



BRYMBO DEVELOPMENTS

R Morgan Esq
Department for Economy & Infrastructure
Sam Mynach
Llandudno Junction
LL31 9RZ

12 March 2021

BY EMAIL ONLY

Dear Mr Morgan

**THE FORMER BRYMBO STEEL WORKS; BRYMBO PARK
HIGHWAYS CONSIDERATIONS**

We write in an effort to resolve concerns which led to the issuing by the Welsh Ministers (“WM”) of a Direction dated 18th December 2020 to Wrexham County Borough Council (“the Council”) directing them to refuse planning permission for our proposed development at the former Brymbo Steelworks (“the Site”) for 300 units, a 2 FE primary school, a district centre comprising A1 – A4 and D1 uses which will in turn facilitate the creation of a heritage centre and the bringing forward of sustainable employment development.

We understand that the concerns of the WM are focused on the capacity of J4 and the consequent impacts on the TRN¹. The only public technical evidence base for those concerns is the Mott MacDonald analysis of March 2020. That demonstrates clearly that improvements to J4 are required if the long-term growth in traffic and the major growth of housing in and around Wrexham is to be delivered without impacting on the TRN. It does not seek to assess or quantify impacts of the proposed development of the Site on the TRN. Nor is it based on an area wide traffic model which would redistribute and re-assign trips dependent on levels of congestion at specific points. The MM work though appears to be being used as justification for preventing any residential development which might introduce any significant traffic at J4. It appears to be being used for a purpose for which it was not designed and in a way for which it is not fit for purpose.

We have set out in our separate pre-action protocol letter our concerns as to the legality of the approach. This letter seeks to find a way forward which avoids the need for litigation, which meets the WMs’ concerns and which allows the much-needed development and its wide-ranging public benefits to come forward.

¹ We note that of course the WMs are only concerned and only have jurisdiction over the TRN and not the A525. Queues on the A525 leading to the TRN are not its concern and cannot justify making the direction. The issue is focused on material increases and impact on traffic on the A483 and its slip roads/bridge at J4.

The original TA adopted a significantly conservative approach to the impacts of the proposed development on the TRN. In doing so it was able to demonstrate that even on those conservative assumptions and even on a worst case basis there was, in the consultants' judgment, no local highway issue and that there would be only minor increased queues on the slip roads of the A483 at J4 and no other impact on the TRN.

However, it appears that the WMs have adopted an even more strict stance than previously and that their current position is that any net increase in traffic at the junction would be potentially objectionable and would justify a direction. We have therefore asked our consultants to revisit the TA to assess whether the assumptions made in it are consistent with all the latest information and a more detailed consideration of development flows. That work has removed some of the conservatism previously referred to because they are judged too conservative and unrealistic. Whilst the full data on intercepted trips (through the location of the district centre, the school, and the co-location with employment) has not yet been worked up the position is clear. Applying the WM's approach on robust information, the impacts on J4 will be *de minimis*. There will be no significant adverse impacts on the TRN and the tiny (one limb only) increase in queues on one of the slip roads in the pm peak can be removed by signal optimization. We attach a copy of PJA's addendum to the original Traffic Assessment. ("TAA").

In those circumstances, we invite you to urgently reconsider the Direction. We are free for a meeting on Monday to discuss the TAA and to assess if there is a possible route to agreement to avoid the need for a JR (and/or an appeal).

This is particularly important here because the Site has a very long history of major public investment to prepare it for regenerative development. The direction risks putting the next stage of the process and much of the huge public benefit arising at risk. In particular, on the grant of permission for the development:

- (1) The commitment of land to facilitate the bringing forward of the £9m National Lottery funded heritage centre will be secured – absent a permission, the consequent delay will put that National Lottery funding at risk. Any significant delay would be a huge loss to Wales and would undermine the very basis on which the taxpayer has already invested large sums in remediation and regeneration of Brymbo;
- (2) The commitment of the site for a much needed and already funded 2 FE primary school to serve the wider area – that school is necessary to meet demand and to intercept out migration and there is no ability to meet the need at any other existing school site; and
- (3) Brymbo Developments have committed to providing some 100 acres for the benefit of the local community, including the only proposed 2 Form Entry School west of the A483, an extensive heritage area, which will be augmented by the National Lottery Funding and land for the local community to enjoy. This is being transferred at £1 per transfer and represents market value worth more than £2m. This is more than 5 times the amount that would be garnered under the terms of the Land Reclamation Grant.

The imperative to try to use the Direction making power only when really necessary and to try to find ways round capacity concerns to facilitate rather than hinder development is thus obvious.

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In short, whilst we understand the long-term concerns driving the need for major J4 improvements, we consider that there is a logical fallacy in thus assuming that this development now must be prevented unless and until J4 is provided. All should turn on the real-world impacts of this proposed development on the TRN- and that is clearly minimal.

We further note that the concerns are predicated on assumed growth from other sites, but we note that our site is the first to be coming forward, no others are committed, and they will have to justify themselves in the light of a permission here. We do not have to justify our scheme in the light of possible future permissions on those sites.

We hope to meet with you remotely on Monday.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'James Cannon', is positioned above the typed name and contact information.

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