



RE: CALL FOR IMMEDIATE REVIEW OF THIRD PARTY RIGHTS IN PLANNING APPEALS

Dear Committee,

I appreciate this opportunity to respond on this petition and would urge you to take this forward for further discussion and potential action in the Welsh Assembly. As per my initial letter, the legislation as it stands today was considered adequate at the time that the last amendment to third party rights was put forward for a vote. This petition indicates that the current process simply **does not work**.

In response to the comments by the Minister for Housing and Local Government, Julie James, I would just like to point out how clearly the system is geared to serve only the applicant in planning cases. We are asking for more legislation to involve **DIRECTLY AFFECTED RESIDENTS** whose very lives are changed in these kinds of decisions. The comments from Ms James, reference the **rights of the 'public'** which is very different.

Again, I must use our own small villages of Blaengwrach and Cwmgwrach as an example of why these rights are so sorely needed. Please find attached, a copy of the letter I have recently sent to our Head of Planning, on which I have had no response or acknowledgement. This regards a change to submitted plans intended to meet a pre-commencement planning condition for a newly approved petrol station to be built at the **only entrance** to our community. As **DIRECTLY AFFECTED RESIDENTS**, we have no official involvement with this process, (as we also had no adequate involvement with the original planning application,) although we believe the new plans pose a potentially serious safety threat.

One of the main reasons that this planning application was approved, was due to the **NO HGV** restriction (pre-commencement condition) on the petrol station. The applicant now wants to place the Traffic Regulation Order (traffic sign) **in the village**, rather than at the A465. **A thousand HGVs are officially recorded passing our village EVERY DAY** and we argue that a large number will turn in to find they are;

1. not able to use the services and
2. not able to safely navigate back to the A465.

*We have filmed local transport companies demonstrating these manoeuvres and the horrendous safety implications, which I have personally sent to the case planning officer involved (also attached and again I have had no reply).

Due to currently legislation, we have **NO OFFICIAL AVENUE** to ensure that our concerns are being addressed or considered during this process, other than **letter writing**. Our local councillor and ward member, has no official process to follow, other than to appeal to the Planning Committee to be heard on this matter. **There is no law to ENSURE that this is the case**, with everything being left to the decision making processes of our local planning authority – which cannot even be questioned or investigated within complaints to the Public Services Ombudsman for Wales.



As per my initial letters on this subject;

- * The **notifications of such planning applications** are not sufficient (*papers on lampposts*).
- * More should be done to identify and notify **DIRECTLY AFFECTED RESIDENTS**.
- * There needs to be a way to **enforce our local authorities to arrange public consultations** (as per current legislation).
- * There needs to be **objective and clear information** about judicial reviews and planning appeals provided with the notifications to **DIRECTLY AFFECTED RESIDENTS**.
- * The **6 week window to organise a judicial review** as a Community Action Group representing the **DIRECTLY AFFECTED RESIDENTS** collectively, is not sufficient.

As the petitioner, I would happily provide a further report on the legal reasoning on why this law needs to change, however I would request just a little more time to prepare this. As a resident of a small traditional mining village, I feel I do not have **adequate rights** to have my concerns, **regarding the safe access to my home and my means of travel to work**, addressed or considered in any official capacity.

I beg you to help us to make this desperately needed and positive change for Wales.

Yours faithfully,

Emma Eynon

Affected resident and member of Blaengwrach Community Action Group

Fwd: P2018 / 0616 - Residents Appeal

From:

To:

Bcc: Fwd: P2018 / 0616 - Residents Appeal

Monday, 14 January 2019 10:17

Subject: 23 KB

Date:

Size:

Dear ,

I am writing to you from the Blaengwrach Community Action Group to urgently object to the newly proposed placement of the TRO regarding HGV access to the new petrol station site at the bottom of my street. A local transport company has explained to us the dangers of siting this sign at the mini-roundabout in Cwmgwrach rather than at the A465 where the main traffic will see this.

Together, we produced two demonstration videos (filmed from 3 different angles) which show how a HGV lorry would navigate around this mini roundabout once it is realised that no access would be permitted into the site. The first shows how an EMPTY truck can only navigate this by mounting 2 kerbs, with no pedestrians or busy traffic. In fact, we observe many 'bin lorries' and waste recycling trucks having to mount the kerb when leaving from the Empire Avenue side, due to their length.

With lorries carrying a load, and even a full load, this manoeuvre would not be possible and these vehicles would need to reverse over the roundabout in some way to exit. There is a very real risk of lorries overturning, should they try to turn 360 degrees when carrying a load.

With proven traffic statistics showing an average of 1000 HGVs passing our village each day on the A465, and observing how these truck drivers park on pavements and grass verges over at McDonalds, we expect serious traffic safety issues even should a handful of these vehicles enter our village each day. Normal HGV traffic into the village for deliveries is not a concern for us, given they are not trying to navigate 360 degrees around this mini roundabout in reaction to a traffic regulation sign.

It is my belief, that the developer wishes to receive HGV traffic into the petrol station site, given the initial reason for this petrol station application. By siting this TRO in such a dangerous place, we will then be told that HGVS must be allowed into the site for 'safety reasons' - given my email above, bypassing this condition altogether.

What we, the residents, are asking for, is for you to consider the inadequacy of this mini roundabout to handle such traffic and to place the Traffic Regulation Order in a more suitable location to avoid accidents. It should be made very clear to any potential users of the petrol station site, from the A465, whether their vehicles will be suitable for access. Not only will this avoid road traffic accidents but will also prevent pedestrian accidents on unsafe pavements, which will be demolished with all of the kerb mounting. With more elderly residents needing to walk to the new Health Centre, this could be dangerous. Even LGVs cannot navigate that roundabout in one turn, which we have also evidenced in a video, depending on length, and yet they are not even part of this planning condition.

Our ward member, Cllr Edwards, is petitioning to be heard on this matter, in order to represent our residents fully. I enclose a link to a google drive folder containing the traffic statistics and demonstration videos - filmed in daylight, during offpeak hours in good weather.

<https://drive.google.com/open?id=1yW0erurzBRNntjFQKYasiFD9j9y8c0cL>

Regards

Emma Eynon

Blaengwrach Community Action Group

----- Original message -----

From: Emma Eynon

To:

Cc:

Subject: P2018 / 0616 - Residents Appeal
Date: Friday, 28 December 2018 10:57

Dear ,

I am writing to you from the Blaengwrach Community Action Group in appeal to the new proposal regarding the location of the No HGV sign as per P2018/0616. Traffic danger is a major concern for our residents in light of the new development, to which we are still opposed and will not support as a community. We are extremely upset, to learn that the site owner, Euro Garages, is now proposing to move a Traffic Regulation Order sign to a location that will again put residents in harms way.

As you will be aware, we vehemently contest the TRICS trip generation number estimate of daily vehicles which will use this new site. Despite our appeals for more realistic surveys to be carried out, (which could have been done on the drive-through restaurant already operational on the same junction of the A465), this development was approved with the condition that no HGVs would be permitted to use the site.

It is our belief, that by moving the traffic sign to within the village, Euro Garages plans to encourage these larger vehicles into entering the village, seeing only the bright lights and advertising that will be visible for much of the approach. When these HGVs turn off the main junction and reach the mini-roundabout, they will now see the traffic sign. This means, (as no doubt planned), that many will turn in to use the site anyway, giving safety as the main reason for doing so. It is clear that many of these vehicles will in fact be unable to turn around a complete 360 degree loop on the mini roundabout without putting other traffic users or pedestrians in danger.

We have filmed a Large Goods Vehicle trying to do this same manoeuvre and which failed on all attempts. This was in daylight and in a quiet period. With over 1000 HGVs on average passing this junction on a daily basis, (18,000 vehicles total), this can surely only result in an accident or worse, especially when you consider this will be a 24 hour site and visibility tends to be poor from bad weather.

Cutting costs on safety signs when building such a site in a residential area is ridiculous and leads us to believe that the developer is instead looking to bypass this ban on HGVs by using safety as a reason to let them in. We ask you, to please put the safety of village residents first and to enforce the developers to do the right thing and put this sign on the A465 where it needs to be.

We are still campaigning in the Welsh Assembly for residents like us to have the right to a formal involvement in such an important process, however, we believe our only avenue of appeal to this condition is in letters to you as the head of planning. Our community's official representative and ward member, Cllr Edwards, is also appealing to be heard on this matter in the council and we hope that she will be given due consideration on this given the huge impact to residential safety this will cause us. Please advise if we have any other legal options to be heard on this matter.

Yours faithfully

Emma Eynon
Blaengwrach Community Action Group