31 September 2023

To: The Sub-Committee of Planning (Public Rights of Way)

LATE REPRESENTATION from Graham Underdown MBE and Jean Underdown

Introduction:

1. This 'late rep' is presented in the form of a 'Victim Impact Statement' – and without too much legal speak. We hope the PROW Committee will sit as a 'Truth and Resolution Committee' and correct the injustice caused to us by those in authority who made and confirmed an order for a footpath that never existed to provide an entrance to the 220-acre Porthkerry Country Park (PCP) that the Local Planning Authority released Wimpey from delivering on phase 3. For over 20-years literally 10s of thousands of people (usually with dogs) have used our Wimpey home to access PCP.

2. In 2007 a kissing-gate into PCP was provided at Lon Fferm Felin from funding provided by the former Countryside Council for Wales. This gateway does not pass through or interfere with any private dwellings. In 2004 we sought a diversion order to divert footpath 73 to this location. We personally agreed to pay £1000 for the kissing-gate works. Having led us to believe the Council would support the diversion order, it then refused our application.

3. We highlight events that support what is the 'truth' namely our property was expropriated without lawful authority. The 'truth' cannot and must not be

deemed an irrelevant matter to the PROW Committee's determination. The order was made and confirmed to add a footpath to the Definitive Map and Statement (DMS) to cover-up major breaches in planning and development control; legal agreements; and contractual requirements. The parties to the breaches are the Welsh Government; the Council; and Wimpey (as it was then).

4. Being up against such high-ranking people has made it very difficult to expose the truth. Mrs Underdown and Mrs Medhurst recently met with police officers attached to the 'Economic Crimes Unit' who were sympathetic to potential criminal cases of misconduct in public office but could not investigate due to lack of resources. This included establishing whether or not there was any misappropriation of the £800,000 the Council received when it sold 2.86 acres of land it had held as public open space (POS) since 1935 behind Hawthorn Road. The Council sold this land to the Land Authority for Wales (LAW) on 21st November 1994 - a week after the Local Planning Authority (LPA) granted planning permission on 17th November 1994 for residential development on this site without going through the legal formalities under the Local Government Act 1972 for the disposal of POS. Approximately, 40 homes were later built on land allocated POS. The police made it very clear that they did not view our allegations as frivolous or vexatious.

5. Furthermore, a section 106 legal agreement (s106 agreement) associated with the planning approval should have been executed between the Council and LAW prior to planning permission being granted but it was instead executed on 21st November 1994. It took well over 4 years for the s106 agreement to be registered as a local land charge meaning several homebuyers and their conveyancers, including ours, were not aware of its existence because it was not identified in search results.

6. The s106 agreement obligated the developers to deliver a pedestrian access between the residential development and POS i.e.; entrance to PCP. The terms of this obligation ensured access would not be through private dwellings but was to be from off a roadway built to an adoptable standard that terminated on the boundary between the new residential development and the 39.9 acres of POS that became an extension to PCP with effect from 21 November 1994.

7. We note the redaction in Appendix 1 to the Officer Report. The Investigation Report is attributed to the Director of Place but in reality, was prepared by the England based law firm Birketts LLP who were paid £10,000+ to write it. Some redaction, we believe, was undertaken to protect a high-ranking in-house Council lawyer who is still employed by the Council. This is the self-same in-house Council Lawyer who executed the order for footpath 73 on 22 January 2002. We see this as symptomatic of the ongoing 20-year+ 'cover-up' and

protection of officers rather than bring them to account. On the matter of 'truth' we note the redaction in Mrs Medhurst's submissions contained in the case file on the ground the content is potentially defamatory. We would ask the PROW Committee to consider by expressing the 'truth' how can her submissions be seen as defamatory? We do not expect any redaction on our 'late rep' because nothing stated is defamatory. We have also avoided using the personal names of key individuals, despite them already being in the public domain, to comply with what we view as a very disturbing 'redaction policy'.

8. A current Cabinet Member told us some years ago a Cllr's duty lay with protecting the Council and its officers. This is a blatant misconception. The duty of Cllrs is to support their constituents. Over the years we have received no support from our Ward Members - indeed former Cllr ********* and Cllr Charles have actively worked against us. Our current three Ward Members (including Cllr Charles) have not even replied to emails offering information and an accompanied site visit to see the evidence proving footpath 73 never existed AND the order route was misaligned on the ground.

9. From even basic planning research our Ward Members would find the Council released Wimpey from delivering the pedestrian access linking the Cwm Barry Farm residential development with the 39.9-acre area of POS, extension to PCP, on phase 3. This was despite Wimpey being bound by its contract with LAW to deliver it. Wimpey never sought a variation to its contract. This means

the existence of the pedestrian access that was both conditioned in the outline approval (1990/00248/OUT) and a s106 planning obligation is reflected in the title deeds of estate homeowners on phases 3, 4 and 5 as being located on phase 3. All their title deeds, including our own, contain a misrepresentation because the conditioned and s106 pedestrian access was never delivered on phase 3 or on any other phase. Generally, if a misrepresentation in a conveyance is found to be deliberate it can be deemed an act of fraud. A word of caution. Do not be fobbed off, as we were, **********, into believing the kissing gate at Lon Fferm Felin is the conditioned and s106 agreement pedestrian access because it isn't. We hold the documents proving the funding for the kissing-gate was provided by the former Countryside Council for Wales, and was not paid for by the developers.

10. The Council's 'Rights of Way Improvement Plan' is a material consideration in PROW matters. Paragraph 6.2.3 of the current draft ROWIP refers to anomalies where a Definitive Map and Statement (DMS) alignment does not match a walked route. Footpath 73 is one of these anomalies. Setting aside our position and more importantly, that of our expert, that a footpath never existed over Cwm Barry Farmland during the relevant 20-year statutory period under s31 Highways Act 1980 (HA 1980), the misalignment of the order route on the ground must be addressed in your decision making. As the PROW Committee you need to be clear about the alignment of the order route Mrs Medhurst seeks to delete. This is especially important because the Council

claims to have lost the original order so you only have a photocopy before you. The PROW Committee needs to establish what landowners are affected by the order route; the extent of the order route they are affected by; and accept that from the outset we have challenged the misalignment of the order route on the ground. Our main challenge was and remains, when setting out the order route after it was confirmed, the Council created a gap in our boundary that never before existed to provide a public entrance to PCP rather than remove the section of fence panel on the boundary between of 9 Clos Cwm Barri and the Council owned POS that blocked the access to the fields users claimed.

11. When an order is confirmed by an Inspector that is the end of their role. In any subsequent high court challenge the Welsh Ministers would be the respondent not the Inspector. If an order is confirmed and the Council misaligns the order route on the ground then we accept that is a matter for the Council and the aggrieved landowner, not the Inspector, to resolve. We formally raised misalignment issues with the Council and provided a dossier of evidence on 12th May 2012. More than 10-years has since passed and the Council has taken no action other than record the anomaly in the draft ROWIP. The opportunity is now here for the members of the PROW Committee to address the anomaly in a public forum and, in accordance with the Code of Conduct by which you are all bound, we expect you to grasp it and address the misalignment.

12. From time to time, we have tried to secure our boundary by blocking up the gap. The response has been threats of legal proceedings *********, who made the original order and authenticated the accompanying order map with *** signature and job title stamp. We also experienced vile facebook trolling from users who do not understand the misalignment anomaly and assume, from reading their title deeds, we seek to deprive them of the conditioned and s106 pedestrian access to PCP. Damage to our property has occurred – so extensive that a family car had to be written off.

13. A couple of years or so ago Cllr Janice Charles did attend our property with a camera man and filmed footpath 73 without our consent or us being present. She stood in the unauthorised gap in our boundary created by the Council in April 2003 when it unhinged its maintenance gate to misalign order point 'B' rather than take down the fence panel on the boundary of 9 Clos Cwm Barri blocking the gap claimed by users. The gap created in our boundary was <u>not</u> on the line of either the application route or the confirmed order route. Cllr Charles bent down and looked at the forlorn hanging post and would have seen the fence panel adjacent to it. She would also have seen the Council's maintenance gate had been pushed into the now overgrown hedge and tied to the waymarker post to stop it falling over. This made the Council's so-called 'maintenance access' unusable which is why the Council doesn't care the gated- area has become overgrown. Since we were not present, we were unable to point out the significance of these land features, and others, that

not only prove the misalignment anomaly but also prove footpath 73 never existed so was recorded on the DMS in error.

14. Cllr Charles has been involved in the controversy of footpath 73, off and on, virtually from the beginning. She went on record at a meeting of Barry Town Council in 2010 proposing a motion that effectively accused us of wanting to get rid of footpath 73 for personal financial gain! Her motion was seconded **********. With the benefit of hindsight, the motion was defamatory. The 'truth' is, we want to be rid of a footpath that never existed, and, to add salt to our ever-gaping wounds, was misaligned through our property and property boundary. We simply want to regain the true value of the property we chose for its private location, access to which was over a private drive. We never dreamt in a million years our modest Wimpey home would become an entrance to 'Barry's Jewel in the Vale of Glamorgan, Porthkerry Country Park.'

15. When we completed on our purchase of 8 Clos Cwm Barri on 30 July 1999, no footpath was recorded crossing through our home and no application for a footpath had been submitted. We actually paid a premium for the larger than average plot sitting adjacent to PCP with the privacy given by an access over a private drive. 2-months after we moved in, a Wimpey phase 3 resident submitted a footpath application on 29th September 1999. *** name is on the public record but to avoid redaction we shall refer to *** as the 'footpath

applicant'. We and our neighbours at 6 Clos Cwm Barri were in total shock when *** served us notice of his application shortly after we moved in. After footpath 73 was recorded on the DMS our neighbours at number 6 sold up and moved away. Our property was later valued and had lost £60,000 – we could not afford to suffer this loss and move.

16. The Council knew the route claimed was the alignment of the intended pedestrian access because the footpath applicant relied on a draft site layout plan identifying it. However, *** mistakenly believed the intended pedestrian access crossed over our private drive. *** did not realise the land set aside for it had been included in the garden curtilage of 9 Clos Cwm Barri. The Council never asked *** to amend *** application to claim a route through 9 Clos Cwm Barri. It also failed to explain to *** the section of route claimed described as crossing over 'fields' had been allocated POS since 21 November 1994 when it became an extension to PCP so public rights for recreation already existed. This meant the public could wander over the land at will – so long as they abided by the PCP byelaws – so what was the point of a 'defined one-metre-wide route' passing over the fields? Read on and this question will be answered…….

17. The Council totally ignored the section of route the footpath applicant claimed through the Mill Wood and went onto make an order that terminated

at order point 'D', a point on the barbed wire fence boundary between the 39.9 acres of POS and the edge of the Mill Wood.

18. The Council first introduced a Park Ranger service in 1979 to manage public use of PCP. When the 39.9 acres became an extension to PCP with effect from 21 November 1994, the barbed wire was cut, possibly by Park Rangers, in the location of what later became order point 'D', to create an informal link between the original PCP and its extension. Prior to November 1994 any forced access at this point by cutting of the barbed wire or making a structure (such as a step-stile) to climb over the barbed wire fence into the Mill Wood from the Cwm Barry Farmland would have been in breach of the PCP byelaws. Park Rangers, as part of their public use management duties, would have swiftly secured the boundary to prevent public access at this location. We personally knew the late **********, who was the Senior Country Park Ranger. *** lived in Nightingale Cottage in PCP until *** retired. *** took *** ranger management duties very seriously and the notion that *** would turn a blind eye and allow an access created by force through or over the barbed wire fence boundary surrounding the Mill Wood to be available for any length of time, including where order point 'D' was later located, is absolutely ridiculous.

19. The Council recognised user of section of the application route through the Mill Wood was 'by right' – which is why it ignored this section of claimed route

- but chose not to recognise 'user by right' over the POS, extension to PCP. The reason for this was to make it less obvious the Council needed a pedestrian access to the PCP extension that high-ranking LPA officers, **********, had released Wimpey from delivering. We hold evidence that the LPA knew about Wimpey's contractual obligations so Wimpey should not have been released from delivering the pedestrian access without first going through legal formalities with LAW to vary its contract. We also hold evidence that in April 1999 a senior official in the Welsh Development Agency (WDA) (the WDA took over the functions of LAW in October 1998) was shown a Wimpey layout plan identifying the conditioned pedestrian and vehicle accesses, subject to the s106 legal agreement, on phase 3 and on this basis *** 'signed off' phase 3. We have the plan number but have never traced the plan. We would say that whatever was before the WDA official was either a 'fake' or a 'draft' plan because it is fact that neither of the conditioned and s106 accesses were delivered on phase 3. For the record the conditioned s106 vehicle access was delivered on phase 4 in 2000 but the Council could not use it until it paid the phase 4 developer, Westbury, for the ransom strip in the location of its maintenance gate. Payment of £24,912.25 was made in May 2002.

The Footpath Application:

20. Mrs Underdown is from a fourth generation Barry family and knew first-hand that no footpaths ever crossed the Cwm Barry Farmland. As a schoolboy growing up in the late 70s and early 80s her son and his friends would be

chased off the fields by LAW's tenant farmer. In 1983 Farmer ***** took a Barry resident to court for allowing *** dogs to worry and kill his sheep on the land. There is a local story of Farmer ***** knocking out a trespasser and asking *** farm hand 'Cwm Barry Jack' (a Barry legend!) to escort *** off the land once *** regained consciousness! Farmer ***** was a tenant of LAW from around 1977 when Farmer ****** retired and *** actively prevented and did not tolerate public user of the fields owned by LAW *** farmed. Around 1994 *** became the Council's tenant and held a mowing license for the 39.9 acres of POS, extension to PCP. *** could not prevent public user of the land because it was allocated POS – but any user would need to stay well clear of *** massive tractor and bailer! After a few years *** gave up *** mowing licence for silage because dog excrement from the increased use of the land once the Cwm Barry Farm residential development became established was poisoning his livestock.

21. The footpath applicant was not a 'local' but *** did know about the historical gateway to the fields located behind 9 Clos Cwm Barri and recalled stepping over the old field gate lying on the ground to access the fields. This historical gateway was very close to the property Cllr ********* purchased in Fforest Drive on phase 3 on 25 June 1999. When***moved in Cllr *********, in breach of planning and the PCP Byelaws, removed a section of hedgerow and installed a 'private' rear access gate into PCP. The Council took half – hearted enforcement action against*** because, to this day, the gate

in the wall Cllr ********* built remains. Cllr ********* sold up a couple of years or so ago and now resides elsewhere **********.

22. In October 1998, the footpath applicant and *** family were the first family to move into Clos Cwm Barri. Number 9 Clos Cwm Barri was built but had not been sold. Numbers 4, 6 and 8 were yet to be built because Wimpey's site compound was located over these plots. Wimpey moved its compound and began building 4, 6 and 8 Clos Cwm Barri in January 1999 – the private drive was set out around May 1999. The footpath applicant possibly witnessed Wimpey removing the hedgerow on the boundary between 8 and 9 Clos Cwm Barri and the fields in October 1998, and perhaps saw the new maintenance gate being installed. Regardless it is common ground the gated-access works were undertaken in October 1998 so coincided with when *** family moved in so it is inconceivable the footpath applicant did not see the gated-access works being progressed.

23. We wonder if the footpath applicant checked if there was permission for the hedge removal? There wasn't any – furthermore without a valid permission its removal was in breach of the PCP byelaws. We say this because the footpath applicant was very quick to report us to the Council for felling a diseased tree on our property only to be told we had proper planning permission. Regardless, the main point to be made is that when the historical gateway was no longer accessible to the footpath applicant and a stile further

up the field boundary behind a property in the Ffordd Cwm Cidi cul-de-sac was fenced off, *** and other residents gained access to the fields via a gap adjacent to the hanging post of the new maintenance gate – a gap created in October 1998 when the new gate was installed.

24. With the benefit of hindsight and a clearer understanding of the law, we now find it remarkable the footpath applicant's application relied on 20-year user of a defined route under s31 Highways Act 1980 (HA 1980) when *** knew ****** the gap by the maintenance gate had only been available as a usable means of access to the fields for a few months after the hedge was removed. On 6th August 1999 the gap adjacent to the maintenance gate on the field boundary with 9 Clos Cwm Barry was blocked by a fence panel after we and number 6 complained about the trespass problem with new residents crossing the private drive and going up the gravel pathway on 9 Clos Cwm Barri to get to the gap. Most of them ignored our pleas that the driveway, that was black-topped at the time, was private land. At the same time the Council erected a sign on the maintenance gate making clear it was not for pedestrian use. We hold topographical surveys dated 1977 and 1997 proving that prior to October 1998 there was no gap or break in the hedgerow at the location of the new maintenance gate and the gap adjacent to its hanging post. Plans we hold show a bund through the centre-line of the hedge constructed for land-drainage purposes and stock proof fencing specifically installed to stop farm stock breaking through the hedge. However, OS plans going back to the 1800s

show the historical gateway to the fields located behind what became 9 Clos Cwm Barri.

25. Discovering around May 1999 the pedestrian access was not going to be installed when kerb-stones alongside 9 Clos Cwm Barri setting out a footway were removed, the footpath applicant and a person we shall refer to as *** 'chief witness' petitioned for its re-instatement. The footpath applicant handed the 138-signature petition to Cllr *********. The Council took no action other than to file it on an obscure planning application file where it gathered dust before being discovered by us in 2009.

26. Around about the same time as the petition was being circulated the chief witness complained about Wimpey to Trading Standards because the promised pedestrian access had not been delivered on phase 3. Trading Standards, notably a Council run organisation, dismissed *** complaint of misrepresentation because an in-house Council lawyer had written a letter to Wimpey on 16th June 1999 releasing Wimpey from providing it. This letter post-dated by several months the beneficial occupation of several phase 3 properties including the homes of the footpath applicant and *** chief witness. Why they never reverted to their conveyancers and bring a collective action against Wimpey for potentially fraudulent misrepresentation in their conveyances is not known. We can only assume they took the letter of 16th June 1999 at face value and did not realise the provision of a pedestrian on

phase 3 was a contractual requirement between Wimpey and LAW the Council's LPA had no right to interfere with. It was actually a requirement in all the contracts between LAW/WDA and the developers for phases 1, 2, 3, 4 and 5 that approval of plans had to be first be granted by LAW/WDA before being submitted to the LPA for approval. The point being the Council could only release Wimpey from delivering the pedestrian access on phase 3 IF the WDA had done so first and a deed of variation to the contract had been executed to this effect.

27. Cllr ********* provided quotes in a *'South Wales Echo'* press article dated 12th July 1999 about the residents' petition, which showed a colour photograph of the chief witness standing behind the maintenance gate.***was quoted as saying there should be a 'small public path' at Clos Cwm Barri. Since his property was very close to the historical gateway,***likely wanted to reduce the risk of a 'small public path' being anywhere near***! As to the photograph, it was taken before we or number 6 had moved in but number 9 had been occupied since 17th June 1999 so the owners/occupiers may have witnessed the press interest. Regardless, they would have known that for anyone to get behind the locked maintenance gate they would have gone through the gap on their boundary at the end of their gravel pathway adjacent to the hanging post – later to become order point 'B' on the order route. With the petition and the complaint to Trading Standards failing it is likely the press article quotes from Cllr ********* encouraged the footpath applicant to claim

a footpath at Clos Cwm Barri. However,***did not claim a route on the line of the historical gateway,***had admitted to using, because his desired route, and that of his chief witness, was on the alignment of the intended pedestrian access Wimpey had not delivered. Under PROW law you cannot claim a route out of 'desire' or because it is 'convenient'.

28. We would ask the PROW Committee to consider why the footpath applicant and *** chief witness would even have bothered with the petition or misrepresentation complaint to Trading Standards and not just claimed a footpath, IF they genuinely believed an unrecorded PROW existed? The chief witness had lived in a property on phase 2 from 20 June 1997 before moving to phase 3 in December 1998, so why did *** not make an application ****** for a footpath *** claimed in *** user evidence form (UEF) daily use of since the 1970's? Our answer is they were both disappointed at the failure of the petition; the failure of the Trading Standards complaint; and annoyed at the blocking of the gap on the field boundary, their desired means of access to the fields later to become order point 'B' that they found convenient. If it was not the Cllr ********* quote in the press that sewed the seed of an idea for the footpath applicant to make a claim under the Wildlife and Countryside Act 1981 (WCA 1981) then someone else did.

Planning Matters:

29. Vehicular and pedestrian access to the POS, PCP extension was not a reserved matter. However, the LPA failed to determine the precise location of each access point on the boundary between the new residential development and POS, PCP extension at the outline stage. Despite access not being a reserved matter the **********and another now retired high-ranking LPA officer 'approved' a plan under reserved matters application 98/00014/RES, delivering a 'gated access' for Council maintenance vehicles over our private drive that was not built to an adoptable standard. As stated above, the outline planning condition and associated s106 obligation provided for the Council's maintenance vehicle access to be from off an estate road built to an adoptable standard that terminated at the boundary between the new residential development and POS. The LPA and Wimpey ignored this - and Wimpey ignored its contractual obligations with LAW!

30. The hedgerow was removed in October 1998 without the consent of LAW. The maintenance gate was then installed at the top of our private drive that was not built to an adoptable standard. Rather than butt the hanging post of the gate up against the brick screen wall on 9 Clos Cwm Barri, as per the so-called 'approved plan', a gap was left that the footpath applicant and other estate residents found as a convenient access point to the fields. We repeat, this means of access to the fields was only available between October 1998 when the hedge was removed (without lawful authority) and 6th August 1999

when the gap was blocked by a section of fence panel. The gap was not available throughout a 20-year period for the user 'as of right' test to apply under s31 HA 1980. The fence panel blocking the gap is still standing today; the forlorn hanging post is alongside it; and the maintenance gate remains tied to the way marker post.

31. It is important the PROW Committee note that when the footpath applicant submitted *** footpath application in September 1999 Wimpey was yet to coat our private drive with a gold resin and instal the pillars and drive gates. Since our private drive was black-topped we know that many residents wrongly believed it was the continuation of the estate road Clos Cwm Barri – especially when there was a field gate at the end of it. Approved plans show that we should have had block paviours, like other shared private drives on the estate, but we and number 6 agreed instead to the resin works and drive gates. These works were undertaken by Wimpey sometime after September 2000 when the **********, then a high-ranking LPA officer, refused Wimpey's application to remove the maintenance gate and re-instate the hedgerow. (Application 00/376/OUT). By then a year had elapsed since the footpath applicant had made *** claim so *** went to PINS Wales and sought a schedule 14 direction under the WCA 1981. Had the Wimpey application been approved and the hedge re-planted etc the footpath application would have been a 'dead duck' with no chance of success whatsoever.

32. At the time of the refusal the Council's sign on the maintenance gate was taken down but it remained locked. With some irony we now realise that Wimpey's application to remove the 'gated-access' lacked any authenticity because the 'gated-access' never had planning permission in the first place so should have been removed as unlawful development and the hedge re-planted. The ********** refusal must have been because *** had in mind to use the gate for the footpath claim and pass the footpath off as the pedestrian access, *** had released Wimpey from delivering to cover up for *** personal involvement in the major breach in planning and development control. A secondary reason was because the Council had not yet paid Westbury for the ransom strip at the lawfully installed maintenance gate on phase 4. We note the Officer Report for appliction 00/376/OUT contains an error. It refers to Clos Cwm Barri as a 'public highway' when as at March 2000, when the report was written, it was not to become a highway maintainable at the public expense until over 20-years later in September 2020. Until then Clos Cwm Barri was not a 'public highway' but an un-adopted estate road.

33. In 2009 the **********; and an in-house Council Lawyer told us in writing that we had both conditioned, s106 accesses over our private drive. This correspondence is absolute proof *********and other Council staff were desperate to pass off the footpath over our property as the conditioned and s106 agreement pedestrian access. We were very confused about *'footpath v pedestrian access.'* In this context, we now understand a

footpath, is a public right of way – a means of passage from one public place to another public place whereas the provision of a pedestrian access linking the residential development with PCP was a planning condition and associated obligation under the s106 agreement that was to be satisfied by Wimpey on phase 3.

34. There was no evidence whatsoever that the intended pedestrian access on phase 3 was on the alignment of an unrecorded PROW over a defined route used for 20-years 'as of right' but this is the alignment the footpath applicant claimed. Prior to development commencing LAW had prepared a 'Development Brief' and the Council a 'Planning Brief' where the development was described as *'Residential development and POS in conjunction with adjoining country park at Cwm Barry Farm, off Cwm Barry Way and Pontypridd Road, Barry'* was measured and surveyed. Neither Brief (copies held) identified any pathway, track or trail feature over the land in question that could potentially be an unrecorded PROW. That said, LAW did identify the track from off Broad Close alongside the Bowling Club that led to the Sewage Works behind which there was a stile into PCP on the edge of the Mill Wood. If anything, it was this track access to PCP the footpath applicant should have claimed because it was a <u>defined route described as a track</u> ******* claimed in *** UEF as commencing from the Bowling Club to PCP as well as a route from *** home at Clos Cwm Barri.

The November 2001 PROW Committee:

35. The PROW Committee sat twice in November 2001 and had before it a report of the Director of Environment and Economic Regeneration – ********** who had released Wimpey from delivering the pedestrian access on phase 3. The report was totally silent on the Council owned fields adjacent to the residential development being allocated POS with effect from 21 November 1994. It was also silent on why the Council was not considering the section of route the footpath applicant claimed through the Mill Wood. Remarkably, the report admitted the UEFs accompanying the application had not been 'investigated'. Incredibly neither the report nor the associated minutes made any finding on the 20-year relevant user period relied on under s31 HA 1980.

36. We attended the first meeting and presented a case without the benefit and knowledge of PROW matters we have now. We arrived at the second meeting only to be escorted off the premises being told it was a 'closed meeting'. A somewhat humiliating experience! We later learnt at the 2nd meeting the officer relied on a digest of the authority *Fernlee* to move the access of the footpath, **the PROW Committee had determined was the historical gateway behind 9 Clos Cwm Barri**, to our private drive. The circumstances of the *Fernlee* case were totally different to those at Clos Cwm Barri. We also learnt years later the officer was also in possession of a recent planning inspector's decision on a Cardiff case where the inspector refused to allow the

movement of the route and did not confirm the order. The Cardiff case was very similar to ours but the officer withheld it from the PROW Committee. At the time Mrs Underdown was the receptionist at a firm of solicitors PROW Committee member former Cllr ****** worked for. On coming to work the next day *** told Mrs Underdown *'A political decision had been made to make an order for a footpath'.* Mrs Underdown will swear under oath this is what Cllr ****** said. We now realise that you cannot make an order based on 'political reasons' in the same way you cannot make an order for a route users desire and/or find convenient.

37. We can now categorically say the PROW Committee was manifestly mislead and misdirected by both the report and the officer misapplying *Fernlee* so was duped into determining an order be made without even making a finding on the 20-year user period required under s31 HA 1980! The historical gateway sat on land that had been owned by LAW since March 1977; LAW and the Council shared the boundary from November 1994; Wimpey and the Council shared the boundary from November 1997; and 9 Clos Cwm Barri and the Council shared the boundary from since 17th June 1999 – a situation that remains to this day. The gap adjacent to the maintenance gate, that existed between October 1998 and 6th August 1999, is also located on the shared boundary between 9 Clos Cwm Barri and the Council. The owners/occupiers likely witnessed its use as a means of access to the fields from when they

moved in, but did not find the use intrusive because the brick screen wall set in their garden curtilage literally 'screened off' the users.

38. The un-adopted estate road and private drive serving number 6 and 8 Clos Cwm Barri was over land owned by LAW since 1977, then sold to Wimpey in November 1997. The bottom part of the private drive fell into the ownership of number 6 when they completed on 23rd July 1999 and the top part when we completed on 30th July 1999. The point being you cannot divert a footpath, and in this case the commencement of the footpath, to land outside of the ownership of the landowner where the original access to the alleged footpath was located. It was therefore vital that the PROW Committee established the relevant 20-year period and then work out who the affected landowner/occupiers were throughout the relevant period of interest. The PROW Committee did not do this – a fact that was later to have serious repercussions on us and number 6 and, most importantly, contributed to a defective order being made and later confirmed. (See 'The Footpath Order' below)

39. In between the two sittings some PROW Committee members undertook a site visit. By the time the site visit took place the driveway had very much the appearance of what it was, a gold resin topped private drive with private drive gates. Mrs Underdown was present and pointed out the fenced off gap and gravelled pathway at 9 Clos Cwm Barri. She showed them the fenced off stile

at the Ffordd Cwm Cidi cul-de -sac - members had to stand on their tip toes to peer over the fence to see it. The maintenance gate at the top of our private drive was locked and the Country Parks and Commons Manager could not find the padlock key so the PROW Committee could not get into the field and see the historical gateway. However, the PROW Officer had taken a photograph of it and importantly also took a photograph of the Country Parks and Commons Manager grappling with a bunch of keys trying to open the maintenance gate that, vital to our case, was latched on the right-hand side of our private drive. The application route was to the left of our section of private drive, and followed the alignment of the intended s106 agreement access towards the gap adjacent to the hanging post of the gate. The footpath applicant did not claim the drive gates as a limitation to *** application route because Wimpey did not instal them until around October 2000 or shortly afterwards. *** also did not claim the maintenance gate as a limitation because this locked gate, that was designed to open on the right-hand side of our private drive, was not on the alignment *** claimed. Yet both the drive gate and the maintenance gate were later to be included in the order schedule.

The Footpath Order:

40. Let there be no mistake in reality the footpath alignment the footpath applicant claimed was on the exact same alignment as the intended pedestrian access and the land originally set aside for the pedestrian access was included in the garden curtilage of 9 Clos Cwm Barri. To support our assertion, it is a

matter of record the footpath applicant relied on the 'draft plan' and the petition that demanded a means of access to the fields via the gap adjacent to the new maintenance gate to support *** application. This is what *** communicated to the Council and in writing to the Planning Inspectorate Wales (PINS Wales) after the order was submitted to PINS Wales for confirmation. We discovered the PINS Wales communication years after the December 2002 hearing took place and hold a copy of it.

41. Importantly, the footpath applicant had claimed a route that crossed over fields – *** did not describe this land as POS, an extension to PCP. It is fact *** wrote on *** application form and the map attached to *** application that 'Porthkerry Park' began in the Mill Wood and not at where *** entered 'the fields' through the gap on the boundary adjacent to the maintenance gate. *** didn't even seem to realise that 'Porthkerry Park' had become a 'country park'- in 1976! This is perhaps not surprising when *** had not lived in Barry for very long before submitting *** footpath application. As for describing *** claim 'over fields', rather than POS, the only possible explanation for this is the s106 agreement had not been registered as a land charge during *** conveyance so *** had no idea *** was claiming a route in September 1999 over fields that had become POS where public user rights for recreation had existed since 21 November 1994. We remind the PROW Committee it took the Council well over 4-years to eventually get around to registering the s106 agreement as a local land charge. When we pursued the reason for the late

registration, we never accepted the explanation it was an 'administrative oversight'.

42. Importantly, the s106 agreement had not been registered when our own searches were carried out. If it had been we are under no doubt our conveyance solicitor would have realised the maintenance vehicle access over our private drive did not comply with the s106 agreement terms because it was not from off a roadway built to an adoptable standard that terminated at the POS and questions would have been asked before we completed. The fact the gated-access over our private drive was unlawful development, and in any event not fit for purpose of sustaining the weight and height of heavy- duty farm machinery used by farmer ******, would have been exposed. We would have been advised not to complete until the issues were sorted and if not resolved, we would have backed off from buying 8 Clos Cwm Barri. More likely than not the existence of the petition demanding the pedestrian access to be reinstated at Clos Cwm Barri, both the Council and Wimpey knew about but never disclosed to our conveyancer, would have come out. But the failure by the Council to register the s106 legal agreement in a timely manner combined with its failure to disclose a petition meant we completed on 30th July 1999 believing we were buying a property in a very private location off a private drive totally oblivious to the 20-year+ plus absolute nightmare that lay ahead of us that has frankly torn our lives to pieces. *Caveat Emptor* does not apply when, as in our case, our search results were defective due to the non-

registration of the s106 agreement and both the Council and Wimpey suppressed the petition.

43. We can now see the problem facing the Council; the WDA (that took on the functions of LAW in October 1998) and Wimpey was the title deeds of phase 3, 4 and 5 residential homes referenced a s106 pedestrian access on phase 3 that was never delivered. By going along with the footpath claim and making an order the Council, as landowner of the land crossed by the majority of application route, resolved the 'problem' and at the same time used the footpath to link the PCP extension with the original PCP. Incredulously linking the PCP extension with the original PCP was not a planning condition or obligation in the original outline approval. Another 'administrative oversight' perhaps? Absolutely not, this was a major breach in 'planning and development control'.

44. We invite the PROW Committee to look again at the original outline permission 1990/00248/OUT and the descriptor '*Residential development and POS in conjunction with adjoining country park at Cwm Barry Farm, off Cwm Barry Way and Pontypridd Road, Barry' a*nd explain how the POS could possibly 'adjoin' PCP without a connecting link? Answer- it couldn't. Footpath 73 was seen as a means of providing the missing link. Of course, this was unlawful 'problem solving' because the Council, as the Surveying and Order Making Authority, cannot validate a footpath application and make an order under the

WCA Act 1981 to remedy major breaches in planning and development control under the Town and Country Planning Act 1990. But this is exactly what the Council allowed to take place because as landowner over which 96% of the order route ran since 21st November 1994, it knew there was no footpath over the land in question; knew that user of 39.9acres was POS extension to PCP was 'by right' and not 'as of right'; and knew the Park Rangers would be duty bound by the PCP byelaws to stop any unauthorised access through or over the barbed-wire boundary fence between the Cwm Barry Farmland at the edge of the Miil Wood, until 21 November 1994 when the 39.9acres became POS and was 'adjoined' to PCP. After then the wire was cut in several places in the barbed-wire fence to allow access into the Mill Wood.

45. On behalf of the Council as the Order Making Authority, on 22nd January 2002, ********** made an order to add footpath 73 to the definitive map and statement. Mrs Medhurst has set out in submissions all that was wrong with the order and we do not intend to repeat everything. However, it is important the PROW Committee sees as a material fact to its determination that in late 2020 we discovered **********, who remains in post today, was ****** a phase 3 resident moving in on 6th September 1999. The redaction masks this material fact to our case. **** would have gone along Clos Cwm Barri on **** way to work so would know that Clos Cwm Barri was not a hammerhead and that at the time the footpath application was made in September 1999 our private drive was black-topped,

rather than gold-topped, and did not have driveway- gates hung on brick-built pillars. Vital to our case, especially in view of *** legal standing within the Council, it is difficult to accept when *** executed the order that *** genuinely believed Clos Cwm Barri was an adopted highway.

46. We have already explained the November 2001 PROW Committee never made a finding on the 20-year user period under s31 HA 1980. However, the order schedule makes reference to *'through a gate'*. This is a reference to one of the drive gates that were installed by Wimpey after September 2000, when ********* refused Wimpey's application to remove the gated-access and re-instate the hedgerow. So, if, we hypothetically go with 1st October 2000 (because we do not recall the exact date the driveway works were undertaken but do have the photographs) the 20-year relevant period under s31 HA 1980 would be 1st October 1980 – 1st October 2000. We would say that on making the order this was the timeframe the Order Making Authority had in mind and what the ********** had in mind when **** executed the order. The problem here is that the footpath application was dated 29Th September 1999 – over a year prior to the end date of the relevant period 1st October 2000. In addition, we and our neighbours at number 6, from when we moved in during July 1999, were overtly challenging user of our drive. In effect the footpath application combined with our earlier overt challenges to user stopped the period of user running that the Council relied on in the making of the order so the full 20-year user requirement under s31 HA 1980 was not met.

47. The inclusion of the drive gate hanging to the left of the entrance to private drive in the order schedule affected its validity because the Inspector went onto determine a different relevant user period namely mid-1979 to mid – 1999. His end date was well over a year before the drive gates were hung. The Inspector never seemed to recognised this. But even if***had we do not believe***had the power to modify the order schedule to 'fit' his preferred 20-year period because***could not alter an order made in reliance on a materially different 20-year user period.

48. Attributing adoption status to Clos Cwm Barri in the order was, we say, fatal to its validity. Until Clos Cwm Barri was adopted in September 2020, Wimpey owned the land beneath the estate road (this includes the footways) and its surface. Only when adopted under a s38 Highways Act 1980 agreement was the surface of the Clos Cwm Barri estate road vested in the Council's Highway Authority at which point it then became a highway maintainable at the public expense and considered a public highway available for use by the public at large. The general public cannot claim a public right of way from off an estate road by mere user, without evidence of expenditure on the estate road by a public authority. If there is no public highway, as in the case of Clos Cwm Barri which was un-adopted when the order was made, then there can be no public access to a PROW from off it. This is why we agree with Mrs Medhurst's pivotal argument in her submissions that the order was

void, a nullity that could be neither confirmed nor challenged in the High Court. If the order had already been lost prior to being recorded on the consolidated DMS, relevant date 15th March 2016, then aside from all else it is reasonably arguable this is another ground for footpath 73 being recorded on the DMS in error because no legal instrument, i.e.; legal order, existed for it to be recorded on the DMS.

49. As to the order map authenticated by **********, the alignment is not the alignment claimed by the footpath applicant. It crosses diagonally over the private drive serving 6 Clos Cwm Barri. No symbol for a gate is identified on the map but the drive gate is referenced in the order schedule. The route then follows the gravel pathway at the base of the wall on 9 Clos Cwm Barri before entering the POS via the gap adjacent to the hanging post of the maintenance gate. The gap is not identified on the order map but neither is the maintenance gate, that since it was described as a 'field gate' in the order schedule, the map symbol should have been 'FG'. Notably, house numbers for number 6 and 8 are not identified on the order map despite being specifically referred to in the order schedule. A large label 'Clos Cwm Barri' was applied to the order map obscuring almost completely number 6 and part of 8 Clos Cwm Barri. How the order map itself passed validation by PINS Wales is a miracle because it really bares no relation to the description of the route in the order schedule. The Surveying and Order Making Authority failed miserably in

the drafting of the order schedule and the order map but the drafting errors were never picked up by PINS Wales or the Inspector.

50. But we do know the area and know which property is which. We can tell from the authenticated order map the order route hardly affects our section of private drive but materially affects 9 Clos Cwm Barri. In particular the claimed means of access to the fields is the gap adjacent to the maintenance gate is on the shared boundary between 9 Clos Cwm Barri and the Council. But when the Council misaligned the order route on the ground after the order was confirmed, the opposite happened by the simple act of not taking down the obstructing fence panel. You may ask why the fence panel was not taken down? We can answer this. The landowners/occupiers of 9 Clos Cwm Barri were not served notice of the application by the footpath applicant and were not served notice of the order making by **********. This meant that number 9 was never involved in the definitive map modification order process at all despite being a materially affected landowner. Also, the Council was reluctant to recognise the brick screen wall obstructed the true application route that would have required the wall being taken down to accommodate footpath 73. The intrusion caused by the misalignment has seriously impacted on our health and well-being worsened by the fact we know a footpath never existed through our property or indeed anywhere over the Cwm Barry Farm development – including through 9 Clos Cwm Barri.

51. But back to the adoption issue. In 2009 **********, used ****** married name to oppose an application Mrs Medhurst made in 2009. *** referred to various planning applications and quoted from *** own conveyance document in *** paragraph 2.1.3:

*" It is noteworthy that when my ****** and I purchased 8 Llys y Coed ("the Property"), that a number of rights were granted to us and all persons authorised by us (in common with all other persons having a similar right)*

One of those rights is:

To pass with or without vehicles along Estate Roads

The above includes the road known as Clos Cwm Barri."

Importantly this was <u>not</u> a complete quote. In 2020 we obtained *** conveyance document from the Land Registry and the complete quote is:

"To pass with or without vehicles along the Estate Roads ***along that part of the Accessway (and below first floor level only) shown coloured brown on the Plan"***

The emboldened part was applicable to homebuyers who had a shared 'Accessway'. Like us, ********** had a shared 'Accessway' – namely a shared private drive. The definition of 'Accessway' in *** conveyance document and our own is:

"Any pedestrian ways forecourts or drives now or hereafter constructed on the surface of the land shown coloured brown on the Plan ***which are intended to remain private"*** (Emphasis added)

It is inarguable that when ********** made the order in January 2002, *** understood at the time, as a lawyer AND buyer of a phase 3 home, that rights over estate roads were granted to a limited section of the public, namely residents and those authorised by them (in common with all other persons having a similar right), who had licence to pass with or without vehicles along the estate roads. The 'in common with all other persons having a similar right' would relate to persons such as the postman, milkman and delivery person etc. Under the terms of the s106 agreement and the developers' contracts with LAW/WDA the Council did have 'rights' over estate roads – but it did not have 'rights' over private drives. As explained above, the Council's 'rights' over our private drive were not lawfully created - there was no planning permission for the gated-access and the Council never registered an easement with the Land Registry either

when Wimpey owned the land in question or we and our neighbours at number 6 did. It is important we make clear to the PROW Committee that the 'maintenance gate' as per the so-called 'approved plan' should have spanned across our boundary and that of number 9. But instead of setting the hanging post in the gravel path and butting up against the brick screen wall Wimpey did not instal it 'to plan' and left a gap that users went onto use to access the POS, extension to PCP later to become order point 'B'.

52. The ********** would have known from *** own conveyance document and those of all other home buyers, the definition for 'Estate Road' was:

"…all road verges and ***footpaths*** *now or hereafter constructed within the Estate* ***which are intended to become highways maintainable at the public expense.****"* (Emphasis added)

53. *'Footpaths'* in this context means footways/pavements constructed by developers to an adoptable standard and included in a s38 Highways Act 1980 agreement. Once the various inspections were undertaken by the Highways Authority the 'footpaths' along with adjacent roads and verges would eventually become adopted highways. It was only when adopted that the estate 'footpaths' became public highways available for use by the

public at large. The error in the order referring to Clos Cwm Barri being an adopted highway when it wasn't, taking into account ******** was a lawyer AND a phase 3 resident, suggests it was deliberate. But whether it was or was not, it was an error by the Council as Order Making Authority, on whose behalf ********** executed the order, that rendered it invalid - a nullity. This fatal error, along with everything else that was wrong with the order, went on to taint the inspector's entire decision making at the confirmation stage.

54. With the passage of time since 2009 and an increased knowledge of PROW matters if we knew then what we know now, our response to the ********** 2009 representation would have been as follows:

To: ********** **********

*From: Mr Graham Underdown MBE and Mrs Jean Underdown (owners of 8 Clos Cwm Barri_*

6 and 8 Clos Cwm Barri, like your own property, are located on a shared private drive which as an 'Accessway' was intended to remain private property. Therefore, no 'rights' were granted for estate residents to pass over our private drive with or without vehicles unless they were invitees or implied invitees such as the postman; milkman; delivery persons etc. The

majority of UEFs supporting the footpath applicant's application were completed by estate residents. Each and every one of them would have signed their conveyance document on completion and in doing so accepted the 'rights granted' defining where they had license to pass with or without vehicles through the 'Estate'. Therefore, when they passed over our 'Accessway', i.e.; private drive uninvited, each and every one of them was acting in breach of the 'rights granted' they signed up to.

*These breaches by residents cannot be attributed to 'public user' of a route over our private drive so the UEFs should have been discounted for the period of time they lived on the 'Estate'. 'Estate' is defined as land where the registered proprietor was Wimpey under title WA 761544. This exercise, if it had taken place during the hearing, would have excluded the user period for 12 of the 17 UEFs that were completed by Wimpey phase 1 and Wimpey phase 3 residents. As family members of the chief witness, and therefore *** 'invitees' the UEF's of *** parents would also be discounted for the period of use over the estate roads serving Wimpey phase 1 and 3 when their daughter resided on phase 3. 3 UEFs remain – all can now swiftly be discounted. The couple who lived in Howard Court stopped walking in the area in 1997 – so the gap in the hedge order point 'D' would not have existed. The user who lived in Millwood Rise would not have accessed the application route from Pontypridd Road, if at all. ****

*UEF suggests *** likely confused Clos Cwm Barri with Cwm Barry Way. So that dispenses with the only evidence the Council relied on to make the order – 17 UEFs that, by the Council's own admission were never investigated. We have been saying for over 20-years there was never ever any evidence to support adding footpath 73 to the DMS – our assertions were correct.*

We have a couple of questions. We note that your searches were undertaken in 8th July 1999 so was it you that alerted the Council to the fact the s106 agreement had not been registered as a local land charge – because it was finally registered a week later? We also note your father witnessed your conveyance document dated 6th September 1999 so, as a qualified lawyer with knowledge in legal matters, did you do your own conveyance?

We hold copies of all the original UEFs in an un-redacted format so can personally vouch for the fact that not one of these 'users' was invited onto our property – indeed some were turned away by us or number 6. Regardless, since Clos Cwm Barri was not a public highway, then any use of our private drive from off Clos Cwm Barri, their user was not exercising a 'public right' but was forced and unwanted.

The December 2002 hearing before Inspector *****:**

56. A running theme throughout our horrendous 20+ year experience is the argument that the 42- time limit to challenge the order has long since passed. We re-iterate a void order cannot be challenged even within the 42- day time period because you cannot challenge a nullity. Furthermore, the order made for footpath 73 no longer exists because the Council has lost its copy and PINS Wales shredded the duplicate – despite a solicitor's letter from us for PINS Wales to retain hard copies of all the case documents! That said the WCA 1981 provides a method, under section 53(3) (3) (iii) to correct an error of inclusion of a way on the DMS. There is no time limit for applications submitted under this section – as is the case of Mrs Medhurst's application. In addition, there is nothing in the WCA 1981 Act that states the reasoning in a decision letter of a planning inspector who confirmed the order in the first instance cannot be criticised even long after it is issued. In the case of footpath 73 we have discovered copious amounts of evidence that was not before Inspector ****** that prove just how wrong *** reasons were for confirming what we now say was, from the moment it was executed, a void order.

57. We were persuaded by PINS Wales that a hearing rather than an inquiry be held else be at risk of costs against us. We now know that the costs regime applies to hearings as well as inquiries so from the outset we were

misled by PINS Wales. Also, since the claim was based entirely on user evidence then an inquiry should have been held because the only method of testing user evidence is under cross-examination. Much to our consternation questioning, never mind cross -examination, was expressly forbidden by the Inspector at the hearing so the user evidence was never tested then and has never been tested since.

58. The 2011 Inspector, Inspector ******, insisted on written representations rather than agree to a non-statutory public inquiry that would have allowed for cross -examination. *** refused to undertake a site visit accompanied or unaccompanied. We give little credence to *** decision letter. No – we didn't issue proceedings to judicially review *** decision because we didn't have a spare £100+k to do so. But as with the Inspector ***** decision letter there is nothing under s53 (3) (c) (iii) to stop the current PROW Committee from taking the contents of this decision letter into consideration. In particular we point the PROW Committee to paragraph 73 and **** finding that if the s106 agreement had been registered in a timely manner then a footpath claim might not have been made. We agree – and furthermore it supports our assertion that the footpath applicant's claim was on the alignment of the s106 pedestrian access that Wimpey failed to deliver.

59. Please don't forget that prior to making the order the November 2001 PROW Committee made no finding on the 20-year relevant period under s31 Highways Act despite the application relying on modern user evidence. And, as argued above ********** executed an order on the basis the relevant 20-year period under s31 HA 1980 must have been 1st October 1980 – 1st October 2000 (or thereabouts) because the order schedule refers to a drive gate.

60. Inspector ****** had the case papers a few weeks before the hearing on 3rd December 2002. *** should have determined the 20-year relevant period at the pre- hearing stage and the parties advised of it accordingly through the PINS Wales case officer. This did not happen so the first we knew what the 20-year relevant period***relied on was, was when the decision letter was issued citing mid- 1979 – mid- 1999 which we take as 30 June 1979 to 30 June 1999. This time period, we now realise, was in conflict with the time period relied on to make the order, so setting aside our argument the order was void, this would have been a stand-alone reason for the Inspector not to confirm it.

61. But looking at the relevant user period determined by the Inspector we and our neighbours at number 6 were <u>not</u> the landowners of the 4% section of the order route that crossed diagonally over the private drive. LAW, the

WDA and then Wimpey were – but neither the WDA nor Wimpey was in attendance at the hearing. Had a representative been there from these bodies the order would not have been confirmed if for no other reason it would have been bound to have come out that Clos Cwm Barri was unadopted so the order was fatally flawed.

62. The hearing held in December 2002 we can only describe as a 'sham' – and if not a 'sham' it was definitely 'shambolic' because neither those 'for' the order and those like us 'opposing it' had a clue what we were supposed to do – and neither would it seem did the Inspector. As for the Council, that held all the information and evidence that would have stopped the order from being confirmed, the 3 officers in attendance were there to observe only. We honestly believe the confirmation of the order was a 'done deal' not only to protect the Council by stopping the breaches of planning and development control and in legal agreements from emerging but also the National Assembly of Wales (NAW). We can say this because after the hearing we experienced massive obstruction from PINS Wales; were forced to make tortuous FOI requests for information; and, of course, PINS Wales destroyed the case papers despite our solicitor's letter asking they be retained. At this juncture we would ask the PROW Committee to take an adverse inference from the fact the order, and its duplicate, have allegedly been lost or destroyed so what is it on the originals that no-one wants us

to see? We believe it could be the house numbering for 9 Clos Cwm Barri being wrongly shown as number 6 that appears on the photocopy as a blurred dot. There are no blurred dots, that we can make out, on the real number 6 or us at number 8. The original order map would provide clarity.

63. NAW appointed Inspector ******* but *** never declared *** appointer had an interest over the land in question because LAW, the original developer that secured outline planning permission from the LPA, was an 'Assembly Sponsored Public Body'. The WDA, that took over from LAW, was also an 'Assembly Sponsored Public Body. Inspector ******* was also the inspector in the *Fernlee* case misapplied by officers at the committee stage. The Inspector never declared his involvement in *Fernlee.* We can see***made considerable effort in his decision letter to make *Fernlee* fit the circumstances at Clos Cwm Barri when they did not. The movement of the footpath in *Fernlee* was allowed because the re-aligned route through a gap had been available throughout the 20 -year relevant period. The gap that became order point 'B' had not been available throughout 20-years but was only a usable route for about 10-months – October 1998 to August 1999. The footpath applicant; *** chief witness; *** father; and the Council ALL knew this. This fact did not emerge at the hearing because the Inspector did not allow questioning and failed to insist on the full engagement of the Council and call Council officers with an

intimate knowledge of the land in question to appear. *** also failed to establish landownership matters during the relevant 20-year period *** determined and call for representative of the WDA and Wimpey to appear before ***.

64. As stated above the 3 Council officers in attendance did not actively engage in the hearing despite 96% of the order route crossing land owned by the Council. The Inspector seemed to think there non -involvement was acceptable. It wasn't. The Council was the landowner affected by 96% of the order route so absolutely should have fully engaged. Relevant officers whose attendance was vital to the proper determination of the order such as **********, who was served notice of the order as the officer who represented the Council as landowner, and ********** the Senior Country Park Ranger did not attend. No-one from the LPA was there. It was left to us and our neighbour at 6 Clos Cwm Barry to fight it out with the footpath applicant, *** chief witness and *** father and a couple of members of the public in attendance. We had no clue about PROW law and procedures – Inspector ******** gave us no guidance. In particular *** never introduced and explained the *'user as of right' v 'user by right'* argument despite acknowledging in *** decision letter the majority of the order route crossed POS, an extension to PCP owned by the Council. Perhaps *** didn't understand the difference***self? Regardless, we had

no clue about *'user as of right' v 'user by right'* until years after the order was confirmed.

65. The hearing took place in the Dock Offices where the LPA was located but the Inspector never requested copies of planning files; a complete copy of the s106 agreement and plan (only an extract of the agreement was before ***); and the petition despite referring to ALL these matters in *** decision letter. ALL these documents were held in the Dock Offices – it wouldn't have taken long to retrieve them. We have since gathered the documents so they must be considered. They can be found in the case papers for Mrs Medhurst's application and in the Council's, files held for footpath 73 that, we understand are now in a limited electronic form only, the hard copies having been destroyed. So here we go again – file destruction that the PROW Committee must take an adverse inference from!

66. Significant weight was given to the chief witness's claim of 'daily use' of the application route since the 1970s. *** frequency of use shown on *** UEF was untrue because for several years during the relevant 20-year period, mid-1979 – mid-1999 or, if you like, 1st October 1980 to 1st October 2000, *** did not even live in Wales never mind Barry! Had *** user evidence been tested under questioning, never mind cross-examination,

this would likely have emerged so as a non-credible witness *** user evidence would have been discounted altogether or given very little weight. The father of the chief witness was not an estate resident but***claimed access to the fields via the stile at the end of the Ffordd Cwm Cidi cul-de-sac and the stile was not on the order route. The footpath applicant never raised the fact the order route did not correspond to *** application route likely because *** got *** 'pedestrian access' into the fields over our private drive and that was all *** was concerned about. At this juncture we advise the PROW Committee the footpath applicant ****** complained to the Council about misaligning the order route on the ground after it was confirmed by unhinging the maintenance gate to create the gap in our boundary so rendering the gate useless.

67. The Country Parks and Commons Manager did attend the hearing. *** acknowledged in correspondence to us before the hearing an informal access was created at order point 'D', on the edge of the Mill Wood around 1994 when the barbed wire fence was cut. *** told us the Park Rangers did not remedy the boundary breach because the 39.9-acre area allocated a POS had become part of PCP. This letter was before the Inspector but *** gave no weight to it. If it was a case of the Inspector did not fully understand that this letter, we argue now in itself proved there was no access to the Mill Wood at order point 'D' until after 21 November 1994, because any forced breaches of the barbed wire fence creating an access would have been dealt with by the Park Rangers,

then why didn't *** ask the Country Parks and Commons Manager who was in attendance to clarify matters? Indeed, why didn't *** simply ask the Country Parks and Commons Manager IF there were was an unrecorded footpath over the land in question that existed for 20-years prior to 21 November 1994? Instead, the Inspector asked the Country Parks and Commons Manager the effect of footpath 73 would have on 'tree- planting'. We say now what was 'tree-planting' to do with anything? If the letter evidence had been properly dealt with at the hearing it would have been another reason to 'kill' the order because it would have proven there was no through route from order point 'D' into the Mill Wood until around November 1994 and prior to then any forced accesses created on the barbed-wire boundary between Cwm Barry Farmland and the Mill Wood would have been swiftly dealt with by the Ranger Service.

68. The Inspector did ask the Council's lawyer in attendance a question about the order who replied it had been made as set out in the Application. This was not true. When the footpath applicant submitted *** application the driveway gates had not been installed; *** application made no reference to the maintenance gate because it was not the means of access to the fields the residents claimed but the gap adjacent to the gate; and *** photographs supporting *** Application showed a route that extended through the Mill Wood – it did not terminate at the edge of the Mill Wood, identified as order point 'D', on the order route. The footpath applicant's captioned photographs

were on display at the hearing as was the footpath applicant's application identifying the application route as continuing through the Mill Wood so what on earth possessed the Inspector to ask the question? We can only but suggest it was all down to a 'sham' or 'shambolic' hearing.

69. The well- worn path through the Mill Wood identified in the footpath applicant's captioned photographs was a 'Country Park Nature Trail' the Park Rangers had likely kept clear and been maintaining since the 1979. The section of route claimed over 'the fields' did not connect to the Trail at order point 'D'. The Inspector clearly did not properly give *** attention to the continuation of the application route through the Mill Wood.

70. Since the hearing we have obtained a Warden Survey undertaken on 16 November 2001, just before the PROW Committee sat for its first meeting, proving order point 'D' did not connect to the Nature Trail. The purpose of the survey was to identify the perspective of where the footpath applicant's photographs were taken. The results were transferred to a large plan displayed at the December 2002 hearing – but the original survey was not disclosed. Had it been this too would have 'killed' the order because it shows that as at November 2001 there was no link between the order route at order point 'D' and the 'Country Park Nature Trail'. If there was no link then, there could not have been a link at the end of the relevant 20-year period the Inspector determined as 30 June 1999 and ********** determined

as 1st October 2000 (or thereabouts).

71. An important by-product of this large plan that was on a display stand at the December 2002 hearing was that the estate road Clos Cwm Barri and surrounding new estate roads have no colour hue whereas already established roads in the area have a pink hue. We have come to learn the pink hue means the roads are adopted – no hue means unadopted. Inspector ****** has been said to be experienced in reading plans but for *** not to notice this, especially in view of the fatal flaw in the order, we say points to a less than competent inspector. The self-same plan identifies order points 'A', 'B', 'C' and 'D' as the **'Route of footpath claimed'.** This is simply not true – the footpath applicant's 'claimed footpath' extended through the Mill Wood – *** application form said so as did *** photographic evidence. And number 9 Clos Cwm Barri is wrongly identified on the plan as number 6. We suggest this was deliberate because number 9 Clos Cwm Barri had not been involved in the DMMO process so the Council passed it off as number 6. All this is further evidence of a 'sham' or 'shambolic' hearing. We hold a copy of the large plan – in its original colour format. Inspector ******* decision letter identifies it as a hearing document so it cannot be denied it was before ***.

72. To this day we do not believe the Inspector ever undertook a 'site visit' over the land in questions which against our express wishes *** undertook unaccompanied. Mrs Underdown was determined to point out land features to

the Inspector and maintained a watching vigil all day – but never saw ***. If *** did do a site visit, amongst other matters, *** would have seen there was no estate footway linking 99a Pontypridd Road to order point 'A'; Clos Cwm Barri was not a hammerhead; the maintenance gate opened on the opposite side of the drive to the order route; a fence panel had blocked the gap users claimed; number 6 on the plan was actually number 9; and order point 'D' did not connect to the Nature Trail. From reading *** decision letter it would seem *** did visit land at the bottom of Cwm Barry Way in the vicinity of the phase 4 Westbury development where there is a kissing gate access to 'the fields'. But why on earth would *** have walked an area that was no-where near the order route? Answer – *** must have been very confused by the order map.

73. With the passage of time, we can now fully evidence that Inspector ****** decision was based on hearsay; beliefs; incorrect findings of fact; contradictions in facts; unanswered self-questions; and evidence from a non-credible chief witness. The Inspector did not even apply the proper legal test. The effect of the Order as *** set out in paragraph 1 bares no relation to the order route as described in the order schedule – and most certainly bares no relation whatsoever to the application route. According to paragraph 1 the order route went through the field gate. Well, if it did the order line would be on the right-hand side of the private drive. However, in paragraph 19 the Inspector identifies the gap immediately east of the field-gate as the means

of access to the fields which was what the footpath applicant and *** witnesses claimed – this contradicts paragraph 1. Paragraph 1 also describes the order route as terminating at order point 'C' not 'D'. Frankly, paragraph 1. is evidence in itself that the Inspector lacked competence and did not under -take a site visit and walk the order route as stated in paragraph 3. As to paragraph 3, we are prepared to state under oath we did not agree to an unaccompanied site visit and Mrs Underdown was furious when the Inspector approached her after *** had closed the hearing to say because the footpath applicant was unavailable to attend a site visit then neither could she.

74. To conclude on the matter of the decision letter, as with the order itself, it is hard to find anything 'right' about it and we have gathered evidence over the last 20+ years that proves this.

PROW Committee Meeting 6th September 2023:

75. On 29 September 2020, just after Clos Cwm Barri was finally adopted, a waymarker post was installed by the Council outside 9 Clos Cwm Barri. This matches the start of the alignment of the intended pedestrian access claimed by the footpath applicant as the alignment of the footpath. But the location of this waymarker does NOT match the alignment of order point 'A' on the order map – order point 'A' is on the other side of the private drive between 4 and 6 Clos Cwm Barri. As argued above, once the order for footpath 73 was confirmed residents were misled into believing footpath 73 was the

s106 pedestrian access. We even hold a letter from the chief witness stating *** follows the 'rules' and keeps to the left of the driveway! We ask what 'rules'? The erection of the waymarker outside 9 compounded this mistaken belief about 'rules'.

76. On your site visit the PROW Committee can see for itself the location of the way markers and other land features that support our case no footpath existed AND it was misaligned on the ground. To decline to do a site visit would be procedural unfairness. You simply cannot make any decision without visiting the site and seeing with your own eyes the physical evidence that still exists on the ground that you must consider with documentary evidence during your determination of Mrs Medhurst's application to correct an error of inclusion of footpath 73 on the DMS.

52. The current PROW Committee has the benefit of a member who sat on the November 2001 PROW Committee but gave apologies for not attending the site visit. We would hope Cllr Hodges would confirm the events that took place at these meetings as we have described them above.

53. The PROW Committee also has before it the expert witness report of **** BA MA MClfa FSA – an expert in aerial and satellite imagery. This is the first time an 'expert' opinion is before a Council Committee. The evidential photographs were taken by the RAF for the NAW. The NAW appointed

Inspector ******* to conduct the December 2002 hearing so the aerial photographs were sourced from *** appointer's own records therefore their provenance is unquestionable. Importantly, ***** is qualified to give evidence in a Court of LAW. The PROW Committee cannot and must not accept that Inspectors ****** and *****, who both made findings on the NAW aerial photographs in their respective decision letters and the findings in the 2023 Investigation Report, wrongly attributed to the Director of Place, are the findings of 'experts' in aerial and satellite imagery.

54. To conclude we revert to our opening introduction that as the PROW Committee you conduct yourselves as a 'Truth and Resolution Committee' that recognises and accepts the 'truth'. We therefore invite the PROW Committee to disregard the officer recommendation and determine an order is made to delete footpath 73 from the DMS. In view of the passage of time the error of inclusion of footpath 73 has remained on the DMS, we would hope you direct an order be made immediately and notice published accordingly.

55. There will likely be a flood of objections – but we are more than prepared for that. In any event we would expect the Council to warn those who submit and do not withdraw irrelevant objections of the costs consequences should the order be submitted to PEDW for confirmation and a hearing or inquiry held.

55. We hold thousands of documents supporting the recording of footpath 73 on the DMS was an error, most obtained from Council files, but to assist we attach some key evidence – you can always ask us for more:

- *Dated photograph taken at site visit on 22 November 2001. It shows the former Country Parks and Commons Manager trying to unlock the maintenance gate. Note the gate opens on the right of the gold-resin topped private drive. In the foreground and the private drive gates are closed.*
- *Correspondence between us and the Country Parks and Commons Manager July/August 2002. Note how *** avoids answering some of the questions - for instance why should how the farmer accessed the land pre- 1998 be a 'state secret'! Answer – because the Council was very 'sensitive' about ALL access matters to the POS – vehicular and pedestrian*
- *Warden Survey 16 November 2001 – note reference to 'No formal access' in the locality of order point 'D' and order point 'D' not connecting to the Nature Trail in November 2001.*
- *PCP Byelaws*
- *1983 newspaper article regarding Farmer ******

Thank you for reading our 'late rep/victim impact statement'.

BOROUGH OF VALE OF GLAMORGAN

B Y E L A W S

made by

THE COUNCIL OF THE BOROUGH OF

VALE OF GLAMORGAN

in respect of

PORTHKERRY COUNTRY PARK

VALE OF GLAMORGAN BOROUGH COUNCIL

BYELAWS

Made under Section 41 of the Countryside Act, 1968, by Vale of Glamorgan Borough Council with respect to a country park.

1. Throughout these byelaws the expression "the Council" means Vale of Glamorgan Borough Council and the expression "the land" means the country park known as Porthkerry Country Park.

2. No person shall on the land

i. Wilfully, carelessly or negligently soil, defile or deface any wall or fence on or enclosing the land, or any building, barrier, railing, post or seat, or any erection or ornament;

ii. Climb any wall or fence on or enclosing the land, or any tree, or any barrier, railing, post or other erection;

iii. Wilfully, carelessly, or negligently remove or displace any barrier, railing, post or seat, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the land.

3. No person shall affix or cause to be affixed any advertisement, bill, placard or notice upon any building, wall, fence, gate, door, pillar, post, tree, rock or stone on or enclosing the land.

4. a. No person shall light a fire on the land, or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

b. This byelaw shall not prevent the lighting or use of a properly constructed camping stove or cooker in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

5. a. No person shall ride or drive a mechanically propelled vehicle on any part of the land where there is no right of way for vehicles.

b. This byelaw shall not extend to invalid carriages conforming to the provisions of regulations made under the Chronically Sick and Disabled Persons Act 1970.

c. If the Council has set apart a space on the land for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on the direct route between it and the entrance to the land.

6. Where the Council indicate by a notice conspicuously exhibited on or alongside any gate on the land that leaving that gate open is prohibited, no person having opened that gate or caused it to be opened shall leave it open.

7. No person shall without the consent of the Council erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping on the land except on any area which may be set apart and indicated by notice as a place where camping is permitted.

8. No person shall discharge any firearm or air weapon on the land.

9. No person shall cause or suffer a dog belonging to him or in his charge to enter or remain on the land, unless such dog be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any animal.

10. a. No person shall on the land, kill, take, molest, or wilfully disturb any animal, bird or fish or take or injure any egg or nest or engage in hunting, shooting or fishing or the setting of traps or sets or the laying of snares.

b. This byelaw shall not prohibit any fishing which may be authorised by the Council.

11. No person shall, except in pursuance of a lawful agreement with the Council, turn out or permit any animal to graze on the land.

12. No person shall on the land sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire any commodity or article except in pursuance of an agreement with the Council.

13. No person shall obstruct the flow of any drain or water-course, or open, shut or otherwise interfere with any sluicegate or similar apparatus on the land.

14. No person shall bathe in any waterway comprised in the land except in an area where a notice exhibited by the Council permits bathing.

15. No person shall operate or sail on any waterway comprised in the land any boat which is not for the time being registered with the Council; such registration shall be effected by the Council upon written application by the owner of a boat, by

i. entering in a register kept by a duly authorised officer of the Council the name and address of the owner, a general description of the boat and the serial number of the registration and

ii. issuing to the owner a certificate of registration incorporating these particulars.

16. No person shall wilfully, carelessly or negligently foul or pollute any waterway comprised in the land.

17. No person shall on the land wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the land or wilfully obstruct, disturb or interrupt a warden or other officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of any work in connection with the laying out or maintenance of the land.

18. a. An act necessary to the proper execution of his duty on the land by an officer of the Council, or by any person or servant of any person employed by the Council, shall not be deemed an offence against these byelaws.

b. Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the land or the rights of any person acting legally by virtue of some estate, right or interest in, over, or affecting the land or any part thereof.

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds.

20. The byelaws with respect to pleasure grounds made by the Mayor Aldermen and Burgesses of the Borough of Barry on the 10th day of January, 1949, and confirmed by the Secretary of State on the 30th day of March, 1949, and amended from time to time are hereby repealed insofar as they relate to the Porthkerry Country Park.

THE COMMON SEAL of the BOROUGH COUNCIL OF VALE OF GLAMORGAN was pursuant to a resolution passed at a meeting of the Council held on the twenty-first day of June, 1976, hereunto affixed this Twenty-ninth day of November, 1976, in the presence of :-

[redacted]

Mayor

[redacted]

Chief Executive

LS

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the First day of September 1977.

[redacted]

An Assistant Under Secretary of State

LS

Home Office
London SW1

10 August 1977

Mr & Mrs G Underdown
8 Clos Cwm Barri
Barry
Vale of Glamorgan
CF62 6LR

30th July 02

[redacted]
Country Parks & Commons Manager
Vale of Glamorgan Council
Cosmeston Park
Penarth
Nr Barry

Dear [redacted]

ACCESS CLOS CWM BARRI

We are soon to make our objection to the Panning Inspectorate with proof that our property was never used as a public footpath. We would appreciate it if you could answer the following questions

1. How many years did [redacted] of Glebe Farm, Porthkerry, rent the fields.
2. Where exactly did [redacted] gain access to the fields, before 1998 when the gateway was created by Wimpey.
3. Please could you state the reason [redacted] did not wish to rent the fields after 1999.
4. Did [redacted] ever complain about the damage caused to his crops.
5. Were the fields rented for any other purpose.
6. What active measures where taken to dissuade the public from using the fields.
7. Were any notices placed stating private property.
8. There are concrete posts with barbwire running through the posts, surrounding the Millwood, was this to keep the public out of the Millwood or out of the fields.
9. The barbwire has been cut in several places was this done by the Parks Dept.
10. Did you ever receive any complaints regarding footpaths/rights of way over Phase 1,2,3,4,5 or over the fields.

Yours sincerely

Cosmeston Lakes Country Park & Medieval Village
Lavernock Road, Penarth. CF64 5UY
Tel/Ffôn: (029) 2070 1678, Fax/Ffacs: (029) 2070 8686
Textphone/FfonTestun: (01446) 709363
www.valeofglamorgan.gov.uk
e-mail/e-bost: cosmeston@valeofglamorgan.gov.uk
Parc Gwledig a Phentref Canoloesol Cosmeston
Ffordd Larnog, Penarth. CF64 5UY

Matter 11

Mrs J Underdown
8 Clos Cwm Barri
Barry
The Vale of Glamorgan
CF62 6LR

6th August 2002

Dear Mrs Underdown

Access Clos Cwm Barri

I am in receipt of your letter dated 30TH July 2002, with regards to the above set out as questions 1-10.

I am unable to answer questions 1,2,3,4,5. As they are subject to a contract between the Council and a third party.

Questions 6,7, To the best of my knowledge no notices were placed by the Council stating private property, no active measures were taken by the Council to dissuade the public from using the fields as the land was gifted by the W.D.A as public open space.

Questions 8,9, The concrete posts and barbed wire was erected by the Romilly estates and I suppose maintained by whomever owned the land before it came into the Councils ownership. Persons unknown cut the fence to gain access into the park, as the land is now owned by the Council with access permitted there has been no need to replace the wire fence.

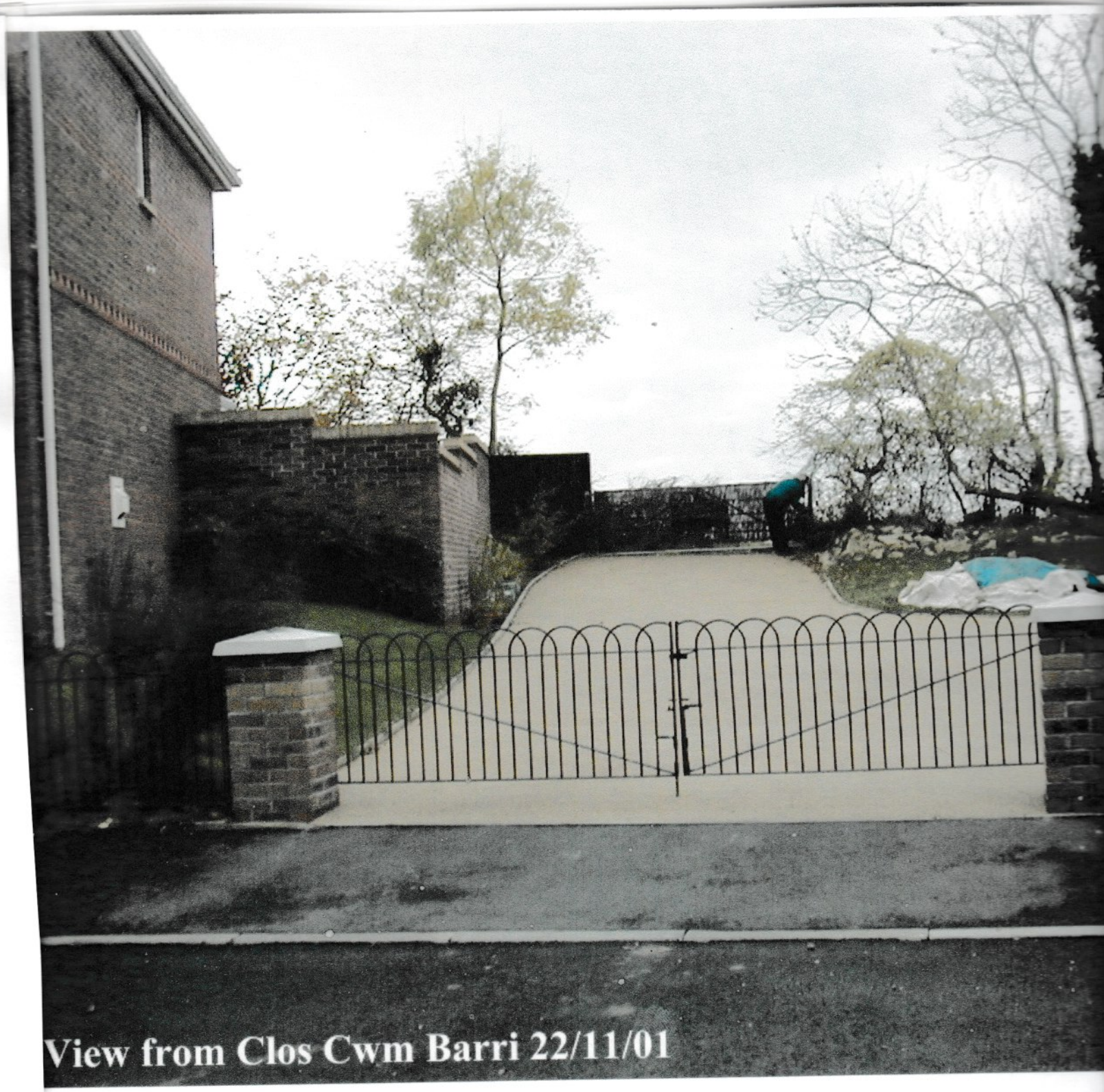
Question 10,I personally have not received any complaints regarding footpaths/rights of way over the fields prior to your actions, I have no knowledge of any other departments having received any complaints over phases 1,2,3,4,5, of the development.

If I can be of any further assistance to you please contact me at the above address.

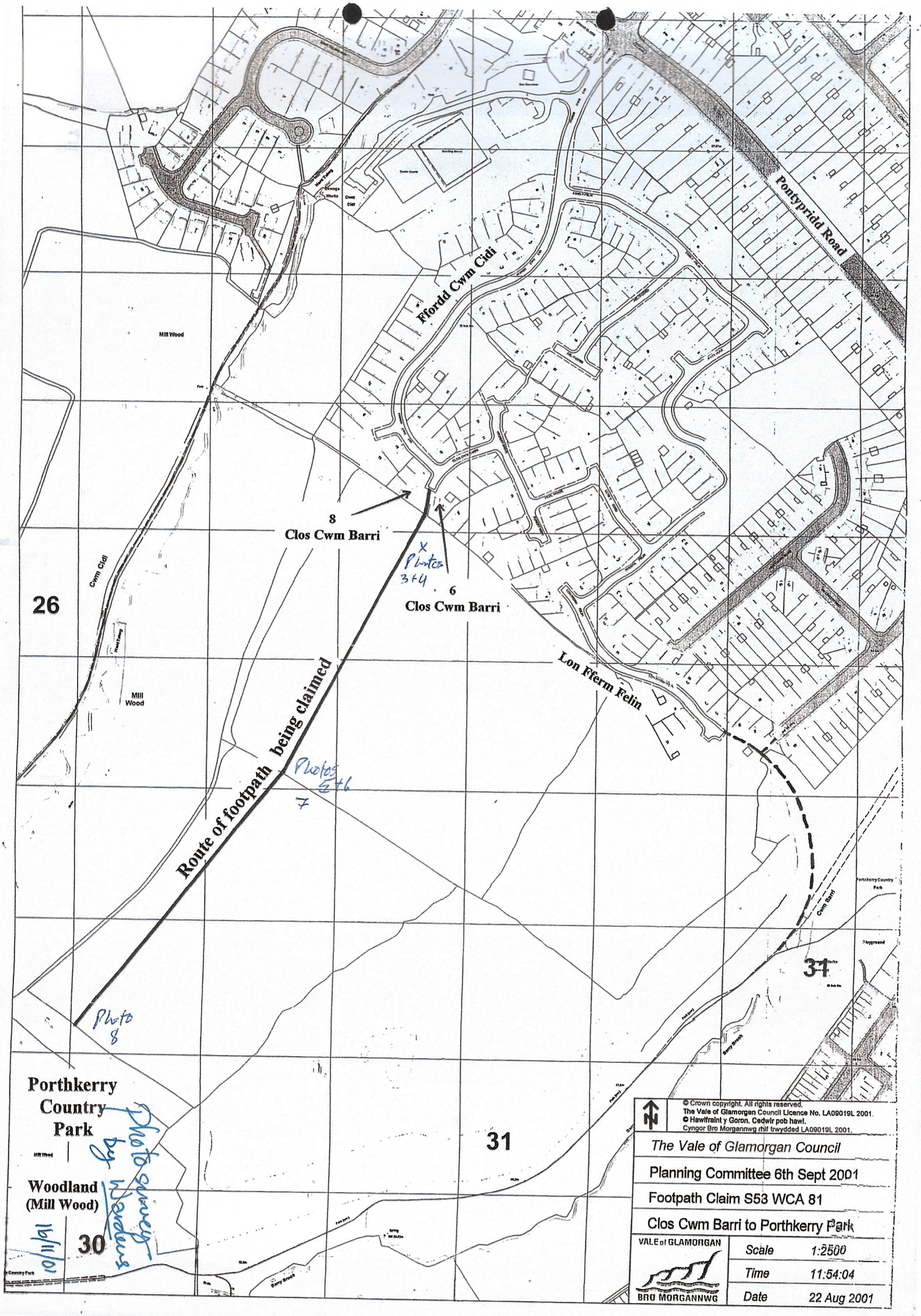
Yours Sincerely

[redacted]

[redacted]
Country Parks and Commons Manager



View from Clos Cwm Barri 22/11/01



The Vale of Glamorgan Council

Planning Committee 6th Sept 2001

Footpath Claim S53 WCA 81

Clos Cwm Barri to Porthkerry Park

VALE of GLAMORGAN
BRO MORGANNWG

Scale	1:2500
Time	11:54:04
Date	22 Aug 2001

The Vale of Glamorgan Council

Department:

Title:

Drawn By:

VALE of GLAMORGAN BRO MORGANNWG

Scale	1:1250
Time	11:47:55
Date	16 Nov 2001

IS SOMEBODY LOOKING FOR YOU?
TODAY, THE AMERICAN CONNECTION

search of a mily tree

ARSHMAN

reporter Ray Las Vegas Colin Jones ntacted by a had heard ebody Lock- ervice.

an, of 3965 , Las Vegas, USA, wanted e should go family tree, daughter gave d address he his request. ave been old interested no one living Mr Mason. formation I

have come from my mother. I don't know my great-grandfather's name but he was from Wales and came to the United States possibly in the 1860's. Does anyone know of Masons who emigrated around that time?

Miners

"Grandfather's name was Joseph Benjamin Mason who was born in Shenandoah, Penn, USA on November 21, 1872. It is possible that one or more of the children were born in Wales. The Mason children were named Joseph, William, John, Mary Ann, Emma, Margaret, Elisabeth and Frances.

"I believe great-grandfather worked in the pits because my grandfather worked with him as a small boy in this country. At the time they lived in Tioga County, Pennsylvania, around Morris Run and Arnot Pa.

"I would greatly appreciate any help you might give me."

Mr Mason closes his letter by sending regards to Mr Eddie Thomas, the Merthyr manager of welter-weight Colin Jones, and to our own Ray Parker who crossed the Atlantic to report on the recent big fight.

Can anyone help him to track down the Mason forefathers in Wales?

riff looks Welsh lead

HE borrowed from a distant relative made Ameririff Steven Mumby even more determined to trace stry.

"The only two I know who had children were George (who had two daughters and a son Frank) and William, who was a widower in 1897 and had Polly, Bessie and Elisabeth.

"Rev William Charles and his wife Bertha married around 1908 and served the Methodist Church in Nassau, Bahamas.

"Rev Charles had a son born and named William Daniel Charles around 1908 at Wesley House, Pembroke. Two letters written in 1918 went to Rev Charles, one from Jack in Egypt and one

liers. A William Charles also lived at Railway Cottage, Usk, in 1822. One of the sons of John and Ann died in September 1917, and was buried at Llanbradach."

Mr Mumby tells us that Mary Ann Bigham from Tintern had John (who was his relative), Martha, Howell, David, Joseph, Sam, Mary (born May 25, 1843), William, Robert (from Usk), George and Jonas.

Martha married Ted and they had four children, Jos ried Caroline a daughter F grand-da Phyllis, of Pontypool.

Sam and his wife

many sources about his birth, baptism and early

WHERE WAS LEWIS BORN?

AS Mr Jim Lebo, of Howells Crescent, Llandaff, showed an American friend around Llandaff Cathedral he was wishing he could have located the birthplace of Francis Lewis.

He was the second signatory of The Declaration of Independence whose wealth, power and influence enabled him to have General George Washington appointed as Commander of the Colonial Army.

There was hostile opposition to the appointment, but Llandaff-born Francis

● Peter Williams — beat three others to get to the final.

Peter, 10, takes on the champ!

A DAVID and Goliath snooker battle will be fought out in a crowded Cardiff games room this evening.

The contestants? Little Peter Williams, aged 10, and Welsh pool champion Anthony Fettah.

And despite the gap in experience and age — Mr Fettah is 31 — Peter remains confident he will take the trophy and £250 first prize in a handicap competition at Anthony's Snooker Hall, Lockwith Road, Canton.

"I've beaten three others to get to the final, and the last one was much older than me. I'm sure I'll do well," Peter said.

● Anthony Fettah

Practises

He has been encouraged in his hobby by his Dad, Robin, of Greenwich Road, Llandaff, Cardiff.

Mr Williams said: "Peter has only been playing for about a year, though he practises pretty frequently. I think it's a good idea they have something like this to go to rather than wandering the streets.

"He just doesn't seem to suffer from nerves when he's playing in a competition. In fact, I think I get more nerves watching him play, and want to take the shots for him. It's as well I don't as he even beats me!"

The final will be fought out at Anthony's Snooker Hall, Lockwith Road, Canton, and will be over nine frames.

'Dogs killed sheep'

DOG owner Beverley Heppenstall, was fined £100 by Barry magistrates for allowing two of her dogs to worry sheep.

Heppenstall, aged 22, of Tordoff Way, Barry, admitted allowing a black bull terrier and a mongrel dog to worry sheep at Cwm Barry Farm. She was ordered to pay £20 costs.

Mr Michael Crosta, prosecuting, said the owner of the farm, Mr Gwyn Davies, had seen the two dogs kill six of his sheep.

He had followed them home and told Heppenstall what had happened. The sheep were worth £300.

For Heppenstall, Mr Geoff Thomas, said the dogs had escaped from her garden which had since been made secure. They had never worried sheep in the past.

Charged over Pc

A HOMELESS 25-year-old man was released on bail by Cardiff magistrates on condition he lives at his father's Trowbridge home.

Michael Robert Sinclair

BOUND OVER AS CHARGE DROPPED

Shake-up call on the buses

PLANS for a radical rethink of the financing of

able routes to subsidise unprofitable services.

"It is not for the opera-

ile, and should be, with politicians," says Mr Goldstein.

Be can concentrate on viding the best service all routes.

Failure

"Public welfare and

Department of

It was consultant Mr

ment, national or local,"

16 August 2023

To Whom it may concern:

Mr Graham Underdown MBE and Mrs Jean Underdown owners and occupiers of 8 Clos Cwm Barri, Barry, Vale of Glamorgan, CF62 6LR hereby authorise Mrs Karen Medhurst to deal in all matters on our behalf relating to Footpath 73, Barry.

Our authorisation includes permitting Mrs Karen Medhurst to facilitate site visits attended by Officers and Members of the Vale of Glamorgan Council and Members of the Press.

[redacted] Mr Graham Underdown MBE

[redacted] Mrs Jean Underdown