

Technical Note

Project: Former Brymbo Steelworks

Subject: Highway Impact Summary

Client:	Brymbo Developments Ltd	Version:	B
Project No:	03499	Author:	Nigel Millington
Date:	17/06/2021	Approved:	Nigel Millington

I Introduction

- 1.1.1 The purpose of this Technical Note is to provide a written summary of information discussed at a meeting held on 15/06/2021 between PJA, Brymbo Developments Ltd (BDL), Wrexham Council (WC), Welsh Government (WG), Mott MacDonald (MM) and the respective legal representatives. The meeting was held to discuss representations made to date on the planning application by WC and WG in respect of highway matters, and to identify possible ways forward in determining the application.
- 1.1.2 The principal issue of concern to WC and WG is the likely impact of the development at J4 of the A483 before the planned improvements at that location are delivered. It is acknowledged by all parties that there are existing congestion issues at this location, but the purpose of this Note is to summarise the actual impact of the proposed development, identifying the actual changes in traffic flows that might occur and considering the consequential effects on the junction in real terms arising from the development.

2 Background

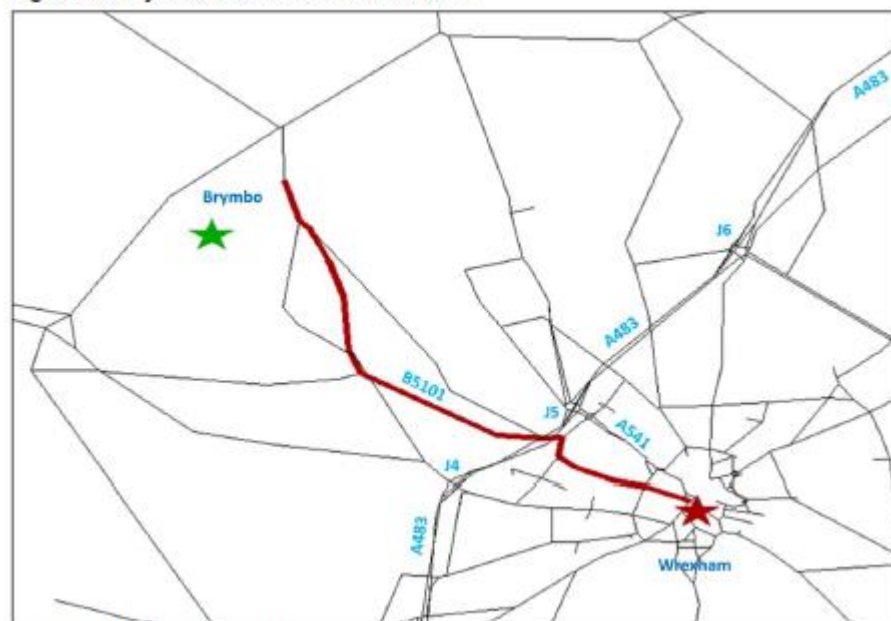
- 2.1.1 The original Transport Assessment (TA) submitted in support of the application was based on a manual trip distribution and assignment exercise, given that no details of the A483 SATURN model were available to PJA at that time. The TA therefore assumed that a proportion of development traffic would travel via J4 of the A483 en route to Wrexham and other destinations, based on the output of a series of gravity models.
- 2.1.2 The junction modelling exercise that followed identified there was an existing congestion issue at J4 and that the addition of development traffic would result in some relatively minor increases in queues and delays on some arms of that junction. PJA formed the view that the actual impact of the development i.e. the changes in queues and delays that were predicted to arise as a

consequence, was minor relative to the existing queues and delays, and therefore concluded that the impact was not significant. However, WC and WG subsequently formed a different view and raised concerns over the level of congestion predicted at the junction. It should be noted that these concerns related to the overall junction performance, not the specific impact of the proposed development.

2.1.3 In response to the comments from WC and WG, PJA then prepared a Transport Assessment Addendum (TAA) which sought to reconsider some of the assumptions made in the original TA. The most significant change related to the amount of development traffic assumed to travel through J4. Given the existing levels of congestion acknowledged by all parties to be present at J4, the trip assignment assumptions in the TAA were therefore adjusted to reduce the levels of development traffic using J4, reflecting the fact that alternative less congested route choices are available. The resultant junction modelling which was prepared on the basis of the revised assignment assumptions clearly suggested even less impact at J4.

2.1.4 Subsequent to the preparation of the TAA, PJA were made aware of the existence of the A483 SATURN model and the Local Model Validation Report (LMVR) was made available for review. Figure 30 contained within the LMVR (included below for ease of reference) clearly demonstrated the model was assuming that all traffic between Brymbo and Wrexham Town Centre avoids J4, presumably due to the existing levels of congestion, opting instead to use the B5101.

Figure 30: Brymbo to Wrexham Town Centre



- 2.1.5 This information validates the approach taken in the TAA, albeit SATURN operates on an ‘all or nothing’ assignment basis i.e. all traffic between an origin and destination pair is assumed to use a single route (resulting in no traffic between Brymbo and Wrexham through J4), whereas the TAA did in fact assign some traffic via J4. The assessment presented in the TAA should therefore be considered to be robust.
- 2.1.6 It is acknowledged that the LMVR is presenting and validating the situation that is occurring in the base position i.e. on the ground at the present time. However, in the absence of any significant highway mitigation schemes or development pressures elsewhere on the local network, there is no evidence or reason to believe that the existing pattern of drivers avoiding J4 would cease to occur. In order for that to happen, journey times through J4 would have to be significantly more attractive than those on other routes, and there is no evidence that this is likely to occur. In fact, given the worsening congestion predicted by the future year junction modelling even without the development, it is more likely that the route from the site to Wrexham will become even less comparatively attractive in the future compared to now. It is therefore reasonable to assume that traffic would continue to seek alternative routes to J4 before any significant mitigation schemes are delivered.
- 2.1.7 Despite the conclusions of the TAA, and despite the LMVR validating the assumptions made in the TAA, WC and WG still had concerns related to the overall junction performance. However, the concerns were again related to the predicted levels of overall congestion, not the specific impact of the development.

3 Percentage Impact

- 3.1.1 As noted previously, all parties acknowledge that there is an existing congestion issue at J4 of the A483, and that the congestion issue will continue to prevail in the future until such time as the planned improvement works are delivered. However, the actual impact of the development at this location, the actual change in traffic flows predicted, is very small. In order to demonstrate that, it is useful to consider the percentage impact of the development i.e. the increase in total traffic flows at the junction as a consequence of the development.
- 3.1.2 Table 3-4 in the TAA summarises the percentage and volume of total development trips predicted to use J4 in the ‘full development’ scenario, and is repeated below for ease of reference.

Table 1: Table 3-4 from TAA: Adjusted Trips through Junction 4

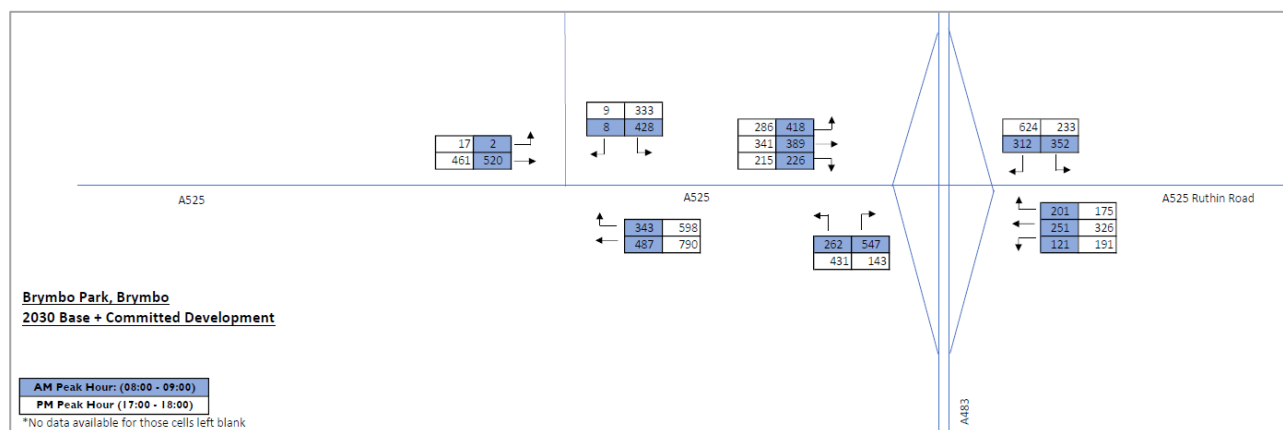
% Trips		No. Trips	
AM Peak	PM Peak	AM Peak	PM Peak
9%	7%	21	19

3.1.3 Note that these figures do take into account the reassignment of some trips due to congestion (as validated by the LMVR), but do not take into account any other factors which may suppress net development traffic flows, such as:

- The proposed retail facilities intercepting retail trips already on the network;
- The primary school intercepting education trips currently being made from Brymbo to elsewhere;
- The effect of peak spreading; and/or
- The effect of increased home working, as per the stated WG policy position.

3.1.4 The '2030 Base + Committed Development' traffic flows are included in Appendix A of the original TA and an extract of the relevant flow diagram from that appendix is included below for ease of reference.

Figure 1: 2030 Base + Committed Development



3.1.5 Figure 1 shows that the base plus committed traffic flows at J4 in 2030 are predicted to be as follows:

- AM Peak - 3,079
- PM Peak - 2,965

3.1.6 A simple comparison of the predicted development trips shown in Table 3-4 with the total junction flows given above shows that the impact of the full development on the junction in 2030 is predicted to be as follows:

- AM Peak - 0.7%
- PM Peak - 0.6%

3.1.7 This demonstrates that the actual impact of the full development at J4 is negligible. The levels of additional traffic identified in Table 1 equate to just one vehicle every three minutes, on average, during the peak hours. These are levels of traffic that are simply imperceptible. They also fall far below the level at which the requirement to notify the Welsh Ministers under the Order arises.

3.1.8 In order to provide further reassurance, even if the overly robust assumptions in the original TA were adopted, taking no account of trip reassignment due to congestion (despite this effect being validated by the LMVR), the percentage impact figures would be 1.9% and 1.8%. These are still very, very low levels of additional traffic at the full development stage. It is further noted that the levels of impact are of an order of magnitude lower at J4 than would be expected from the development of site KSS1, which is much closer to the junction, much larger and with less attractive alternative routes to avoid the junction.

4 Development Trajectory

4.1.1 The information presented in the preceding section deals with the predicted impacts when the development is fully built out in 2030, assuming that the planned J4 improvement works have not been delivered. This is a scenario which is unlikely to actually occur in practice. Whilst the statutory processes relating to the approval and funding of the planned works on the A483 are yet to be finalised, it is considered that there is a reasonable prospect of the works being delivered in 2025. Indeed that is the WM's ambition and expectation.

4.1.2 That being the case, the impacts past that point in time are of no significance because the enhanced network will be amply able to accommodate the total flows without any adverse impacts. Prior to those works being delivered, the development will of course only be partially built out, the traffic generations will be lower and the impacts will be less as a result.

4.1.3 For the purposes of this exercise, a very simple trajectory of housing completions has been estimated taking into account timescales for a committee decision, completion of a planning obligation, reserved matters approval, discharge of conditions and a realistic timescale for first completions. Even if the residential parts of the scheme were delivered by two developers who

each completed at a rate of 40 units per annum, it is very unlikely that more than 40 units would be completed in 2022-2023, and even that is likely to be ambitious. Nevertheless, the resultant trajectory is summarised below:

Table 2: Estimated Housing Trajectory

Year	Completions	Cumulative Completions
2022-2023	40	40
2023-2024	80	120
2024-2025	80	200
2025-2026	80	280
2026-2027	20	300
2027-2028	0	300

4.1.4 Based on the assumption that the total number of trips arriving at J4 from the site (as set out in Table 1 above) will increase in-line with the housing completions (this is an oversimplification, but reasonable to assume for the purpose of this exercise), the resultant percentage impact at J4 during the build-out of the development will be as follows:

Table 3: Percentage Impact During Build-Out

Year	Cumulative Completions (Dwellings)	Development Trips at J4		Percentage Impact at J4	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
2022-23	40	3	3	0.1%	0.1%
2023-24	120	8	8	0.3%	0.3%
2024-25	200	14	13	0.5%	0.4%
2025-26	280	20	18	0.6%	0.6%
2026-27	300	21	19	0.7%	0.6%
2027-28	300	21	19	0.7%	0.6%

4.1.5 Table 3 demonstrates that the impact of the proposed development will be very low indeed, a maximum of 0.5%, prior to the likely opening in 2025 of the planned works at J4.

4.1.6 As was the case with full development scenario, even if the overly robust assumptions in the original TA were adopted, the percentage impact in 2025 would be a maximum of just 1.3%, again a very low level of impact.

5 Traffic Impact

5.1.1 The sections above have demonstrated that the levels of additional traffic likely to travel through J4 in the peak hours is extremely low in both absolute and relative terms, irrespective of which trip assignment assumptions are preferred. However, it is still worth considering what the theoretical impacts in junction performance are, which relate specifically to the proposed development.

Table 4-3 in the TAA summarises the net impact of the proposed development on the predicted operation of the J4 and is included below as Table 4 for ease of reference.

Table 4: Comparison - Impact of Development

Arm (turn)	AM Peak			PM Peak		
	DoS (%)	Delay (s)	Queue (pcu)	DoS (%)	Delay (s)	Queue (pcu)
A525 West EB (ahead, left)	1%	14	6	1%	13	5
A525 West EB (ahead)	0%	0	0	0%	-1	0
A483 NB Off Slip (left)	0%	0	0	0%	0	0
A483 NB Off Slip (right)	0%	0	0	0%	0	0
A525 West WB (ahead)	1%	-3	-1	0%	-1	1
A525 West WB (right)	0%	0	0	0%	1	0
A525 East EB (ahead)	0%	0	0	0%	0	0
A525 East EB (right)	0%	0	0	0%	-2	0
A483 SB Off Slip (left)	0%	0	0	0%	0	0
A483 SB off Slip (right)	0%	0	0	1%	1	0
A525 East WB (left, ahead)	4%	17	5	3%	19	6
PRC (%)	-4.6%			-4.5%		

5.1.2 Table 4 shows that the increased levels of traffic at J4 due to the proposed development are likely to result in just 5/6 additional queuing vehicles on the A525 arms of the junction in the peak hours, with no additional queues predicted on the A483 off-slips. The total PRC of the junction is predicted to reduce by just 4.6%.

5.1.3 The actual impact of the development traffic on the performance of the junction, relative to the extant position which would occur in any event if the development did not proceed, is therefore negligible.

6 Contribution of Development to Overall Traffic Growth

- 6.1.1 The results within the TAA identify that the performance of J4 is forecast to worsen between 2018 (when the traffic surveys were undertaken) and the future assessment year of 2030, even without the development, due to traffic growth.
- 6.1.2 Traffic growth during this period has been calculated using a factor derived from TEMPro, a Department for Transport software tool which uses the National Trip End Model (NTEM) to forecast changes in travel demand using a number of datasets including local household and employment projections. In addition, there would then be further growth resulting from the proposed development.
- 6.1.3 Table 5 below summarises the total forecast traffic increases at J4 to 2030 based on the trip generation, distribution and assignment assumptions in the TAA. It is evident from this data that the proposed development would only form a very small proportion of the overall traffic growth projections, constituting just 5% of the total growth to 2030.

Table 5: Development Contribution to Traffic Growth

Scenario		Comparison vs 2030 Future Year	
		AM	PM
1	2018 Base Traffic Survey	2,707	2,608
2	Future Year without Development	3,080	2,965
3	Future Year with Development	3,101	2,984
4	Total Forecast Demand Increase (3 - 1)	394	376
5	Demand Change from Development Only (3 - 2)	21	19
6	Development % of total growth (5 ÷ 6)	5%	5%

- 6.1.4 This issue was considered by the Inspector in the recent appeal for Land North of Gatewen Road, New Broughton, Wrexham (Appeal Ref: APP/H6955/A/19/3238474). The decision letter is attached to this Note as Appendix A.
- 6.1.5 One of the concerns in that case was again the impact on congestion of the background traffic growth plus the development¹, with the Council and objectors referring to significant queuing occurring in existing conditions². Crucially however, the Inspector stated:

¹ Para 17

² Para 18

'It is important to note that the congestion is an existing issue and is restricted to relatively short periods of the day. There is an issue with congestion on the wider network especially the A483 junctions.'

[Para 18]

- 6.1.6 Importantly, there is a recognition here by the Inspector that the congestion issue is an existing one, and the context in relation to the A483 is also observed. Further, the Inspector also notes that:

'Welsh Government has consulted on proposed improvements to the A483 junctions that would address the existing problems.'

[Para 18]

- 6.1.7 The Inspector then goes on to state:

'The traffic arising from the development would represent around 3-4% of all traffic. This traffic would have a relatively minor impact on the operation of the relevant junctions compared to the forecast overall growth.'

[Para 18]

- 6.1.8 As noted in Table 5 above, the proposed development at Brymbo is estimated to represent 5% of the total growth in traffic, and as noted in Table 3, less than 1% of all traffic. These levels of impact are clearly lower than those considered by the Inspector in the Gatewen Road appeal, and should be considered in that context.

- 6.1.9 The Inspector concludes that:

'It is not the function of the planning system to ensure that the convenience of the private car user is safeguarded from congestion, especially existing congestion.'

- 6.1.10 And:

'I conclude that the issue of congestion and queuing is an existing problem that would not be significantly affected by the proposal and it would not justify the refusal of planning permission in this case.'

[Para 19]

- 6.1.11 There are clear parallels between the Gatewen Road case and the proposed Brymbo development in terms of existing congestion, the relevance of the A483, the proposed improvements to the A483 junctions, the low contribution of the development to total traffic growth and to total traffic levels, and the resultant low level of impact.

7 Summary

- 7.1.1 This Technical Note has set out that:

- There is an existing congestion issue at J4 which will prevail in any event;
- The assumptions made in the TAA regarding trip reassignment due to congestion are robust and are validated by the LMVR;
- Concerns raised by WC and WG related principally to the overall levels of congestion, rather than the specific impact of the development itself;
- The impact of the proposed development on traffic flows at J4 will be just 0.7% and 0.6% in the AM and PM peak hours respectively;
- No account has been taken of other factors which may suppress net development traffic flows, such as the retail and education uses, peak spreading or increased home working;
- The phased build-out of the site is such that full development is not likely to be achieved before the likely completion date of the planned improvements on the A483, and impacts before that date will be even less than at full build-out;
- The impact of the development in real terms on the operation of J4 will be negligible;
- The development will contribute only 5% of the total traffic growth at J4;
- Any traffic impacts arising will be limited in scale, will occur for only short periods of the day and will be temporary; and
- The Inspector in the recent Gatewen Road appeal considered very similar issues to those relating to the proposed Brymbo development and concluded that the refusal of planning permission was not justified.

- 7.1.2 For all the reasons set out above, it is considered that the proposed development is acceptable in highway terms.

Appendix A Gatewen Road Appeal

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/01/21

gan A L McCooey, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15th February 2021

Appeal Decision

Site visit made on 22/01/21

by A L McCooey, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 15th February 2021

Appeal Ref: APP/H6955/A/19/3238474

Site address: Land North of Gatewen Road, New Broughton, Wrexham

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Glyndwr University against the decision of Wrexham County Borough Council.
 - The application Ref: P/2018/0674 dated 12 June 2018, was refused by notice dated 1 July 2019.
 - The development proposed is a residential development, of up to 112 Dwellings together with vehicular / pedestrian access from Gatewen Road, open space, landscaping, sustainable drainage and other related infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development, up to 112 dwellings together with vehicular / pedestrian access from Gatewen Road, open space, landscaping, sustainable drainage and other related infrastructure at Land North of Gatewen Road, New Broughton, Wrexham in accordance with the terms of the application, Ref: P/2018/0674 dated 12 June 2018, subject to the conditions set out in the attached Annex.

Application for costs

2. An application for costs was made by Glyndwr University against Wrexham County Borough Council. This application is the subject of a separate Decision.

Background and Procedural Matters

3. The validity of the application was challenged by interested parties on the basis that the land ownership certificate submitted with the application was incorrect. The Council has confirmed that this error was rectified, and corrected ownership certificates were submitted prior to the application being determined. The accuracy of this information has been verified by the Inspectorate and the appeal has been accepted as valid. I therefore proceed on the basis that there is a valid appeal.
-

4. The appellant has set out the background to the proposal and the information provided is summarised in this paragraph. The application is part of a package of developments aimed at providing sufficient income for investment in improvements for the university. The cash reserves have become depleted in recent years and additional income is urgently required. The university has considered its existing estate and identified surplus land that could yield capital receipts to fund improvements. This would secure the university's future which would provide major economic benefits to the region and Wrexham itself. The income will enable the re-modelling of the main campus and the provision of additional student accommodation. The release of surplus land for housing will assist in meeting the urgent housing need in Wrexham.
5. The application was reported to the Planning Committee with a recommendation from officers that planning permission should be granted. Upon a vote members resolved to refuse planning permission for two reasons. These reasons are comprised in the main issues below.

Main Issues

6. The main issues are:
 - Whether the development complies with relevant planning policy, especially in relation to its effect upon the purposes and openness of a Green Barrier and whether any resultant conflict would be clearly outweighed by very exceptional circumstances; and
 - The effect of the proposal on traffic flow on the highway network and on highway safety.

Reasons

The Site

7. The application site extends to 4.743 hectares (11.7 acres) and is situated to the north of Gatewen Road. The site is roughly triangular. The site was used for grazing by horses but was unused at the time of my visit. It does not form part of a wider agricultural holding and exists as a pocket of grazing land, which is located on the edge of a settlement. To the north and east is a large residential development (Gatewen Village) which has recently been completed. To the west is an existing area of public open space and beyond this, the urban edge of New Broughton. To the south is Gatewen Road and beyond this, an established residential area. Topographically, the site is undulating, with various high and low points across the site. There are no formal public rights of way which cross the site. Adjoining the eastern site boundary there is a disused railway line, which provides a good quality walking and cycling route that continues past Wrexham Maelor Hospital to the town centre.
8. The surrounding area is primarily residential or public open space. Moss Valley Country Park is beyond the newly constructed residential development site to the north and east. The main access route to the site is from junction 5 of the A483 via Berse Road and Gatewen Road. There are several roundabouts on Berse Road.

Planning Policy and Guidance

9. The site is outside the development limit in the extant Wrexham Unitary Development Plan 1996-2011 (UDP), which despite being 10 years beyond its end date remains the adopted plan. A replacement Local Development Plan (LDP) has been the subject of an examination that is nearing completion.

10. UDP Policy PS1 states that new development for housing will be directed to within defined settlement limits. Policy H5 states that new dwellings will only be permitted outside settlement limits in certain circumstances. The proposal does not meet any of those circumstances. The appeal site is within a green barrier in the UDP. It is agreed that a Green Barrier equates to a green wedge as referred to in Planning Policy Wales. Policy EC1 states that within Green Barriers, development will only be granted planning permission if it is for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it. The purposes of a Green Barrier are set out as: i) to prevent the coalescence of urban areas and villages with other settlements; ii) to assist in safeguarding the countryside from encroachment; iii) to protect the setting of urban areas and villages; and iv) to assist in urban regeneration by encouraging the recycling of derelict and other urban land. These purposes align with the purposes of Green Wedges as set out in Planning Policy Wales¹. The proposal would be inappropriate development as defined in Planning Policy Wales and envisaged in Policy EC1. National policy states that inappropriate development should only be granted planning permission in very exceptional circumstances where other considerations clearly outweigh the harm caused to a green wedge.
11. Planning Policy Wales 10 sets out relevant national policy on housing delivery², consistent with its primary objective, which is to ensure that the planning system contributes towards the delivery of sustainable development. Paragraph 4.2.1 sets out the basis for evidence-based housing policies in LDPs and informed development management decisions that focus on the creation and enhancement of sustainable places. Paragraph 4.2.2 states that the planning system must identify a supply of land to support the delivery of the housing requirement and focus on the delivery of the identified housing requirement. Paragraph 4.2.5 states that Local Planning Authorities must clearly set out the housing requirement in their development plan. The supply of land must be deliverable and the ability to deliver must be demonstrated through a housing trajectory.

Compliance with Policy, Character and Appearance and the Green Barrier

12. As the proposal would be contrary to Policies PS1, H5 and EC1, the very exceptional circumstances that have been advanced must be considered. The evidence from the Council shows that there has been a consistent under-delivery of housing since the UDP end date. The Council proposes to address this considerable shortfall by means of housing allocations in the LDP. The weight to be attributed to an emerging LDP will depend on the stage it has reached, recognising however that it does not simply increase as the plan progresses. Specifically, in considering what weight to give to its policies, it is necessary to examine the underlying evidence and background to the policies, which can be material. Preparatory studies have determined the housing requirement in the light of the evidence of need and past under-delivery. The LDP has identified sufficient land to meet that housing requirement. In so doing the Council recognised that land that is currently outside settlement limits must be identified for development and that the majority of that land is within green barriers. I note that the LDP process included the preparation of a Green Barrier review, resulting in the selection of suitable sites to meet the identified housing need within the Green Barrier. The Council's evidence for this appeal does not resile from that position. The Council merely states that the LDP Inspectors have not issued their binding report and the

¹ The relevant paragraphs are 3.60 to 3.74

² Which has been revised following the revocation of Technical Advice Note 1 in March 2020

proposed changes to the Green Barrier should therefore be afforded limited weight in the determination of this appeal.

13. The appeal site is a housing allocation in the LDP. The site is currently open land with public open space to the west (which would remain). Since the completion of the Gatewen village development to the north and east, the site and adjoining open space are almost completely surrounded by the built-up area. The development of the site would not therefore result in any coalescence of New Broughton with other settlements. The site is well-contained by the existing built form and constitutes a logical extension to the settlement, which is why it is a housing allocation in the LDP.
14. The site is in a sustainable location close to local services including shops and a school. There is a frequent bus service with bus stops nearby. There is also a good network of public footpaths in the area. There is a cycleway/footpath on a disused railway line that runs from the site into the centre of Wrexham via the hospital. Planning Policy Wales encourages the use of walking, cycling and public transport as an alternative to the car and the Welsh Government is committed to supporting a modal shift to active travel and public transport. This prioritisation of walking/cycling and public transport is set out in the sustainable transport hierarchy, which must be a key principle in the preparation of development plans. This is also relevant to the traffic issue that is considered below.
15. The proposed development would provide up to 112 dwellings; of which 25% would be affordable in line with the Council's policy and guidance. There is no evidence of any impediment to the deliverability of the development. The proposal would make a significant contribution to meeting the Council's housing requirement and addressing the shortfall in supply that has persisted for some years. This factor should be given substantial weight. The site is allocated for housing in the emerging LDP, after a series of studies considering the options to accommodate the identified housing requirement. It is well-contained by the existing built form and as such would not erode the Green Barrier. I consider that the substantial benefits of the proposal in terms of its contribution to housing supply and affordable housing; its sustainable location with good walking/cycling links and public transport provision; and the fact that it is allocated in the LDP weigh heavily in favour of the proposal. All these factors combined constitute the very exceptional circumstances required to clearly outweigh the harm to the Green Barrier and the conflict with Policies EC1, PS1 and H5.

Effect on Traffic Flow

16. Planning permission was refused due to alleged conflict with criterion (d) of UDP Policy GDP1 which requires safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality. I have had regard to the comments of the Highway Authority, which were provided. The application was accompanied by a transport assessment, which was reviewed by the Highway Authority. The queries arising were answered in a Highways Addendum document. I note that the appellant has also provided further comment on the reasons for refusal; an independent audit of the appellant's transport evidence to the LDP and an independent report on road safety at the proposed access. The Council has not raised any concern with the modelling used as the basis of these reports. I note the objectors' concerns in this regard but I am satisfied that the assessments and surveys were carried out using recognised and accepted methodology and provide sufficient information to understand the potential highway impacts of the proposed development. The evidence also shows that the other proposed developments (including the appellant's other developments) have been included in the assessments.

17. The Council's concerns related to queuing issues during the morning and evening peak hour at the junction of Gatewen Road with Berse Road and the roundabout to the east where Berse Road meets Rhyd Broughton Lane. A short distance to the north from there is another roundabout where Berse Road meets Mold Road, which is one of the main approaches to Wrexham town centre from the adjoining junction 5 of the A483. The appellant's worst-case scenario (without mitigation³) indicates that background traffic growth plus the development would increase queuing times at the relevant junctions to between 1 and 4 minutes at peak times from now to 2035. The appellant disputes the use of 2035 as a future year because it post-dates the plan period and forecast accuracy decreases over such a long period. However, it is accepted that additional congestion will potentially occur.
18. The congestion and junctions referred to are within Wrexham town, a location favoured for growth in both the UDP and LDP⁴. The Council and objectors refer to significant queuing occurring at these junctions at the moment. It is important to note that the congestion is an existing issue and is restricted to relatively short periods of the day. There is an issue with congestion on the wider network especially the A483 junctions. The peak time queuing on the network leading to the appeal site appears to relate to congestion on the approach to the A483 and A541 Mold Road. Welsh Government has consulted on proposed improvements to the A483 junctions that would address the existing problems⁵. The traffic arising from the development would represent around 3-4% of all traffic. This traffic would have a relatively minor impact on the operation of the relevant junctions compared to the forecast overall growth.
19. I refer to the national policy on restricting car use above. The Highway Authority has not considered any alternative modes of transport. It is not the function of the planning system to ensure that the convenience of the private car user is safeguarded from congestion, especially existing congestion. There is no evidence of any impact on highway safety caused by queuing. My site visit coincided with the morning peak and I noted little congestion at the specified junctions. Taking all these matters into account, I conclude that the issue of congestion and queuing is an existing problem that would not be significantly affected by the proposal and it would not justify the refusal of planning permission in this case.

Highway Safety

20. Gatewen Road is subject to a 30mph limit and is heavily traffic-calmed. Car parking outside the terrace dwellings opposite the appeal site restricts the carriageway width and forces traffic to have to occasionally wait for a clear path. The accident statistics reveal no significant highway safety issues on this part of the road. I observed that traffic flows were relatively light. The traffic calming measures provide safe crossing opportunities for pedestrians. The proposed access can be provided with the required visibility splays within the existing highway verge. The trees to the east are subject to a Tree Preservation Order (TPO). From my observations, it appears that the provision of the splays would not affect the continued viability of the trees.
21. The proposed access would be opposite an existing junction with New Road. New Road is lightly trafficked because it is in a poor state of repair and is not therefore an attractive route for through traffic. Other routes are available. I consider that any

³ Mitigation such as increased active travel and public transport use

⁴ And in the emerging Future Wales

⁵ Including active travel improvements

vehicular conflict between traffic from the appeal site and that using New Road would be very low. Despite the highway officers querying these issues, the Council has carefully assessed the access and has not included them in the reasons for refusal. The Council's evidence confirms that these reasons reflect the decision of the Committee Members. I also conclude that the proposed access would be acceptable in terms of highway safety.

Other Material Considerations

22. The site is not currently in agricultural use. It contains Best and Most Versatile (BMV) agricultural land. UDP Policy EC2 safeguards BMV land from irreversible development resulting in the loss of that land. The proposal would therefore conflict with Policy EC2. In contrast Planning Policy Wales states that such land should be conserved as a finite resource for the future and should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable. As noted above, the emerging LDP provides for the release of greenfield sites to meet the identified housing requirement. The land around the urban fringes of Wrexham is largely BMV land. All of the LDP housing allocations located outside of the UDP settlement limits contain some BMV agricultural land. Therefore, the allocation of the site has been undertaken within the context of a substantial evidence base that indicates that the housing requirement cannot be met without the loss of some BMV land. The benefits of the development as set out earlier and the sequential approach set out in Planning Policy Wales, means that the loss of BMV land contrary to Policy EC2 is justified in the particular circumstances of this case.
23. The application was submitted in outline with all matters reserved except for access to the site. The submitted scale parameters indicate that single and two storey housing is proposed. An indicative layout plan has been submitted, which is not binding. From my inspection of the site, I consider that the site can be developed without detriment to the living conditions of the occupiers of nearby dwellings. These issues can be considered in the reserved matters applications where details of the design and layout of the proposal must be submitted for approval prior to any development taking place. Any disturbance caused as a result of the construction of the dwellings would be temporary and could be controlled by planning conditions.
24. Whilst there may be constraints in providing a footway along Gatewen Road to the east of the access, there are ample opportunities for pedestrian links to the existing footpath along the eastern boundary and to the adjoining recreation ground.
25. Objectors refer to problems with the drainage facilities in the area. Dŵr Cymru has confirmed that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site. There is insufficient capacity in the local foul sewer at the nearest sewer connection point. A connection to the mains sewer would be permitted at another appropriate position (the location of this is stipulated). Alternatively, a hydraulic modelling assessment may demonstrate that another location would be suitable. This is a matter for the developer that can be required by a suitable condition.
26. Dŵr Cymru also states that no surface water shall be permitted to enter the public sewer system. This matter can be addressed by conditions on any consent. The submitted flood consequences assessment indicates that the risk of flooding is low (site lies entirely within zone A), and the site is not in a floodplain or known area of flooding. A surface water drainage strategy is provided indicating the various measures that can be used to provide a Sustainable Drainage System (SuDS). I note

that the development will require separate SuDS approval from the SuDS Approving Body (SAB). The consultation replies from the SAB has not indicated any insurmountable issues and as the design and layout of the Scheme has not been finalised then the SuDS requirements can be incorporated into the final design. Planning conditions requiring the approval of surface water drainage arrangements would not therefore be necessary.

27. The submitted heritage impact statement indicates that there would be no significant impact on the setting of the nearby Gatewen Hall (a listed building) or on archaeological remains. The Clwyd-Powys Archaeological Trust agrees with this assessment. I conclude that the proposed development would have no significant impact on heritage assets. The Council's evidence indicates that the impact on ecology would be acceptable. Natural Resources Wales had no objection to the proposal and indicated that the updated Ecological appraisal and Protected Species Report satisfactorily addresses outstanding issues in respect of bats. As noted above, trees within and adjacent to the site are the subject of a TPO. I note the submitted arboricultural assessment and method statement and consider that the retention and protection of trees as part of the Scheme can be required by conditions and have seen no convincing evidence to the contrary.
28. Objectors refer to issues with capacity at local schools and potential problems with further expansion of those schools. The Council has indicated that further spaces at local primary schools would be required as a result of the additional dwellings. The Council considers that a suitable contribution to provide further spaces can be secured by a Unilateral Undertaking, which I discuss further below. There is no indication from the relevant authorities that expansion of local schools would be impractical. Objectors also refer to issues with capacity at local medical facilities. No evidence to substantiate those concerns has been provided and this is not a reason for refusal of planning permission. The loss of views and any effect on property values would not justify the refusal of planning permission. The site is in private ownership and there is no loss of public open space. I note that the Local Planning Authority require open space and landscaped areas to be provided as part of the conditions on any planning permission. The management of communal areas, etc. would be addressed by a planning obligation.

Conditions and Unilateral Undertaking

29. The appellant has submitted a Unilateral Undertaking, under Section 106 of the Town and Country Planning Act 1990, for financial contributions towards spaces at local primary schools, mechanisms to ensure the management of communal areas and on-site public open space and to deliver affordable housing as required. The Council has confirmed the submitted undertaking meets the necessary statutory and policy requirements and that it should, therefore, be attributed due weight in the determination of the appeal. I consider that the submitted obligations are necessary, are related to the proposed development in scale and kind. The undertaking therefore meets the appropriate legal tests set out in Section 122(2) of the Community Infrastructure Levy Regulations 2010 and the policy tests in Circular 13/97. Accordingly, the Section 106 obligations should be afforded considerable weight in the determination of the appeal.
30. I have considered the suggested conditions and, having had regard to the advice in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014), have adjusted their wording in the interest of clarity and precision. Whilst not set out as a condition, the developer must comply with the duties outlined in section 71ZB of the Town and Country Planning Act 1990.

Overall Planning Balance and Conclusions

31. Based on the foregoing analysis, I have found that the development would run counter to adopted development plan policies designed to protect the countryside and would be contrary to Policy EC1 in relation to Green Barriers. However, the harm to the Green Barrier and the wider countryside and landscape setting would be clearly outweighed by the very exceptional circumstances described above. Furthermore, whilst the development would result in the loss of BMV agricultural land, such harm and associated policy conflict would be justified in light of the provisions of PPW and the particular circumstances of this case. The proposal would not be detrimental to highway or pedestrian safety. For the reasons given, I find that the issues of congestion and queuing raised in this case would not justify the refusal of planning permission. I have considered all the other matters raised and I judge that they would not when taken individually or together represent grounds to dismiss this appeal. I therefore conclude that the appeal should be allowed, subject to the conditions set out in the Annex below. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' revised well-being objectives to build healthier, more resilient communities and environments.

A L McCooey

Inspector

Annex to decision APP/H6955/A/19/3238474

Conditions

- 1) Details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before development is commenced and shall be carried out as approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 2) Plans and particulars of the reserved matters referred to in Condition 1) above, relating to the appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3) Any application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4) The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 5) The development hereby approved shall be limited to a maximum of 112 dwellings.

REASON: To define the terms of the planning permission and to ensure that the development has been assessed adequately in terms of the impact upon the local highway infrastructure. This will accord with the requirements of policies GDP1 and T8.

- 6) Before the commencement of the development the access shall be completed in accordance with the details shown in drawing no. DWG-2627-401 Rev C and retained for as long as the development remains in existence.

REASON: To define the terms of the planning permission and in the interests of highway safety to ensure compliance with policy GDP1 of the Wrexham Unitary Development Plan

- 7) Prior to first use the vehicular access shall provide for visibility splays of 2.4 metres x 43 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

REASON: In the interests of highway safety to ensure compliance with policy GDP1 of the Wrexham Unitary Development Plan

- 8) All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.
- REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
- 9) No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.
- REASON: In the interests of highway safety and in accordance with Policy GDP1 of the Wrexham Unitary Development Plan
- 10) Prior to the first occupation of the development hereby approved, a footway shall be provided along the site frontage from a point west of the vehicular access in accordance with details which have been submitted to and approved in writing by the local planning authority.
- REASON: In the interests of pedestrian safety to ensure compliance with policy GDP1 of the Wrexham Unitary Development Plan
- 11) No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Details of all proposed tree works, including felling and pruning.
- REASON: To ensure the work is carried out in line with accepted arboricultural practices for the long-term wellbeing of the trees in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
- 12) No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

REASON: To ensure the work is carried out in line with accepted arboricultural practices for the long-term wellbeing of the trees in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

- 13) No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

REASON: In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 14) Each part of the site subject to the remediation under the scheme(s) approved as part of condition 13 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 15) No part of the development shall commence until a sewerage scheme to satisfactorily accommodate the foul water discharges from the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of and be informed by a Hydraulic Assessment. No part of the development shall be occupied until the foul water system has been fully implemented and brought into use in accordance with the approved scheme.

REASON: To ensure that the development does not cause a detrimental overload to the public sewerage system in compliance with policy GDP1 of the Wrexham Unitary Development Plan.

- 16) The landscaping and layout reserved matters to be submitted for the approved development pursuant to the requirements of condition 1 above shall include a scheme for all areas of open space and green space to be provided within the development site, including public amenity space and equipped children's play areas. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.

REASON: In the interests of providing for a high standard of development for the future amenity of the occupiers of the site in accordance with policies GDP1 and CLF4 of the Wrexham Unitary Development Plan.

Note:

Prior to development taking place and throughout the course of development you must comply with your duties in section 71ZB (Notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990.