

Our Ref: 3034-01/LK2

18 July 2023

By email only:

Ms. 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 recent consultation response from the Local Highway Authority (LHA) dated 4th July 2023 in respect of the above planning application, enclosed with this letter for ease of reference.

This letter seeks to address what is ostensibly the only outstanding highway-related query related to the application, following our previous letters dated 3rd March 2023 and 2nd December 2022 (prepared in response to the previous LHA responses dated 3rd February 2023 and 30th August 2022, respectively).

Outstanding Issue

It is noted that the LHA are satisfied with the responses to all of the highway-related concerns previously raised.

The exception to this is with the perceived level of achievable forward visibility, both to and from a vehicle waiting to turn right into the site from the B5102 Llay Road. The latest response indicates that:

"However, the forward visibility splay shown on the drawing for 147m between a vehicle waiting to turn right into the site and a vehicle approaching the site from the east, is not achieved due to the existing hedgerow located on the northern extents of Llay Road obstructing the splay.

It is noted from the applicants March response (ref: 3034-01/JW) that they disagree with this assessment (regarding the hedgerow). Highways do not agree with the applicant's justification and as previously noted, to achieve the required SSD visibility, the vegetation located on the northern side of Llay Road, within the extents of the visibility splay, will need to be cleared. It is noted that the hedgerow on the northern extents of Llay Road is not within the applicant's current ownership.

The development site access as it is currently proposed cannot be approved, since inadequate visibility splays is a highway safety concern."

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This issue was addressed previously in Axis' letter dated 3rd March 2023.

In that letter, Axis included a plan-based exercise which demonstrated that the 147m forward visibility splay is achievable and falls wholly within the adopted highway corridor, and that if the hedgerow on the northern side of Llay Road were allowed to grow out so much as to restrict forward visibility splays (to what is already an existing access to the site), then it would be the Council's statutory duty to remedy the situation, both in its duty to generally maintain the highway (as per S41 of the Highways Act 1980) and/or through more specific powers within S154 of the same Act.

S154 specifically confers the power upon a Highway Authority to compel a landowner to keep vegetation cut back where it might otherwise "*interfere with the view of drivers*"¹, and if the landowner so fails in this duty, to carry out the work themselves and recover the expenses.

Notwithstanding this, and to corroborate the plan-based exercise contained in Axis' letter dated 3rd March 2023 with further evidence, I visited the site yesterday (17th July 2023) to carry out a physical survey of the ability for vehicles waiting to turn right into the site to see oncoming westbound traffic, and vice versa.

To do this, I identified the point where a right turning vehicle would be positioned when waiting to turn into the access, and then measured a distance 147m away along Llay Road in an easterly direction. I then placed a ranging pole safely within the verge at a point 147m from the vehicle waiting position and returned to the right-turning vehicle waiting position.

When the road was clear of any approaching traffic I was able to walk out to the vehicle waiting position and easily observe the ranging pole 147m away, and furthermore, the full extent of the carriageway (both sides) alongside it. I was also able to observe the position of a right turning vehicle in the opposite direction, i.e. from the position of the ranging pole some 147m away.

In other words, the on-site survey exercise demonstrated that a 147m forward visibility splay between a right turning vehicle and westbound approaching traffic is easily achievable.

The exercise demonstrated that forward visibility splays of around 5-10m longer than the requirement are actually achievable, and therefore that the OS-mapping underpinning Axis' drawing number 3034-01-D02B presents a slightly more conservative picture of what level of forward visibility is achievable compared to the real-world position.

A series of annotated photographs from my site visit are enclosed with this letter.

Whilst it is largely a moot point in view of the above, nonetheless it is still worth mentioning that the footway on the northern side of Llay Road is earmarked for Active Travel widening and improvements, which if implemented, will obviously have the effect of increasing the level of achievable forward visibility around the bends on Llay Road further in due course.

Conclusion

In view of the above, it is considered that the only outstanding issues raised by the LHA has now been satisfactorily addressed, and that the scheme can now be recommended for approval.

¹ See Highways Act 1980 S41: <https://www.legislation.gov.uk/ukpga/1980/66/section/41>
And Highways Act 1980 S154: <https://www.legislation.gov.uk/ukpga/1980/66/section/154>

I trust this is of assistance.

Yours faithfully

A solid black rectangular box used to redact the signature of Lee Kendall.

Lee Kendall

Technical Director on behalf of Axis

Enc: Enclosure 1 – LHA Response Dated 4th July 2023
Enclosure 2 - Photographs of Site Survey on 17/07/2023

MEMORANDUM



From:	Chief Officer, Environment & Technical	To:	Chief Officer Planning & Regulatory
		FAO:	Sarah Hill
Our Ref:	ET/DC/PP/P/2022/0681	Your Ref:	P/2022/0681
Date:	4 July 2023		

Christmas Farm, Llay Road, Cefn Y Bedd, Wrexham, LL12 9UG

Further to your email / consultation dated 09/03/2023 please see the following comments: -

A Highways response to the above planning application was provided in August 2022 (dated 24 August 2022) and February 2023 (dated 3 February 2023). Within the response additional information in relation to highways was requested. This memorandum reviews the additional information since provided by the applicant. This response should be read in conjunction with the previous Highways responses for this planning application.

It is noted that the application for the site is, *“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 bay/maternity bay space for reindeer, and creation of car park, access and site landscaping.”*

It is accepted that there will be fluctuations in the number of visitors to the site depending on the seasonal activity. It is considered the spring / summer months will have a higher demand of visitors associated with the water related activities and the autumn / winter months will have a higher demand of visitors associated with the Reindeer Centre. Seasonal events on site such as Pumpkin Picking and a Christmas Grotto will also attract a higher number of visitors.

Access

The existing site access on Llay Road is to be formalised, with the existing highway layby incorporated into the site access, as recommended in a previous Highways response (dated 25th August). The applicant has previously confirmed that the existing access point off Park Road will be closed up as it is disused however, the more formal gated access to the south of the site is to remain for agricultural vehicles to maintain the surrounding land. The applicant has previously stated that this access will not provide access to the application site and will not be used by visitors.

The revised ‘*Site Access Arrangement and Visibility Splays*’ drawing (Drawing No. 3034-01-D02B) illustrates the revised site access arrangement on Llay Road, which includes the incorporation of the existing adjacent layby into the site access, a footway/shared-use foot/cycleway on the south side of Llay Road, and uncontrolled pedestrian crossings in the form of dropped kerbs and tactile paving on Llay Road and at the site access.

It was noted in the Highways response provided in February 2023 that there is a highway interactive sign currently located within the existing layby which will need to be relocated to a suitable location at the applicants cost. The new location of the sign will need to be agreed with WCBC Highways.

It was also noted in the February 2023 Highways response that new site access road signs on the approach to development in either direction will be required (detail and location to be agreed with WCBC Highways).

The applicant accepts the comments in the February 2023 Highways response regarding the interactive sign and advance warning signs in their March 2023 response (ref: 3034-01/JW) and will provide details of relocated signage as part of the detailed design / Section 278 agreement stage.

A planning condition in relation to a Section 278 agreement is required to introduce the proposed site access on Llay Road.

Visibility

The revised '*Site Access Arrangement and Visibility Splays*' drawing (Drawing No. 3034-01-D02B) shows visibility splays to the left and right of the proposed site access are achievable providing the existing vegetation west of the site access is cleared. The applicant has previously confirmed that the hedgerow will be removed and replanted behind the visibility splay. The applicant will need to ensure that the new hedgerow is maintained so as not obstruct the visibility splay in future.

The revised '*Site Access Arrangement and Visibility Splays*' drawing (Drawing No. 3034-01-D02B) illustrates a forward visibility splay of 158m from a vehicle approaching the site from the west, and a forward visibility splay of 147m between a vehicle waiting to turn right into the site and a vehicle approaching the site from the east, based on the 52.6mph and 50.00mph observed 85th percentile speeds, respectively. As previously noted in the February Highways response the splays are in line with Stopping Sight Distances (SSDs) in Design Manual for Roads and Bridges (DMRB), which is considered appropriate for the type of road being assessed. Both sides of Llay Road are lined by an existing hedgerow that bounds several parcels of land.

As noted in the February Highways response, the forward visibility splay shown on the drawing for 158m from a vehicle approaching the site from the west is achieved, where the splay touches the footway. However, the forward visibility splay shown on the drawing for 147m between a vehicle waiting to turn right into the site and a vehicle approaching the site from the east, is not achieved due to the existing hedgerow located on the northern extents of Llay Road obstructing the splay.

It is noted from the applicants March response (ref: 3034-01/JW) that they disagree with this assessment (regarding the hedgerow). Highways do not agree with the applicant's justification and as previously noted, to achieve the required SSD visibility, the vegetation located on the northern side of Llay Road, within the extents of the visibility splay, will need to be cleared. It is noted that the hedgerow on the northern extents of Llay Road is not within the applicant's current ownership.

The development site access as it is currently proposed cannot be approved, since inadequate visibility splays is a highway safety concern.

Traffic Generation, Parking and Turning Provision

Due to the nature of the proposed development, it is likely that most trips will be made by vehicle however, they are likely to occur outside of the weekday peak periods and therefore, there should be minimal impact on the wider highway network.

The applicant has previously provided detail regarding how traffic generation associated with the proposed development and the number of car parking spaces proposed has been estimated based on a survey undertaken at Tarvin Sands Reindeer Centre and Fishery, Tarvin, Chester.

The applicant has previously stated that a log of all traffic entering Tarvin Sands Reindeer Centre and Fishery was recorded over the course of 5 days in one week in September 2022. The survey results have not been provided however, the applicant has stated that the results of the survey indicate that the development experienced a maximum of 87 one-way visitor trips per day during the weekdays, 108 one-way visitor trips during the Saturday and 107 one-way trips on the Sunday. The overall average across the entire week was 92 one-way visits. The applicant considers that the proposed development will feature a similar level of traffic generation and therefore have estimated approximately 100 one-way visitor trips per day for the proposed development.

It is assumed that the majority of the trips recorded during the survey were associated with the Fishery rather than the Reindeer Centre due to the relatively high numbers recorded both during the week and weekends for September. The watersports element of the proposed development is not comparable to a Fishery therefore, it is difficult to know if the estimated number of visitors to the proposed development is accurate. Furthermore, the survey was conducted during September and is not comparable to the seasonal fluctuations expected for the proposed development.

Although 100 parking spaces is significant there is concern that since it is not known how many actual trips will take place during the busiest periods that demand could be greater. The applicant states *"that on-site parking will be managed by staff during peak periods of parking demand (particularly during the Christmas period) and parking will be carefully controlled to ensure that the maximum car parking occupancy of the site is utilized"*.

Highways February response stated that, "the applicant is required to demonstrate how parking will be managed during busy periods to ensure that all parking takes place within the site and not on Llay Road, since any parking on Llay Road would present a road safety risk for all road users. It is considered appropriate to include a condition for a Car Parking Management Plan (CPMP) to ensure parking is managed / controlled so as not to have any negative impact on the existing highway and safety of road users. It is suggested that a booking system is put in place for visitors during the busiest periods. A planning condition in relation to the CPMP will be required".

The applicant accepts that a CPMP is to be provided and secured by condition. The CPMP will include details of car parking monitoring, signage enforcement and if demand requires it, an advanced booking system.

Details of where refuse / recycling is to be collected from and facilities proposed have previously been provided and agreed with WCC's Waste Strategy Officer (Catherine Golightly). A revised swept path drawing (Drawing No. 3034-01-ATR01B) has been provided indicating that a refuse vehicle can enter and exit the site safely. It is shown that on refuse collection days some parking will need to be coned off by staff of the development to facilitate safe passage of the refuse vehicle internally.

Active Travel

It is approximately 11 minutes' walk from Llay to the proposed development and approximately 15 minutes' walk from Cefn-y-bedd to the proposed development therefore, it is possible that some visitors to the development will be attracted to walk. Sustainable travel to the proposed development is encouraged however, it is noted that the existing footway on the northern side of Llay Road is narrow and not suitable for all users.

The February Highways response noted that the applicant has provided detail regarding Active Travel improvements proposed, as discussed, and agreed with WCBC's Active Travel officer (Daniel Morris). Although there is an aspiration to introduce Active Travel infrastructure on the northern side of Llay Road there are currently no designs drawn up. As requested by Highways in the Timescales for the delivery of improvements to the footway on Llay Road have been clarified by the applicant and it is noted that these are earmarked to take place in 2024.

The applicant has revised site access drawings (Drawing No. 3034-01-D02B and Drawing No. 3034-01-ATR01B) to show improvements to the existing footway and crossing arrangements in the form of a footway/shared-use foot/cycleway on the south side of Llay Road, and uncontrolled pedestrian crossings in the form of dropped kerbs and tactile paving on Llay Road and at the site access.

The revised 'Site Access Arrangement and Visibility Splays' drawing (Drawing No. 3034-01-D02B) illustrates the site access has been amended to include a 2.5/3m shared foot / cycleway leading into the site and a tactile paving crossing point integrating the site into the proposed future Active Travel Network infrastructure on the northern side of Llay Road.

The crossing location has been relocated to the east as requested in Highways February response and tactile paving has been added to the footway on the north side of Llay Road which is accepted.

Conclusion

Matters listed in the conclusion of the Highways February response (regarding Active Travel timescales for the north side of Llay Road, and the proposed tactile crossing point) have been addressed.

The applicant must confirm that the hedgerow on the North side of Llay Road will be removed and replanted behind the visibility splay. The applicant will need to ensure that the new hedgerow is maintained so as not obstruct the visibility splay in future.

HIGHWAY CONDITIONS

No part of the development shall commence until a detailed highway scheme for the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

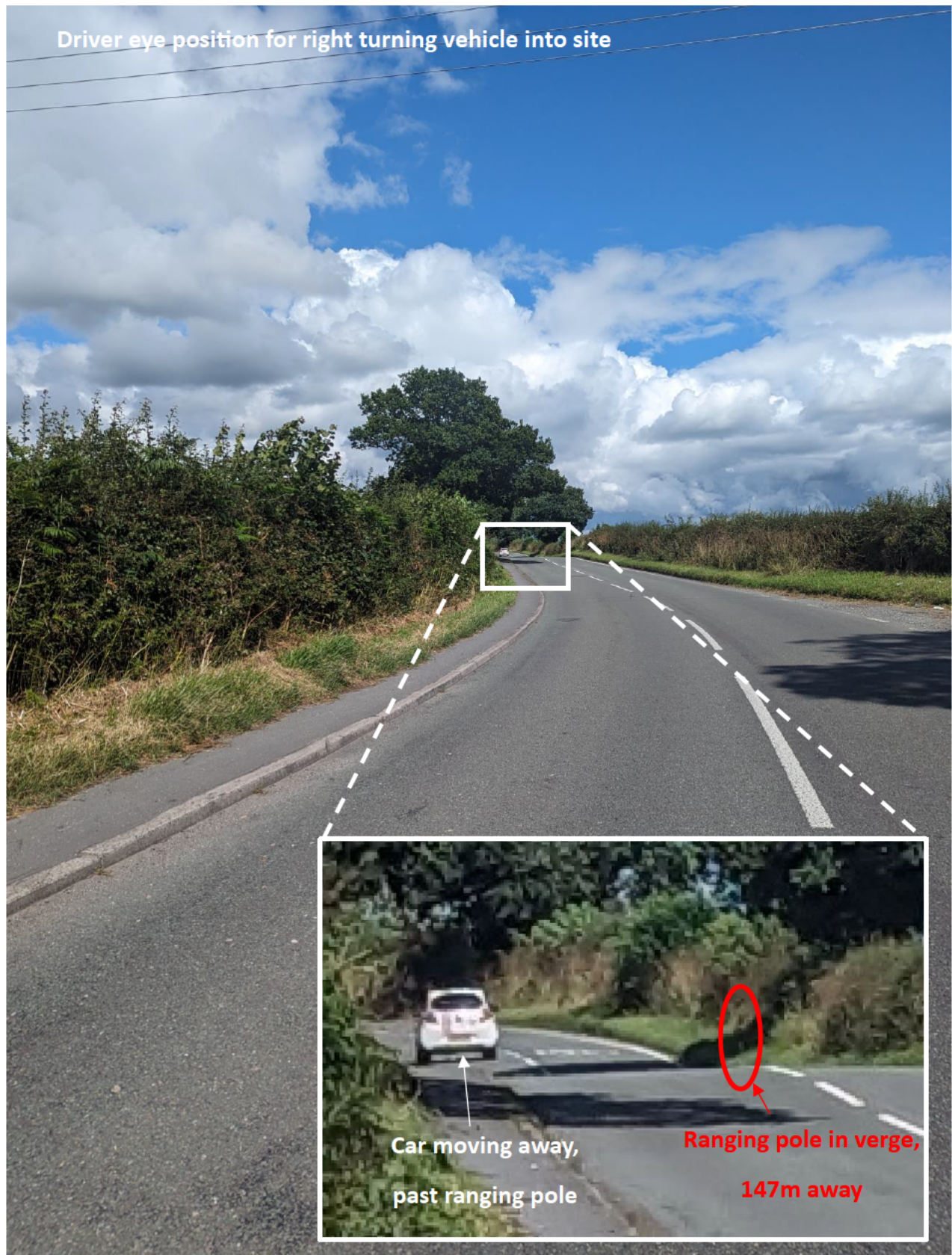
- 1) *Condition in relation to the S278 in place for all works on highway associated with the existing layby on Llay Road including, the relocation of the existing highway interactive sign and new site access road signs on the approach to development in either direction*
- 2) *Condition in relation to the clearance and continued maintenance of vegetation to ensure visibility requirements are met on Llay Road*
- 3) *Condition in relation to ensuring visibility for pedestrians at the proposed tactile crossing at the site access is not impeded in anyway by vegetation or infrastructure such as site gates / fencing*
- 4) *A Car Park Management Plan is provided and approved*
- 5) *A Construction Traffic Management Plan (including details of contractor parking) is provided*

It is noted from the applicant's March response (ref: 3034-01/JW) that the applicant accepts these conditions.



Chief Officer, Environment & Technical

ENCLOSURE 2 – AXIS FORWARD VISIBILITY SITE VISIT CHECK PHOTOS - 17TH JULY 2023



Driver eye position for right turning vehicle into site





Ranging pole in verge, 147m from right turning vehicle waiting position.

View towards site access, 147m away, from ranging pole position in verge



View towards site access, 147m away, from driver eye position of westbound vehicle in carriageway



View towards site access, 147m away, from footway on northern side of Llay Road

