

Ref. CO6-1762

Disposal of open Space land
at the promenade, Barry Island.

11-9-12.

Dear sir/madam,

We are writing to register our objection to the apparent double standards of the Council in respect of the disposal of public open space land.

With reference to the above proposal, the Council seem to have made this land available for development, even though the promenade is already crowded at that end, including the recent addition of the giant deckchair.

However, in the past year, and ten years ago, we unsuccessfully applied to buy some open space adjacent to our home, with a view to altering our driveway and extending the garden.

At the moment our driveway is shared with our neighbours, which has caused some disputes over the years. These disputes will undoubtedly increase in the near future when their two teenage sons start driving, and have their own cars. We feel the obvious answer to this problem is to alter the driveway and separate them, using the small piece of land, which is only used for dog fouling at present.

The reasoning behind the Council's refusal to sell this land to us, was that a certain amount of public open space has to be available. We can't understand why this principle applies to the land around our home, which is plentiful (as we also live on the edge of Porthkerry Country Park), but not to the promenade on Barry Island.

In the light of the above proposal, we ask the Council to reconsider the previous request to purchase space around our home.

We await your comments, and would welcome a site visit in the near future.

Yours faithfully,

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[Redacted]

27th August 2012

To: Head of Legal Services

From: [Redacted]

Re: Notice Local Government Act 1972 Section 123 = Barry Gem 28th August

- Please provide your name i.e. Who is the Head of Legal Services as no name is attached to the Notice
- With regard to the above Notice I require access to the lease referred to in the Notice in good time prior to 13th September 2012 this being the date that any objections need to be submitted so please confirm access arrangements

Thank you

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8th September 2012

To: Head of Legal Services – Ms Deborah Marles

From: [REDACTED]

Re: Section 123 Notice Local Government Act 1972 – Disposal of Open Space Land at the Promenade, Barry Island

I refer to the Legal Notices published in the *Barry Gem* on 16th and 23rd August 2012 in relation to the above disposal of Open Space. I wish to object to the land disposal on the following grounds:

- The Vale of Glamorgan Council has failed to place this Legal Notice on its web site. Notwithstanding that the Council is only under a statutory duty to circulate the Notice in a local paper on two consecutive weeks it is nevertheless a matter of both common and good practice to publish Legal Notices online. Such action shows that a Council has made every effort to ensure that the said Notice is circulated amongst as much as possible of the wider community and that reliance is not just placed on members of the public reading the local paper. I note that the only Legal Notice currently online with the Vale Council is the proposed diversion of the footpath at St Andrews.
- At my request an Officer of the Council who works in Legal Services did provide me with a copy of the Cabinet Minute relating to the matter – Minute C1810 of the Meeting held on 30th July 2012 refers. However I have subsequently discovered that the Report to Cabinet is not accessible to the Public it being a Part 11 Agenda Item. The public has not therefore been given full and complete information on which to make representations for or against the proposal. This shows a lack of openness and transparency.
- The Legal Notice in the *Barry Gem* refers to a Lease and it is clear from minute C1810 that the Head of Legal Services was authorised to grant a New Lease to the existing leaseholder. My request to view a copy of the Draft New Lease was refused. I was instead directed to the Land Registry and advised that I could obtain a copy of the Existing Lease from there. The Officer of the Council confirmed that the Council did have in its possession a copy of the Existing Lease but despite me protesting that it was unreasonable for me to go to the time, trouble and expense of dealing with the LR at Swansea when a copy was available locally the Officer nevertheless maintained the stance of refusing me access to this document. Both the New and Existing Leases would have Terms and Conditions attached and in the case of the New Lease a plan showing the precise area of additional demised land. I have therefore not been given full and complete information to make representations for or against the proposal. This shows a lack of openness and transparency and indeed the stance of

the Officer I view as obstructive thus my current position is that I have no choice but to object.

- I have general concerns at the encroachment of business or private premises into Open Space. Albeit the encroachment in this particular case could be viewed as de minimis it nevertheless sets a worrying precedent. On the scant information before me there is nothing to suggest that in a couple of years time that yet another New Lease could not be drawn up to further, further extend the area of demised land thus resulting in the loss of a significant public amenity.

Please note that In the event that I am provided with access to the Report to Committee and Local Access to the Lease Documents then once in possession of full and complete information I may be minded to withdraw my Objection.

HEAD OF
LEGAL SERVICES

28 AUG 2012

[REDACTED]

20/8/12

Dear Sir,

I write in response to the legal notice in the Barry Gem (16/8/12), concerning the proposed disposal of land at Barry Island promenade, to which I object, on the following grounds:-

The promenade square has already been blighted and reduced in size, by the so-called temporary fairground, which has long outstayed its welcome. There is already a plethora of cafes + takeaways on Barry Island seafront, as well as a large shelter at each end of the promenade, to be used during periods of inclement weather.

Any extension to Marco's Cafe would reduce the area of the main square even more drastically. Chairs have been placed outside many cafes on the promenade, including Marco's for a number of years, in contravention to their leases, which led to a dramatic reduction in people using the Deckchair service ([REDACTED]). I am appalled that such a practice was allowed to continue, but am equally disgusted, that the greed of a cafe owner is apparently to be satisfied, in accordance with the notice of land disposal.

This is public land, and a promenade, which should be kept as an open space for local people and tourists alike, to enjoy for walking.

I look forward to hearing from you, in the near future, and sincerely hope that I am not alone, in my thoughts.

Yours faithfully,

[REDACTED]

28th august 2012

Brad Mason

(01446) 709398

(01446) 709398

BPM/C06-17

BPmason@valeofglamorgan.gov.uk

Dear [REDACTED]

Re: Local Government Act 1972 s123 Notice – Barry Island

Thank you for your letter dated 20th August 2012, received on 28th August 2012 and I note your objection to the proposed disposal.

Your objection will be placed before the Members of the Council at the appropriate time.

For your information, in view of the Local Government (Access to Information) Act 1985 this Council is legally obliged to make any comments or objections received in response to the proposal open to public inspection.

Yours Sincerely,

**for Operational Manager
Legal Services**

[REDACTED]