeb. Gofynnwyd i'r sylwadau ddod i law erbyn 14 Mai 1982. Nodwyd yn benodol, yn achos sylwadau o blaid y cynigion, y byddem yn croesawu rhesymau'n ategu sylwadau o'r fath ac, yn arbennig, rai'n cyfeirio at unrhyw welliant a welid o ran llywodraeth leol.

15. Cawsom sylwadau gan y tri Chyngor Sir, gan Fwrdeistref Fetropolitan Wirral, Cyngor Dinas Caer, Cyngor Bwrdeistref Ellesmere Port a Neston a chan Gyngor Tref Connah's Quay, i gyd yn derbyn ein cynigion drafft ond heb achub y cyfle i brofi unrhyw welliannau i lywodraeth leol.

16. Yr oedd Cyngor Dosbarth Alun a Glannau Dyfrdwy, a ailadroddodd eu sylwadau blaenorol, yn gwrthwynebu'n cynigion drafft.

17. Yr oedd Cyngor Tref Treffynnon, Cyngor Bwrdeistref Delyn a Chyngor Cymdeithas Llaneurgain yn cefnogi dadl Cyngor Dosbarth Alun a Glannau Dyfrdwy y dylid cadarnhau mai'r ffin a ddangosid ar fap 1732 oedd y wir ffin gyfreithlon.

18. Rhoddwyd gwybod i Gyngor Sir Clwyd gan Awdurdod Iechyd Porthladd Caer y byddent yn gwrthwynebu unrhyw addasiad a leihâi eu hardal hwy ond, ar ôl cael copi o'r cynigion drafft, ni wnaethant unrhyw ymateb pellach.

19. Yr oedd Mr D Spencer Rogers yn gwrthwynebu'n gryf unrhyw gynnig a fyddai'n newid ffin Cymru/Lloegr o'r un a bennwyd pan ganiataodd y Senedd gamlaseiddio Afon Dyfrdwy o Gaer ymlaen. Dywedodd ei bod yn glir, yn ôl geiriad yr hen Ddeddf, fod y Senedd am sicrhau na châi rhagor o dir Cymreig ei gipio gan fuddiannau Seisnig.

20. Cyflwynodd Pwyllgor Clwyd o Gymdeithas Cynghorau Cymuned a Thref Cymru femorandwm manwl yn gwrthwynebu'n cynigion drafft. Ynddo fe ddalient fod y cynigion drafft yn groes i Ddeddf Seneddol 1732 a nodai y dylai'r ffin fel y'i diffinnid ar y pryd fod ac aros am byth yn ffin rhwng Iarllaeth Balatin Caer a Sir y Fflint. Galwent hefyd am i ymchwiliad cyhoeddus gael ei gynnal.

We asked for comments to reach us by 14 May 1982. We specifically stated that in the case of comments in favour of the proposals, we would welcome the reasons supporting such comments and in particular those which referred to any improvement that would result to local government.

15. We received comments from the three County Councils, from the Metropolitan Borough of Wirral, Chester City Council, Ellesmere Port and Neston Borough Council and Connah's Quay Town Council, all accepting our draft proposals but not taking the opportunity to substantiate the improvements to local government.

16. Alyn and Deeside District Council, who repeated their earlier comments, opposed our draft proposals.

17. Holywell Town Council, Delyn Borough Council and Northop Community Council supported the contention of Alyn and Deeside District Council that the true and legal boundary should be confirmed as that shown on the map of 1732.

18. The Chester Port Health Authority informed Clwyd County Council that they would oppose any adjustment which reduced the area of their jurisdiction, but having been sent a copy of the draft proposals they did not make any further response.

19. Mr D Spencer Rogers strongly objected to any proposal that would alter the Welsh/English Boundary from that laid down when Parliament allowed the canalisation of the River Dee from Chester. He said it was clear from the wording of the old Act that Parliament wished to ensure that Welsh land would not be further annexed by English interests.

20. The Clwyd Committee of the Welsh Association of Community and Town Councils submitted a detailed memorandum objecting to our draft proposals. In it they maintained that the draft proposals contravened the 1732 Act of Parliament, which stated that the boundary, as then defined, should ever be and remain the boundary between the County Palatine of Chester and the County of Flint. They also called for a public inquiry to be held.

21. Derbyniwyd dau lythyr arall yn ystod y cyfnod a neilltuwyd; nid oedd Cyngor Plwyf Guilden Sutton am wneud unrhyw sylwadau ynglŷn â'n cynigion drafft, ac yr oedd Cyngor Tref y Fflint o'r farn y dylai unrhyw gyfoeth mwynol a ddarganfyddid yn Aber Dyfrdwy gael ei rannu rhwng Siroedd Clwyd, Caer a Glannau Mersi.

22. Derbyniwyd saith gohebiaeth gryn amser ar ôl y cyfnod priodol, i gyd yn gwrthwynebu'n cynigion drafft, ac fe'u cymerwyd i ystyriaeth. Eu hawduron oedd Cymdeithas Cynghorau Lleol Clwyd, Cyngor y Dywysogaeth, Plaid Cymru, Cyngor Tref Prestatyn, Cyngor Cymdeithas Sealand, Mr Barry Jones, AS Dwyrain y Fflint, a Mr Ivor Wynne Jones.

23. Yn unol â'r drefn arferol, ein cam nesaf fyddai ailasesu'n cynigion drafft yng ngoleuni'r holl sylwadau a dderbyniwyd gennym. Fodd bynnag, cyn i ni allu gwneud unrhyw gynnydd sylweddol cawsom ar ddeall fod Cyngor Sir Clwyd yn dechrau ystyried a ddylent newid eu safbwynt ar y mater. Yn y diwedd, anfonwyd atom gopi o benderfyniad y Cyngor Sir, dyddiedig 7 Rhagfyr 1982, yn y termau canlynol:-

> "Penderfynwyd: Y dylai Cyngor Sir Clwyd dynnu'n ôl ei gymeradwyaeth o'r cynigion drafft a gyflwynwyd gan y Comisiwn Ffiniau a gofyn i'r Ysgrifennydd Gwladol a/neu Gomisiynau Ffiniau Cymru a Lloegr, os nad yw Swydd Gaer a Glannau Mersi'n barod i fabwysiadu llinell sianel 1732 fel y ffin gyfreithlon a hanesyddol rhwng y ddwy wlad, am benderfynu'r mater trwy gynnal Ymchwiliad Cyhoeddus yn unol â'r pwerau a roddwyd iddynt gan Ddeddf Llywodraeth Leol 1972".

24. Ceisiasom farn y ddau Gyngor Sir arall ynglŷn â'r datblygiad hwn. Ar 14 Mehefin 1983 penderfynodd Cyngor Sir Glannau Mersi ailgadarnhau eu cefnogaeth i'n cynigion drafft a gwelent yn dda i beidio â chefnogi Cyngor Sir Clwyd yn eu galwad am ymchwiliad cyhoeddus. Cadwodd Cyngor Sir Caer at eu penderfyniad cynharach eu bod am i'r ffin yn

21. Two other letters were received during the specified period; Guilden Sutton Parish Council did not wish to make any comment on our draft proposals, and Flint Town Council were of the opinion that any mineral wealth discovered in the Dee Estuary should be shared between the Counties of Clwyd, Cheshire and Merseyside.

22. Seven comments were received considerably out of time, all objecting to our draft proposals, and were taken into account. They came from the Clwyd Association of Local Councils, the Council for the Principality, Plaid Cymru, Prestatyn Town Council, Sealand Community Council, Mr Barry Jones MP for East Flint, and Mr Ivor Wynne Jones.

23. In the ordinary way our next step would have been to reassess our draft proposals in the light of all the representations we had received. However, before we were able to make any significant progress we were made aware that Clwyd County Council were beginning to consider whether to change their stance on the matter. Eventually we were sent a copy of a resolution of the County Council dated 7 December 1982 in the following terms:-

> "Resolved: That the Clwyd County Council withdraw its approval to the draft proposals submitted by the Boundary Commission and request the Secretary of State and/or the Boundary Commissions for England and Wales respectively, if Cheshire and Merseyside are not prepared to adopt the line of the channel of 1732 as the legal and historical boundary between the two countries, to resolve the matter by holding a Public Inquiry in accordance with the powers vested in them by the Local Government Act 1972".

24. We sought the views of the other two County Councils on this development. Merseyside County Council resolved on 14 June 1983 to reaffirm its support for our draft proposals and declined to support Clwyd County Council in its call for a public inquiry. Cheshire County Council adhered to their earlier decision that they wished the boundary

Aber Dyfrdwy i'r gorllewin o Burton Point ddilyn llinell yr Arolwg Ordnans.

25. Mae Adran 62(1) Deddf Llywodraeth Leol 1972 yn darparu y gall Comisiynau Cymru a Lloegr adolygu'r ffin rhwng sir yng Nghymru a sir yn Lloegr ar y cyd a, gyda chaniatâd cynghorau'r siroedd dan sylw, gyflwyno cyd-gynigion i'r Ysgrifennydd Gwladol am wneud i'r ffin unrhyw newidiadau yr ymddengys i'r Comisiynau eu bod i'w dymuno er lles llywodraeth leol effeithiol a chyfleus. Yn wyneb y datblygiad a amlinellwyd ym mharagraff 23 uchod, mae'n rhaid i ni gasglu bod Cyngor Sir Clwyd wedi tynnu'u caniatâd yn ôl ac felly nad ydym mewn sefyllfa mwyach i wneud cyd-gynigion ar gyfer newid y ffin rhwng Cymru a Lloegr.

26. Yr ydym wedi ystyried y cais am ymchwiliad cyhoeddus a wnaed gan Gyngor Sir Clwyd a Chyngor Tref Prestatyn; ni roes Cyngor Sir Glannau Mersi na Chyngor Sir Caer unrhyw gefnogaeth i'r cais hwn. Ymddengys i ni, pe delai pont dros Ddyfrdwy yn gynllun ymarferol yn y dyfodol neu pe gwelid unrhyw ddatblygiad arall yn yr ardal dan sylw, ei bod yn debyg y byddai angen ffin ddiffiniol. Yn ein barn ni, fodd bynnag, ni fyddai cynnal ymchwiliad cyhoeddus yn awr i gynigion na cheir cytundeb clir ynglŷn â hwy ymhlith cynghorau'r siroedd perthnasol, yn cyfrannu at ddileu ansicrwydd a'i bod yn annhebygol yr helpai i benderfynu'r hyn a allai fod yn ffin addas iawn i weinyddiaeth llywodraeth leol. O dan yr amgylchiadau, daethom i'r casgliad nad atebid unrhyw ddiben o fudd trwy gynnal ymchwiliad cyhoeddus.

27. Heb ganiatâd y cynghorau perthnasol ac yng ngoleuni geiriad Adran 62(1) y Ddeddf, sylweddolwn na allwn gyflwyno i'r Ysgrifennydd Gwladol unrhyw gynigion ar gyfer diwygio'r ffin ond yr ydym wedi penderfynu cyflwyno'r adroddiad hwn i chi fel y byddwch yn ymwybodol o'r sefyllfa bresennol.

CYHOEDDI

28. Yn unol ag Adran 60(5)(b) Deddf Llywodraeth Leol 1972, anfonir copi o'r adroddiad hwn at Gyngor Sir Caer, Cyngor Sir Glannau Mersi a

in the Dee Estuary westward of Burton Point to be the Ordnance Survey line.

25. Section 62(1) of the Local Government Act 1972 provides that the English and Welsh Commissions may jointly review the boundary between a county in England a county in Wales and, with the consent of the councils of both counties, make joint proposals to the Secretary of State for making alterations to the boundary appearing to the Commissions desirable in the interests of effective and convenient local government. In view of the development outlined in paragraph 23 above, we must conclude that the County Council of Clwyd has withdrawn its consent and that we are therefore no longer in a position to make joint proposals for making alterations to the boundary between England and Wales.

26. We have considered the request for a public inquiry made by Clwyd County Council and Prestatyn Town Council; neither the Merseyside County Council nor Cheshire County Council gave any support to this request. It seems to us that if in the future a Dee crossing should become a practical project, or in the event of any other development falling within the area concerned, there is likely to be a need for a definitive boundary. To hold a public inquiry now however, into proposals which are clearly not agreed by the Councils of all the counties concerned, would not in our view be conducive to removing uncertainties and would be unlikely to help determine what might be a most appropriate boundary for local government administration. In the circumstances we have concluded that no useful purpose would be served by holding a public inquiry.

27. We realise that in the absence of the consent of the councils concerned, and having regard to the wording of section 62(1) of the Act, we are unable to make any proposals to the Secretary of State for making alterations to the boundary but have decided to submit this report to you so that you will be aware of the present position.

PUBLICATION

28. In accordance with Section 60(5)(b) of the Local Government Act 1972, a copy of this report is being sent to Cheshire County Council,

Chyngor Sir Clwyd ac fe fydd ar gael i'w archwilio yn eu prif swyddfeydd am gyfnod o chwe mis. Anfonir copïau o'r adroddiad hwn hefyd at y rhai a dderbyniodd y Cynigion Drafft ac at y rhai a gyflwynodd sylwadau.

LLOFNODWYD: LS

G J ELLERTON (Cadeirydd)

ELISABETH CRAWSHAY (Cadeirydd)

J G POWELL (Dirprwy Gadeirydd)

IDRIS DAVEY (Dirprwy Gadeirydd/ Ysgrifennydd)

JOAN ACKNER

T BROCKBANK

G E CHERRY

K J L NEWELL

B SCHOLES

S T GARRISH (Ysgrifennydd)

TACHWEDD 1985.

Merseyside County Council and Clwyd County Council and will be available for inspection for a period of six months at their main offices. Copies of this report are also being sent to those who received the Draft Proposals and to those who made comments.

SIGNED: LS

G J ELLERTON (Chairman)

J G POWELL (Deputy Chairman)

JOAN ACKNER

T BROCKBANK

G E CHERRY

K J L NEWELL

B SCHOLES

S T GARRISH (Secretary)

ELISABETH CRAWSHAY (Chairman)

IDRIS DAVEY (Deputy Chairman/ Secretary)

NOVEMBER 1985.