

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 28 JUNE, 2018**

Page	Application	Location	Item No.	Description
<u>GENERAL PLANNING MATTERS</u>				
P.26		S.116 Highways Act 1980 Application to Extinguish Part of the Highway at Highlight Lane, Off Lakin Drive, Highlight Park, Barry	1.	Objection letter received from neighbour

PLANNING APPLICATIONS

P.62	2011/00991/OUT	Pen Onn Farm, Llancarfan		No Matters Arising received
P.116	2017/00892/FUL	246, Holton Road,		No Matters Arising received
P.127	2018/00133/FUL	United World College of the Atlantic, East Drive, St. Donats		No Matters Arising received
P.151	2018/00398/RG3	Brecon Court, Barry		No Matters Arising received

1.

St Agnes
Highlight Lane
Barry
Vale of Glamorgan
22 June 2018

Your Ref: James Docherty Co4-1659

Dear Mr. Docherty,

Thank you for your recent letter.

As requested I will respond to each of your numbered points.

1. As stated, the Highway is to be used by the public and ourselves / visitors in accessing both the front and rear of the property.

As stated, deliveries are made by both vans and trucks and due to the narrowness of the lane, a turning point is required for goods vehicles at the bottom of the lane. If the extinguishment order is granted then the ability to turn a vehicle around would be stopped. We have received complaints from Mr Lakin about my visitors cars allegedly blocking the lane. An alternative proposal would be to tarmac the land directly opposite St Agnes to be used as a "passing place" although we are led to believe that the land in question is in the ownership of the Council? Please confirm.

2. We note that you state that you are not relying upon s. 116 for the extinguishment. If not then please state what particular grounds you rely upon, with the evidence to support those contentions of why the land / road as a highway is no longer necessary. To date no evidence has been sent by you stating the nature of evidence to support the application. Having spoken to the neighbours in highlight lane, we can confirm that the majority wish to oppose the extinguishment order. We find it difficult to comprehend how one alleged landowner can cause the Council to make an application for an extinguishment order when a number of residents have use of the land in question. Why were we not consulted in the early stages of the request prior to the formal application being made to the Court ?

We would have expected to have received at least the copy letters sent by the applicant to you and the witness statements to support this application. We have not seen from you any document that states that the VOGBC does not own the land in question, in particular a land registry file plan. At the very least these documents should be submitted by the alleged landowner and prior to the hearing to allow for legal advice to be sought.

Furthermore, please confirm when the land in question was adopted by VOGBC or their previous incarnations such as South Glamorgan etc.

3. We note that you have now amended the area to be extinguished. You refer to Plan 1 as being the plan that you wish to proceed with, whilst plan 2 actually is a reduced area that incorporates the land. Can you please confirm that is it Plan 2 that you are proceeding with or not ? In any regard the need for the extinguishment order is challenged.
4. You refer to fly tipping. There is not an issue or problem of fly tipping on highlight lane and we can confirm that we have never witnessed any fly tipping or waste from the same. The only party that places equipment or farm materials in the area is the land owner in question. This would not amount to fly tipping. It is therefore untrue that the area has or is likely to be effected by fly tipping. Moreover, no anti-social behaviour (ASB) exists on highlight lane or the actual nature of this allegation is provided by you. Please expand.

To this regard we should be grateful if you would provide us with all copy reports of the alleged fly tipping / ASB incidents, if they have been reported at all. In any case there is legislation to combat any alleged fly tipping and as this is public land (at present) it would have been and continues to be the responsibility of the Local Authority to enforce the depositing of waste legislation and clear up any waste .

I do query why an alleged landowner would wish to take on the onerous burden of both stopping and the clean-up costs of alleged fly tipping.

We will make our own enquiries with South Wales police with regard to ASB.

5. The reference to Welsh Water is a moot point. As a statutory body, they have the power to gain access (wayleave) to any part of land both public or private in the effective operation of their service. Please confirm which other public bodies have been consulted.

We can see that an alternative to this situation would be that if the alleged landowner can prove ownership that they grant an easement for the occupants of St Agnes (and their predecessors in title) with the ability to have uninterrupted vehicular access to the land highlighted pink on the plan 2 to the extinguishment order.

In lieu of the further points raised we would ask you to withdraw the application from the Court. If the application is to proceed, then we intend to attend at the Magistrates' Court on 12th July 2018 and make representation upon the same.

Yours Sincerely,

RC Hort

KL Hort