

MEMORANDUM



From: Operational Manager Traffic & Transportation To: Chief Planning Officer
 Our Ref: TH/DC/PP/2009/0791 Your Ref: SJG/PP/2009/0791
 Date: 12th October 2009

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Location: O. S Grid Ref: 342 530 The Homestead Field (2315) adjacent to Llan y Pwll Link Road.

Development: Certificate of Lawfulness for existing use of agricultural access from Homestead field onto Llan y Pwll Link Road.

I refer to your consultation dated 25/09/09 in respect of the above.

The agricultural access is located on the A5156 Llan y Pwll Link Road which is a classified road, a dual carriageway and is subject to a 70mph speed limit. The access is formed only by a field gate in the hedge line. There are no dropped kerbs and vehicular access is over the grass verge.

It is evident from the condition of the gate erected at the access that it has been there for some time. The plans prepared for the dualing of the Llan y Pwll Link Road in 2000 do not show the access. Furthermore, the access is not shown on the Side Roads Order for this scheme that was made in 2001. There would appear to be no valid highway reason for refusal of this application for a certificate of lawfulness.

The Highways Act 1980 does not prevent the construction of direct access to the highway. However, our position would be to restrict or prevent such direct access to high speed roads where the access would impede the safe and convenient movement of traffic.

I understand that the applicant could provide alternative access via two other adjoining fields which are accessed via an existing access off Old Wrexham Road. The use of such an alternative access would be considered preferable to the existing arrangement.

Visibility from the proposed access in the north westerly direction appears adequate providing a sight triangle in excess of 2.4 x 295m measured to the nearside edge of the adjoining highway. Access to the field would legally only be possible from the North West given that the road is a dual carriageway with no gap in the central reserve. Vehicles exiting the access would only be able to turn left along the A5156 for the same reason.

I understand that vehicles using the access have been witnessed by the police travelling along the highway verge after mounting the kerbs at the junction of the Old Wrexham Road / A5156 Llan y Pwll junction, travelling against the direction of the oncoming traffic on the A5156. This is considered unlawful and dangerous.

Should a certificate of lawfulness be granted, we would need to consider an appropriate course of action. This could involve serving notice, under section 184 of the Highways Act 1980 that action will be taken to construct a vehicle crossing across the verge, and to recover the costs of such construction. The access in its current form and its illegal use by travelling along the grass verge in the wrong direction is considered unsafe. An alternative course of action would be to use the provision in the Highways Act 1980 to stop up the access.



J. R. Smith
Operational Manager Traffic & Transportation

MEMORANDUM

From: Chief Planning Officer **To:** Chief Legal and
Administration Officer
Our Ref: SJG/P/2009/0791 **Your Ref:**

Date: 25 September, 2009

Town and Country Planning Act, 1990
Certificate of Lawful Use or Development

CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF
AGRICULTURAL ACCESS FROM HOMESTEAD FIELD ONTO LLAN Y
PWLL LINK ROAD.
THE HOMESTEAD FIELD (2313) ADJACENT TO LLAN Y PWLL LINK
ROAD WREXHAM

Grid Ref: E 334299 N 353066

I have received an application for a Certificate of Lawfulness and I would welcome your comments/observations on the validity of the claim.

The relevant documents as submitted by the applicant/agent can be viewed on our website www.wrexham.gov.uk/plans

No doubt you will be in touch with Simon Greenland if you require any further clarification.

A handwritten signature in black ink, appearing to be 'Simon Greenland'.

Chief Planning Officer

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