

Our Ref: 3034-01/LK4

28 September 2023

By email only:

FAO Gwyn Humphreys
Wrexham Borough Council
16 Lord Street
Wrexham
LL11 1LG

Dear Gwyn

PROPOSED CHRISTMAS FARM, LAND TO THE SOUTH OF LLAY ROAD, CEFN-Y-BEDD, WREXHAM

PLANNING APPLICATION REFERENCE P/2022/0681

Introduction

I refer to the most recent (fifth) consultation response from the Local Highway Authority (LHA) dated 13th September 2023 in respect of the above planning application, enclosed with this letter for ease of reference.

This follows previous LHA responses dated 18th August 2023, 4th July 2023, 3rd February 2023 and 30th August 2022, and our letter responses dated 11th September 2023, 18th July 2023, 3rd March 2023 and 2nd December 2022.

The latest response indicates that the only outstanding matters relate to a request to create improved footway connections between the site and Cefn-y-Bedd and Llay, and to demonstrate that adequate visibility can be achieved from the proposed uncontrolled pedestrian crossing over Llay Road.

The following sections of this letter therefore provides our response to the two issues raised in the consultation response dated 23th September 2023.

Topic 1 – Improved Footway Connections

Comments: *“To enable us to reconsider our response in the future, we would need to see...1. Creation of an adequate footway between the applicant’s site boundaries/access points and east and west to Cefn Y Bedd and Llay respectively. This is required as a result of the likelihood that pedestrians would be encouraged to walk to and from events. (Details of this would need to be agreed on site)”*

Our letter dated 11th September sets out a series of points which pertain to this issue. It is not proposed to repeat all the points in detail, but in summary:-

- i. The application proposals are unlikely to generate material numbers of visitors on foot, although the opportunity to walk to the site still exists nonetheless;
- ii. The infrastructure that has already been proposed as part of the application is considered to be proportional to the scale and nature of the scheme, and in fact could easily be considered to be well in excess of the level of infrastructure improvement that might ordinarily be expected for a development that gives rise to only a very small level of pedestrian movement increase;
- iii. The actual footway width on Llay Road is wider than the effective, usable width, due to a dereliction of the Council's duty to properly maintain the vegetation that has encroached upon it from the verge;
- iv. Our client awaits a response to the S56(1) Notice enclosed with our 11th September 2023 letter, which requires the Council (within a month of that Notice) to confirm that they are liable to maintain the highway, which includes the carriageway, footway and verge in this area;
- v. Our client has offered to rectify this issue by clearing the overgrown vegetation that the LHA have failed to maintain, at his own cost, pending the LHA's response to the S56(1) Notice; and,
- vi. The site is well connected to Cefn-y-Bedd and Llay by a network of attractive, traffic free public footpaths, and our client has already carried out improvements to the footpath within his land.

The suggestion that further improvements to the off-site footways on Llay Road are necessary is therefore rejected.

Such improvements would fail to meet the key legal tests of either the planning condition or planning obligation mechanisms that would be needed to secure them.

Topic 2 – Pedestrian Visibility at Crossing Point

Comments: *“To enable us to reconsider our response in the future, we would need to see...2. Demonstration of safe pedestrian crossing onto the footway from the site, with adequate visibility east and west, and for distances circa 150m in light of the 50mph recorded 85 percentile survey results. These could be reviewed if traffic speeds were reduced via a TRO local to the crossing.”*

Firstly, it is noted that the red-coloured hatched strip of 'Third Party Land' indicated on the plan appended to the LHA's response is, in fact, adopted highway. The LHA's own records (freely available online here: <https://www.wrexham.gov.uk/service/adopted-roads-map> and also indicated in Axis' response letter dated 3rd March 2023) demonstrate this to be the case.

The adopted highway boundary record is also fully contiguous with the freehold land ownership boundaries on either side of Llay Road, as indicated on the Land Registry website, thus providing complete confidence in the accuracy of those records.

Secondly, the LHA have previously suggested, in their response dated 3rd February 2023, that the previous location of the pedestrian crossing (which was closer to the site access) should be relocated further east from where it was shown before that. Axis' response dated 3rd March 2023 therefore included a revised drawing (3034-01-D02B) which showed the crossing relocated further to the east. The LHA's subsequent response dated 4th July 2023 indicated that the revised crossing location was acceptable. The latest response suggests it is now unacceptable.

Nonetheless, in an effort to address this point we have re-examined the proposed site access arrangements and have relocated the pedestrian crossing further west, closer to the site access again.

This is shown on **drawing 3034-01-D03 Rev C**, enclosed with this letter.

From the relocated pedestrian crossing location, the drawing demonstrates that it would be possible to see further than the 158m stopping sight distance (SSD) requirement to the west and further than the 147m SSD requirement to the east. In other words, a pedestrian waiting to cross at this location would be able to see oncoming vehicles for a safe distance and take an informed decision on whether it is safe to cross the road.

We would also wish to reiterate the points from our 11th September 2023 letter, that the 158m and 147m SSDs are based on speed readings undertaken in July 2021, and that after this date, vehicle activated speed warning signage was installed in the nearby layby, facing westbound traffic. According to DfT guidance, this is likely to have slowed traffic down by between 3mph to 9mph.

The visibility splays that have been shown to be achievable are therefore likely to be robust.

It is therefore considered that the revised crossing location satisfactorily addresses this concern, and a TRO that reduces the speed limit is not necessary.

I trust this is of assistance.

Yours faithfully



Lee Kendall

Technical Director on behalf of Axis

*Enc: Enclosure 1 – LHA Response Dated 13th September 2023
Enclosure 2 – Drawing Number 3034-01-D02 Rev C*

MEMORANDUM

From: Chief Officer, Environment & Technical **To:** Chief Officer Planning & Regulatory

Our Ref: ET/DC/DB/P/2022/0681 **Your Ref:** SH/P/2022/0681

Date: 13 September 2023

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

Location: O. S Grid Ref: 318 556 Land South of Llay Road, Cefn y Bedd, Wrexham.

Development: Change of use of land for use as Christmas Tree Farm and Outdoor Recreation Centre to include Reindeer Centre, Paddle Boarding, Water Related Activities and Extension of Existing Lake, Creation of Bark Footpath, Erection of Building to Provide Office, Machine and Equipment Store, Hay / Straw Storage and Sick / Maternity Bay Space for Reindeer and creation of car park, access and site landscaping.

Thank you for your email and apologies for the delay in responding. I have consulted further with Mott McDonald and Phil Palmer on your queries and we have again reviewed the scheme in depth.

I note as follows and refer to previous responses:

In response to paragraph one:

Our main issues relate to pedestrian safety, which is a concern that can't be ignored by the Highway Authority and was raised in our initial response ET/DC/PP/P/2022/0681 dated 24th Aug 2022 (Page 3, following Sustainability).

The footway leading to the site is inadequate and the proposed crossing point is poorly located given the actual measured speed of traffic as surveyed. I echo concerns raised by numerous highway colleagues who have knowledge of this road.

In highways opinion it is likely that some visitors will be tempted to walk to and from Christmas Farm

In answer to the second question:

1. Highways are comfortable with the main visibility splays on the entrance, given that the south boundary can be cut back
2. We agree with Axis statement and survey results within the report dated 18th July 2023 regarding forward visibility when eastbound vehicles turn right into the site. Our attached sketch shows this also (using 158m)

3. In Highways response dated 3rd February 2023 reference was made to a need for pedestrian visibility on the north side of the road, particularly, looking west from the crossing. We don't believe this has been addressed and attach a plan marked up that demonstrates our requirement better than narrative, and highlighting approximately the third party land across which an agreement would be required (ref ET/DC/PP/P/2022/0681 – dated 3rd February 2023 page 3 and 4). The need for 3rd party visibility on the north side of the road was also highlighted in ET/DC/PP/P/2022/0681 dated 4th July 2023.

Conclusion

We remain unable to support the scheme due to our concerns over pedestrian safety at the entrance and along the footpath, referring to our previous responses as noted above.

To enable us to reconsider our response in the future, we would need to see:

1. Creation of an adequate footway between the applicant's site boundaries/access points and east and west to Cefn Y Bedd and Llay respectively. This is required as a result of the likelihood that pedestrians would be encouraged to walk to and from events. (Details of this would need to be agreed on site)
2. Demonstration of safe pedestrian crossing onto the footway from the site, with adequate visibility east and west, and for distances circa 150m in light of the 50mph recorded 85 percentile survey results. These could be reviewed if traffic speeds were reduced via a TRO local to the crossing.



 Chief Officer, Environment & Technical

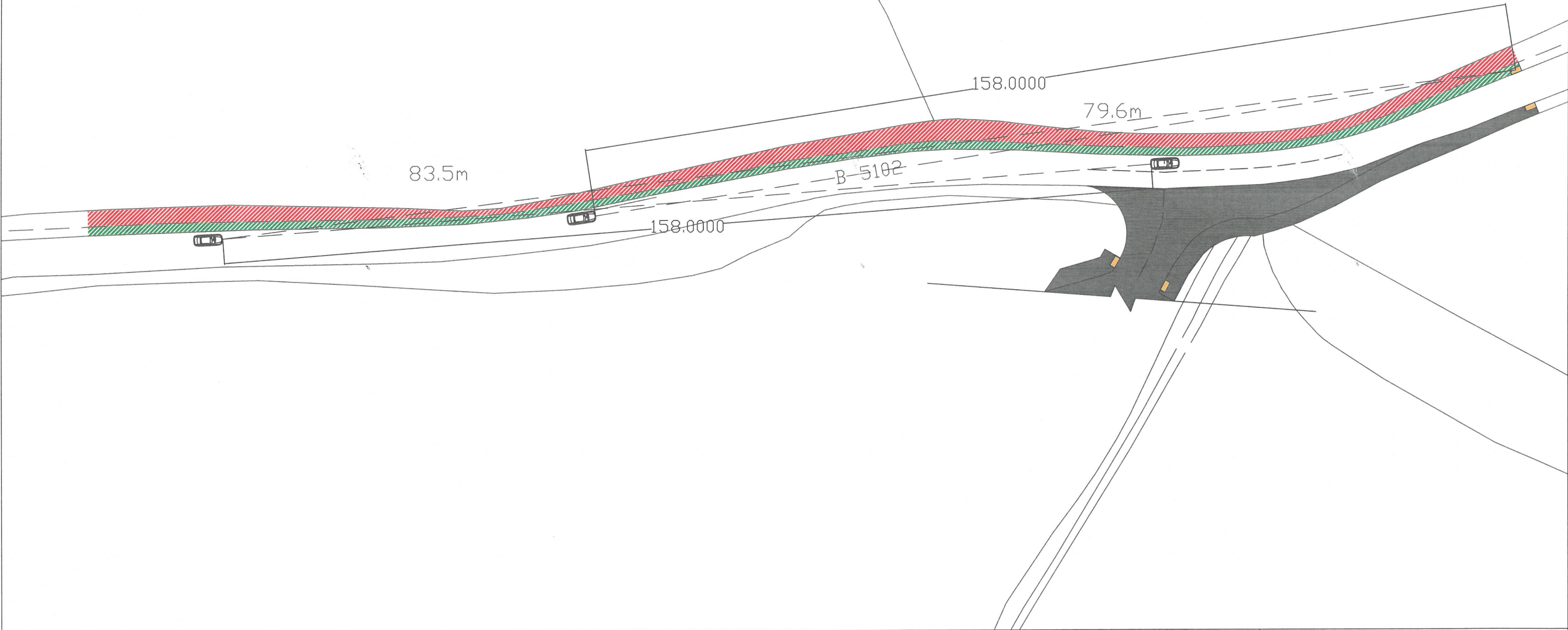
KEY

Third Party Land

Footpath

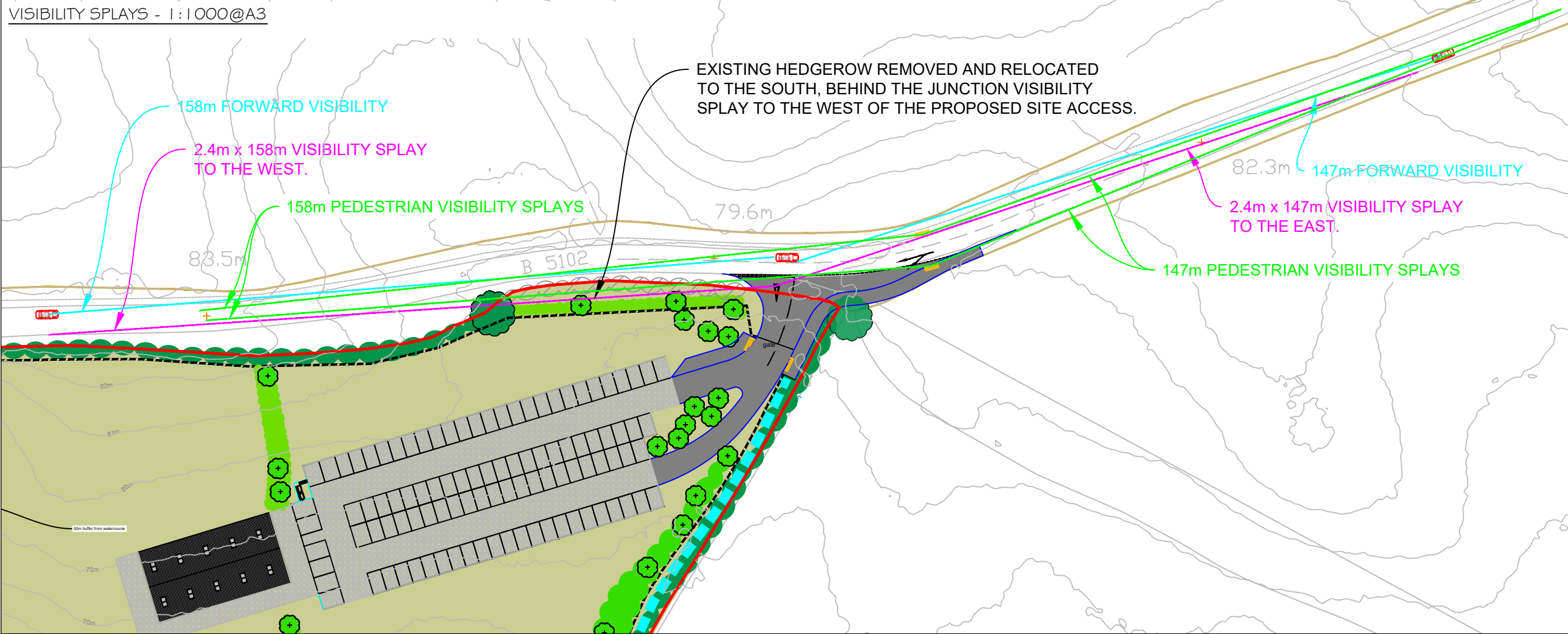
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Visibility Splay

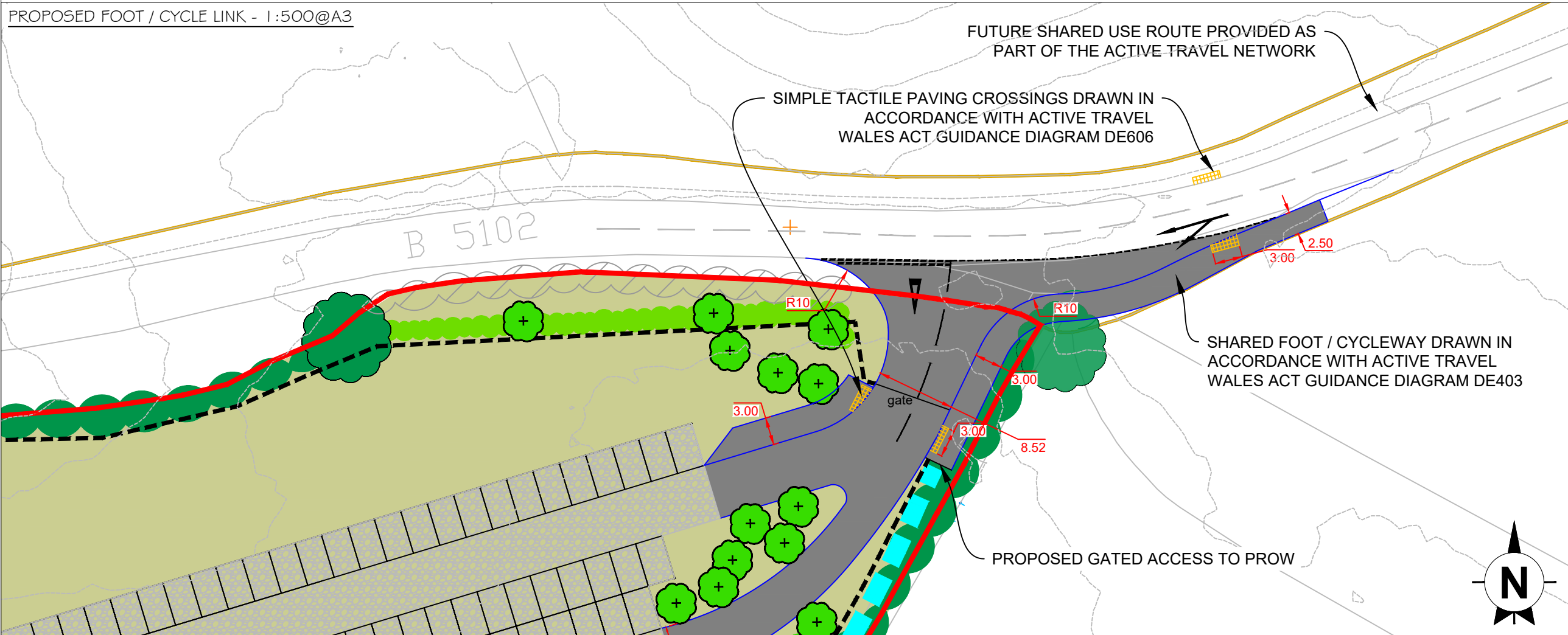


DRAWING NUMBER:	JobNo/D	1	A	 WREXHAM COUNTY BOROUGH COUNCIL ABBEY ROAD SOUTH, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9PW. JOHN A. BRADBURY HEAD OF ENVIRONMENT Tel. (01978) 292067 Fax. (01978) 729601	JOB NUMBER:	TE JobNo	SCALES:	As shown	AMENDMENTS:	DATE	SCHEME TITLE:	3034-01-002			
	JobNo/D	1	A		DACDIV GROUP:						DRAWING TITLE:	Christmas Farm, Llay Road, Cefn-y-Bedd			
	JobNo/D	1	A		DRAWN BY:	JM	NATIONAL GRID REF:	SJ							
	JobNo/D	1	A		CHECKED BY:				A First issue	13/09/2023					
	JobNo/D	1	A		APPROVED BY:										
	JobNo/D	1	A												
											DRAWING NUMBER:		JobNo/D	1	A

VISIBILITY SPLAYS - 1:1 000@A3



PROPOSED FOOT / CYCLE LINK - 1:500@A3



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Follow any figured dimensions - do not scale for construction purposes. IF IN DOUBT ASK.

Revision History		Date
A	FOOT / CYCLE ARRANGEMENT REVISED PER COMMENTS BY ACTIVE TRAVEL OFFICER	04.11.22
B	FOOTWAY EXTENDED TO EAST AND TACTILES ADDED	17.2.23
C	PEDESTRIAN X-ING RELOCATED BACK WEST	26-09-23

KEY

- Site application boundary
- Public right of way (L1ay 12)
- Adopted highway boundary
- Existing tree, retained
- Existing woodland/ hedgerow/ scrub, retained
- Existing hedgerow, removed

Note - the junction visibility splays shown on this drawing are commensurate with the observed 85th percentile design speed of traffic, recorded by ATC in July 2021.

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0844 8700 007		www.axisped.co.uk		
client: MR CLINT J SHAW				
project: CHRISTMAS FARM, LLAY ROAD, CEFN-Y-BEDD				
drawing title: PROPOSED SITE ACCESS ARRANGEMENTS AND VISIBILITY SPLAYS				
date: 20.09.22		drawn by:	checked:	
3034-01-D02		JW	LK	
		status: PRELIM		
scale(s): A5 STATED @A3		rev:		C
planning environment design				