

# SUMMARY PROOF OF EVIDENCE

**THE CHESTER TO BANGOR ROAD (A55) (JUNCTIONS 16 AND 16A IMPROVEMENT REALIGNMENT AND SLIP ROADS) ORDER 202-**

**THE CHESTER TO BANGOR TRUNK ROAD ( A55) (JUNCTIONS 16 AND 16A IMPROVEMENNT REALIGNMENT AND SLIP ROADS) (SIDE ROADS) ORDER 202-**

**THE WELSH MINISTERS (THE CHESTER TO BANGOR (A55) (JUNCTIONS 16 AND 16A IMPROVEMENT REALIGNMENT AND SLIP ROADS) COMPULSORY PURCHASE ORDER 202-**

**COMMERCIAL DEVELOPMENT PROJECTS LIMITED, LAND AT PLOTS 1/2, 1/2A and 1/2b CONWAY ROAD, PENMAENMAWR, NORTH WALES LL34 6PR**

**SUMMARY PROOF OF EVIDENCE OF EDWARD LANDOR BA (HONS) PG DIP TP, CERT ED MRTPI FOR THE CPO PUBLIC INQUIRY COMMENCING ON 21 SEPTEMBER 2021**

**RESPONDENT ID: J16-R0004**

**LANDOR** Planning  
Consultants Ltd

## CONTENTS

1.0	QUALIFICATIONS AND EXPERIENCE -----	3
2.0	INSTRUCTIONS -----	4
3.0	PLANNING PERMISSION 0/46556- LAND ADJACENT TO CONWAY ROAD, PENMAENMAWR -----	5
4.0	THE IMPACT OF THE SCHEME AND DRAFT ORDERS ON THE CONSENTED DEVELOPMENT -----	7
5.0	RELEVANT PLANNING POLICY CONTEXT -----	8
6.0	ASSESSMENT AND EVALUATION – BALANCING THE TENSION BETWEEN HOUSING DELIVERY AND ACTIVE TRAVEL -----	9
7.0	DECLARATION -----	13

## APPENDICES

Appendix 1 – CDP Grounds of Objection

Appendix 2 – Site Location (as approved 0/46556, Land adjacent to Conway Road,)

Appendix 3 – Proposed Site Layout and Elevations (as approved 0/46556)

Appendix 4 – Conwy Council Planning Committee Minutes dated 9 October 2019

Appendix 5 – Consultation Response to planning application 0/46556, Conwy County Council Highways Authority dated 12 November 2011

Appendix 6 - Certificate of Planning Permission 0/465556 dated 28 April 2020

Appendix 7 - Certificate of Planning Permission 0/465556 dated 21 December 2020

Appendix 8 - Certificate of Planning Permission 0/465556 dated 23 May 2021

Appendix 9 – Extract of Draft Side Order Plan 1 (reference2.01.12)

Appendix 10 - Environmental Statement - Figure 19.1 Junction 16 Planning Applications and Allocated Sites

Appendix 11 – Extract from Joint Housing Land Availability Study (JHLAS 2019)

Appendix 12 – PROW 29/06

## 1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 I am Edward Landor, Director of Landor Planning Consultants Limited, a planning consultancy based in Liverpool.
- 1.2 I have been a member of the Royal Town Planning Institute (RTPI) and a chartered town planner since 1979.
- 1.3 I have considerable experience in both the public and private sector as a planning professional.
- 1.4 I have appeared and presented evidence in the course of my career at numerous section 77 and 78 public inquiries, CPO inquiries and development plan public examinations.
- 1.5 I have served as an elected member of the RTPI General Assembly, Education and Lifelong Learning Committee, Chaired University Boards overseeing RTPI accredited degree programmes.
- 1.6 I consider that from my knowledge and experience, I am competent to submit evidence to this CPO Inquiry.

## 2.0 INSTRUCTIONS

- 2.1 I was instructed to submit evidence to this CPO Inquiry by [redacted] Director of CDP Ltd on 26 July 2021 following the submission of formal objections by CDP to the draft Compulsory Purchase Order and the draft Side Roads Order (the “Draft Orders”) on 30 April 2021 as prepared and published by the Welsh Government in respect of [redacted].
- 2.2 My evidence covers the impact of the Scheme and Draft Orders on a development for the erection of 14 No. dwellings access and associated works on land adjacent to Conway Road, Penmaenmawr, LLL34 6PR. Planning permission was granted by Conwy Council, for the development as described, on 28 April 2020 under reference O/46556. The land is owned and is to be developed by CDP.
- 2.3 The scope of my evidence covers:
  - description of the approved development and the planning history of the objector’s affected land adjacent to Conway Road in Section 3.0;
  - the impact of the Scheme and Draft Orders on the approved development in Section 4.0;

- relevant planning policy context pertaining to the CPO Scheme and approved development in Section 5.0;
- assessment and evaluation – balancing the tension between housing delivery and active travel in Section 6.0.

## 3.0 PLANNING PERMISSION 0/46556- LAND ADJACENT TO CONWAY ROAD, PENMAENMAWR

### The Site

- 3.1 The CDP site comprises a rectangular area of land on the north side of Conway Road to the east of Penmaenmawr. It is located approximately 500m away from Junction to the east. The 0.36 hectare site has a road frontage of approximately 118m along Conway Road.

### Approved Development

- 3.2 The approved development of 14 dwellings includes:
- 7 No. 2/3 storey, 3 bed town houses with integral garages and gardens to front and rear (plots 1-9) {market housing};
  - 1 No. pair of 2/3 storey, 4 bed semi-detached dwellings with integral garage and gardens to front and rear (Plots 10-11) {market housing};
  - 1 No. 3 storey, 2 bed apartment block with in-curtilage car parking and communal gardens (Plots 12-14) {affordable housing}.
- 3.3 The proposed development follows a linear form served by a single service access road on the north side of the development. The apartment block, at the east end of the site, has its own dedicated amenity space.
- 3.4 A planning application for the approved development was submitted to Conwy Council on 8 August 2019.

### Planning History

- 3.5 Conwy Council resolved to grant planning permission on 9 October 2019 for the erection of 14 dwellings.
- 3.6 The proposed development was assessed against the statutory requirements of Active Travel (Wales) Act 2013 and was considered to be compliant.

- 3.7 A Certificate of Planning Permission with reference 0/46556 was issued on 28 April 2020 following completion of a legal agreement on 10 February 2020.
- 3.8 A Certificate of Planning Permission with reference 0/46556 was re-issued on 21 December 2020 with an informative recording the discharge of condition 4 (nesting bird boxes) and Condition 6 (construction method statement under reference 0/47828).
- 3.9 A Certificate of Planning Permission with reference 0/ 46556 was reissued on the 23 May 2021 with an informative that condition 4 (nesting bird boxes) and condition 6 (construction method statement) and the submission of details of affordable housing provision required by condition 3 were discharged by the Council with reference 0/48127.
- 3.10 Having discharged pre-commencement conditions CDP had intended to commence development on or about 1 June 2021 with completion on or about 1 June 2022.

## 4.0 THE IMPACT OF THE SCHEME AND DRAFT ORDERS ON THE APPROVED DEVELOPMENT

- 4.1 Draft Side Road Order Plan 1 (reference 2.01.12) illustrates the impact of the Draft Orders (acquisition of Plots 1/2, 1/2a) on the CDP approved development superimposed (site area in red) and layout (proposed dwellings and access road) in blue. The greatest impact is on the approved houses (town houses and semi-detached dwellings) which will be cut in half and lose their back gardens. The Scheme also impacts on the vehicular access into the approved development and affects the apartment building with the loss of most of the communal amenity space. There is no scope for adjusting the siting of the approved dwellings and access, thus rendering this approved housing development wholly undeliverable and unimplementable.
- 4.2 Mr Hubbard's evidence (reference paragraph 1.4) describes structural implications of implementing an active travel cycleway in this location because of the steep gradient.
- 4.3 The Environmental Statement Volume 1 Assessment Chapters – March 2021 (the "ES") does not fully assess the impact of the Scheme on the CDP housing development and is contradictory.
- 4.4 The ES refers to the CDP site in paragraph 5.16.17. It incorrectly states that it is allocated as a contingency site for 15 dwellings. Paragraph 5.16.27 states that the current Scheme proposals do not directly affect the site.

- 4.5 The contentions made in Paragraph 5.16.17 are incorrect on two counts. Section 5 of the ES is dated February 2021. Planning permission for development of CPD site comprising 14 dwellings had been granted on 28 April 2020. Thus, the CDP development was a confirmed not a contingency allocation. Secondly, it is incorrect to suggest that the Scheme does not directly affect the site. The approved housing development is effectively rendered unimplementable by the Scheme.
- 4.6 ES Figure 19.1, entitled 'Planning Applications and Allocated Sites (Junction 16)' is provided in Appendix 10. This plan is dated December 2020. The CDP site is identified in the 'Legend' as Site 10 LDP Housing Contingency. In December 2020, the CDP site had the benefit of full planning permission and two out of three pre-commencement conditions had been discharged by the LPA.
- 4.7 By December 2020, the CDP site was an approved housing commitment This ought to have weighed in the planning balance,
- 4.8 The status of the CDP site as a housing commitment is finally acknowledged in Shan Wyn Jones Proof of Evidence (reference paragraph 3.54. Planning permission was secured, not recently, but 16 months ago.

## 5.0 RELEVANT PLANNING POLICY CONTEXT

5.1 The relevant development plan for the area comprises:

- Future Wales: The National Plan 2040 (March 2021) (NDF);
- Conwy County Council Local Development Plan 2007 – 2022 (adopted October 2013)(LDP).

5.2 The following documents including those listed in the 'Outline Statement of the Welsh Government' are material planning considerations:

- Planning Policy Wales Edition 11 (2021) (PPW 11);
- Technical Advice Note 2 -Planning and Affordable Housing (TAN2);
- Transport Advice Note 18: 2007 (TAN 18);
- Conwy Integrated Network Map (CINP);
- Joint Housing Land Availability Study 2019 (JHLAS);

5.3 It is also acknowledged that the Order Scheme responds to and has been prepared in the setting of:

- Active Travel (Wales) Act 2013;
- Well-being of Future Generation s (Wales) Act 2015

- 5.4 There is strong policy support at national and local level to meet housing needs and deliver affordable housing and for safe and convenient active travel routes.
- 5.5 The CDP site lies within the settlement boundary of Penmaenmawr. At the time when Conwy Council granted planning permission, the JHLAS identified there was a 3.1 year housing supply, triggering its release for development in accordance with LDP Strategic Policy HOU/1 - Meeting the Housing Need with affordable housing provision in accordance with LDP Policy HOU/2 set at 20% in this location.

## 6.0 ASSESSMENT AND EVALUATION – BALANCING THE TENSION BETWEEN HOUSING DELIVERY AND ACTIVE TRAVEL

### Housing Supply and Delivery

- 6.1 National planning policy identifies that one of the key objectives of the planning system is to meet the need for housing across Wales and in particular to focus on increasing the delivery of social and affordable housing.
- 6.2 NDF confirms in Section 4 that the planning system **must** facilitate the provision of additional market and affordable housing;
- 6.3 NDF is committed to increasing the delivery of affordable homes as confirmed by Policy 7 – Delivering Affordable Homes.
- 6.4 This policy objective is also reflected in PPW 11 which identifies that the planning system must identify a supply of land to support the delivery of the housing requirement to meet the differing needs across all tenures.
- 6.5 It is important to note that national planning policy requirements relating to housing supply and delivery, in both NDF and PPW 11 (to which Planning Authorities must have regard), are expressed in the imperative tense– ‘must’ – and not as discretionary matter.
- 6.6 Both NDF and PPW 11 emphasise a development plan led approach. The obligation to plan, monitor and manage housing supply and delivery is a consistent objective at national planning policy level for some years.
- 6.7 Accordingly, LDP Strategic Policy HOU/1 – Meeting the Housing Need provides for the delivery of approximately 6,520 new dwellings (at an average annual rate of 478 new dwellings) over the plan period 2007 -2022.

- 6.8 The most recent JHLAS published in 2019 records that since LDP was adopted the average annual rate of house completions was 261 dwelling per annum (54% of the proposed annual average rate).
- 6.9 When planning permission was granted on 20 April 2020 for residential development of the objector's site, the housing land supply position was recorded in the Planning Committee Report at 3.1 years. The 2019 JHLAS identifies that the housing situation is more acute with a housing supply standing at 2.5 years.

#### Active Travel

- 6.10 The Active Travel (Wales) Act 2013 places a statutory duty on the Welsh Ministers, under the Highways Act 1980, to ensure that new active travel routes and related facilities and improvements to existing active travel routes and activities take place.
- 6.11 This statutory objective is reflected in NDF. It confirms that the Welsh Government is committed to delivering more active travel and sustainable transport infrastructure. It acknowledges that The National Cycle Network is an important part of the country's national infrastructure, and its planned improvements are supported.
- 6.12 NDF sets out a vision for developing The National Cycle Network and reports on progress regarding a review, action plan, strategic priorities for improvements and the role and responsibilities of Planning Authorities in safeguarding existing provision through Active Travel Network Maps.
- 6.13 To improve connectivity NDF Policy 11 – National Connectivity commits to revitalising The National Cycle Network to create a network of traffic-free paths connecting cities, towns and countryside across Wales.

#### Evaluation and Assessment

- 6.14 CDP has planning permission to develop land at Conway Road for the erection of 14 dwellings including 3 No. affordable apartments. All pre-commencement conditions have been discharged and works were expected to commence this summer.
- 6.15 The approved development is compromised by the Scheme and Draft CPO Orders. Based on published evidence, year on year house completion rates in Conwy are significantly below the annual average rate set by the LDP.
- 6.16 The approved development is part of the housing supply figures/trajectory for the Conwy area. Issues relating to housing supply and delivery are even more acute than when planning permission was granted.
- 6.17 Whilst the provision of active travel routes is a key policy objective, it ought not to take precedence over all other objectives.



- 6.18 The main purpose of the Scheme is for Junction 16 to be constructed as a grade separated junction which would provide active travel routes in and around the junction connecting to Penmaenmawr.
- 6.19 In the Scheme, the cycleway extends from Junction 16 on the south side of Conway Road and terminates at the entrance to Phoenix Football Club. At this point the cycleway recommences on the north side of Conway Road for approximately 270m before terminating altogether at an indeterminate point without arriving at any destination. The additional 270m on the northern side of Conway Road does not make a positive contribution to purposeful journeys.
- 6.20 One of the objectives of the Scheme, as referred to in paragraph 6.10 of the Outline Statement of the Welsh Government, is to provide a 400m cycle/footway to create a link between the residential area of Penmaenmawr and the existing footpath 29/06.
- 6.21 If the cycleway terminated at the point where Footpath 29/06 meets Conway Road, it would secure necessary safe and active travel routes around and over Junction 16. Thus, the statutory requirements of Active Travel (Wales) Act 2013 would be met.
- 6.22 The approved development on CDP's site can proceed and would not be jeopardised or delayed if the proposed cycleway were to be terminated on the southern side of the road at Phoenix Football Club. Thus, national, and local planning policy objectives relating to housing delivery and active travel would be mutually accommodated.
- 6.23 Therefore, I conclude that 'compelling need' in the public interest is not demonstrated. Thus, there is no need for the objector's land to be included in the CPO.

## 7.0 DECLARATION

- 7.1 My proof of evidence includes facts are relevant to the opinions expressed.
- 7.2 As a chartered member of the RTPI, I must abide by the Institute's Code of Professional Conduct, which set out the standards, ethics and professional behaviour and competence expected of Members.
- 7.3 I understand my duty to the Inquiry is to assist it with matters within my expertise and consider that I have fully complied with that duty.

31 August 2021

E I Landor MRTPI

Landor Planning Consultants Limited