



Blaengwrach Community Action Group

03 June 2019

Re: More Third Party Rights in Planning Appeals

Dear Chair of the Petitions Committee,

Thank you for the opportunity to respond to the Petitions Committee in light of the recent reply from Julie James AC/AM on the matter of my petition.

I was disappointed to read the minister's comments, especially as this echoes all of the blanket correspondence that I, and members of the Blaengwrach Community Action Group, have received from our local authority to date.

Reasons why the existing process is not sufficient:

I urge the Welsh Government to consider the salient points of my request which are as follows:

- There is no **accountability** for Planning Authorities to involve Directly Affected Residents in consultations.
- There is no process for Directly Affected Residents to follow in the **event of non-involvement** in light of developments which have a severe impact on a community and residents homes.
- The Public Ombudsman **will not investigate** cases where Planning Authorities have not involved Directly Affected Residents, as the decision making process of the Planning Authority is not examined by ANY AUTHORITY.
- Residents and communities generally **cannot afford** to take their local authority to court over grievances in decision making processes and many local authorities are very quick to pursue libel cases to spread fear and prevent such cases from occurring.

Our village is an example on how the system has failed us:

Minister James explained that there are duties and processes which should be followed before a planning decision for approval is taken. As already noted, there is no enforcement of such duties, and Directly Affected Residents have no action to pursue once a planning decision has been made without their involvement.

As a Directly Affected Resident, I personally found out, through social media, about a major development affecting the only access point to my street (and village) **2 days before the Planning Meeting** to decide its approval. We were **not notified** by any official means. That night, my husband and I printed around 200 leaflets and delivered them early in the morning to our neighbourhood to inform them of the planned development and the Planning Committee's scheduled site visit for the morning of the meeting.

Due to our actions, a large group of residents met at the proposed site to demonstrate the community opposition to the site plans and the lack of their involvement in the process. It seemed that no one in our neighbourhood had been made aware of the planned development, although we later heard that 3 printouts had been sticky taped to lampposts around on the waste ground / proposed site.



Blaengwrach Community Action Group

Although the protest was silent, the Committee called a police presence to the meeting itself in Port Talbot Civic Hall. A few people were escorted out of the building for emotional outbursts. Incredibly, the official decision records %no objection from local residents+and no minutes were taken. The planning approval was given in this meeting and the Head of Planning stood up to announce that there was **no legal avenue anyone could follow to challenge this decision.**

Since this meeting, our Local Councillor and our Community Action Group has delivered over 500 letters to our Planning Authority in protest of the planned development. We have demanded involvement in the uncommonly large number of pre-commencement conditions on this application in order to make our area safe for us. We have requested more investigation into key safety points and have highlighted errors in the traffic surveys and the Local Development Plan which allowed this decision. Every single point we have raised to ask for **further objective investigation** into this development, on the basis of residential **health and safety**, has been bluntly rejected and refused. Our Local Councillor has been effectively shut out of decisions concerning the large number of pre-commencement conditions put onto this development, by using ~~Call-in~~ Panel procedures instead of full planning meetings as we have requested.

We have complained to our Local Planning Authority about the lack of inclusion and the failure to address our concerns. We have involved our Welsh Assembly Ministers who have written numerous letters on our behalf. We have involved the news, with BBC Wales and Wales Online publishing articles to show our plight.

A complaint to the Public Services Ombudsman (which took months to complete), resulted in a refusal to investigate without further ~~proof~~ and the fact that they lack authority over ~~decision making~~ processes. A complaint to the Local Authority Audit Office was met with a blanket letter to tell me they would not investigate further. After sending letters to the Planning Authority about the number of errors in the Planning Application, due to missing and incorrect information in our Local Development Plan, I was told that I can become involved in the next review 2 years from now . once the development was completed. Our neighbourhood has sent so many letters to the Planning Authority, that we were then told that further communications would be ignored, to save their ~~resources~~

I belong to a community that was not involved in consultations for a major development, which will now devastate our way of life, and end another traditional Welsh village. We formed an Action Group to try and have a bigger voice, but ultimately, our Local Authority sees us only, and I quote, as **“the opposition”**. This particular Planning Application was passed for approval in record time, with a huge number of pre-commencement conditions bypass the need for full and accurate information at the time of decision making. We have a case file full of errors, missing information and inconsistencies, in comparison to other local developments, which just raises more questions.

There is no one to go to.

We have nowhere to turn, unless our low income village residents can find enough money to take our Local Authority to court, as suggested by Minister James. It seems clear that this is the only avenue presented **because** it is the only option communities cannot afford to pursue.



Blaengwrach Community Action Group

Our requests in these petition letters have still not been addressed:

I am sure that Julie James, Lesley Griffiths and the Planning Authorities around Wales are satisfied with their established processes and duties. My petition has been submitted because **we, the public, are not satisfied**. These policies and guides have no accountability behind them, and are to residents like ourselves, effectively as useless as the Office of the Future Generations Commissioner for Wales. (*)

I would humbly ask the Welsh Government to consider this petition on behalf of the Welsh public **which has no voice, unless invited**.

As per my previous letter, we are asking for:

- **Directly Affected Residents to be notified appropriately**
- **Directly Affected Residents to be mandatorily invited to consultations – and to be able to contribute effectively**
- **More advice to be freely given at the point of notifying third parties of a planning application.**
- **More time to submit third party planning appeals**
- **The right for recognised Community Action Groups to have direct consultations with the Local Planning Authority**
- **Special consideration be given to appeals where vulnerable people are affected in a community**

Surely these are sensible and achievable requests without overhauling the system? It is clear that the policies outlined in the Planning Act Wales (2015) concerning residential involvement are simply not enough. **Instead of making more policies and guidelines why not simply work out how to enforce what we do have?**

As our Government, I would ask you to think of your small Welsh Villages where there are still many disadvantaged and ill-educated residents with little hope of challenging Local Authorities over life changing commercial developments. Instead of having to fight with our authorities, we should be able to work together to ensure a bright future for future generations. Please don't let another community go through a situation like ours, and instead look to safeguard Welsh Residents' lives over the commercial needs for multi-national developers to obtain faster approval in return for faster and bigger profits.

Do not dismiss my previously submitted legal report as easily as Minister James. This outlines how change is needed legally, with less financial impact than the Planning Authorities would have us believe and with much more to gain. Should I be invited to speak to the Petitions Committee in person to present my views, I would very much welcome such an opportunity. I would also like to request that I am accompanied by the Director of Sustrans, Mr Steve Brooks, who would also like to speak on this topic after publishing articles that support this petition.

Yours faithfully,

Mrs Emma Eynon
Directly Affected Resident
Member of Blaengwrach Community Action Group

(*See supporting article)