

Section 78 Appeal at: Talwrn Farm, Talwrn Road, Legacy, Wrexham - WCBC planning ref: P/2018/0724. "Application for variation of condition no7 of planning permission P/2017/0053 to seek an exclusion to vehicle movements timescales for bird delivery and collections to enable this operation to be undertaken 24 hours per day and relaxation of the Bank Holidays restriction.

Welsh Government/Planning Inspectorate ref: H6955/A/18/3216674

Esclusham Community Council **do not support** the above request due to the reasons below, most of which were contained in our original objection sent to the Local Authority on the 14th of September:-

Members have serious concerns regarding the possible variation of the above condition especially, and as we stated in our original objections to the proposal, traffic movements, when related to the existing road network, pose significant safety concerns for adjacent residents and other road users.

Both the Local Authority and the Planning Inspectorate certainly appeared to take the prospective disruption from deliveries outside acceptable daytime hours into consideration when initially restricting these to between 7:30 > 18:00 on weekdays and 8:00 > 14:00 on Saturdays with no visits on Sundays and Bank Holidays.

In the Appeal Decision report under 'Effect on highway safety' the Inspector, at points 23 to 30, clearly states that there were/are issues with regard to the suitability of the current road network to support a large volume of HGVs traversing thereon. Notwithstanding, of course, that the appeal was allowed - **with conditions**.

Point 25 states that "There was no dispute between the parties that the local road network is below current design standards and not ideal for use by HGVs" and the Community Council have concerns that the, undoubted proposed increase in HGV traffic, can but make matters worse - especially during hours of darkness. Again, at point 24, the Inspector states that "A significant part of the route is without a footway and particular concerns regarding pedestrian safety were raised in respect of the school bus stop", the dangers here also potentially increase should unrestricted HGV movement be allowed 24 hours a day. In addition, the unlikely event of two HGVs meeting at a pinch-point, as mentioned at point 27, will surely be greater if the frequency and number of deliveries is increased.

At point 30, the Inspector states that "I do not consider that the number of HGVs, or the frequency they would be on the road, would significantly affect the flow on the local highway network" and therefore she concluded that "on this basis" the development would not be detrimental to highway safety. The Community Council are of the opinion that the proposed variation would not be "on this basis" and that the risk and effect on highway safety would be greatly increased with a 24 hour operation.

The Community Council also have concerns regarding the effect on living conditions of local residents, taking into account points 31 > 36 in the Appeal Decision report. Especially worth noting is the Inspector's comment at point 35 regarding the timing of the delivery and collection of the flock which, perhaps understandably, is governed by the welfare of the birds. Therefore the Inspector agreed that vehicles could be on site at 6:30 hours, but stating "I accept that vehicle movements within the site at this time have the potential to disturb local residents. However it would only involve the movement of two HGVs on two mornings every sixty weeks. Similarly any disturbance from vehicles removing the manure from the site would only be on one day in every sixty weeks and could be controlled to ensure it took place within the normal working day." This being the case, the Community Council would ask, why the need for a 24 hour operation ?

The Inspector concluded:- "I do not consider that the noise from the volume of traffic generated by the proposal would be sufficient to cause an unacceptable level of disturbance to local residents". The Community Council would argue that the variation to condition number 8, with unrestricted HGV movement at all hours, **would**, without doubt, cause an unacceptable level of disturbance to local residents.

In addition, surely the refusal to allow deliveries on a Sunday and Bank Holidays was included as a condition by both the Inspectorate and the Local Authority to give local residents some respite from HGV traffic. The Community Council are of the opinion that this condition should also remain.

Thank you.

Bryn Jones

Clerk / Clerc

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