

# PROOF OF EVIDENCE

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

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

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

**COMMERCIAL DEVELOPMENT PROJECTS LIMITED, LAND  
AT PENMAENMAWR, NORTH WALES LL34 6PR**

**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

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## 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 hold a BA (Hons) degree in History with Economics, Postgraduate Diploma in Town and Country Planning and a Teaching Certificate in Further Education. 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, and in further and higher education as a course director of planning programmes
- 1.4 For over a decade I was a salaried partner at Edmund Kirby, a multi-disciplinary practice and private partnership of surveyors, architects and planners with offices in Liverpool and Manchester, before setting up Landor Planning Consultants in 2012.
- 1.5 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. I have appeared in court as an expert witness and have in the past been appointed to prepare a single joint expert report for the courts.
- 1.6 I represented Iceland Foods Limited as an expert witness at CPO Public Inquiry Cardiff St David's 2 (2005), CPO Public Inquiry John Frost Square Newport (2006). In 2013 I acted for a private client and presented evidence to the Conwy Local Development Plan (2013) and therefore have knowledge of residential sites allocations and so-called contingency sites.
- 1.7 I have served as an elected member of the RTPI General Assembly, Education and Lifelong Learning Committee, Chaired University Boards overseeing RTPI accredited degree programme and for many years was an RTPI assessor for its Assessment of Professional Competence.
- 1.8 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 \_\_\_\_\_, Director of Commercial Development Projects Ltd (CDP) on 26 July 2021. The timing of my appointment follows 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 Plots 1/2, 1/2a and 1/2b. The formal objections to the Draft Orders by CDP are included in Appendix 1. For the reasons set out in Mr Hubbard’s Proof, whilst CDP support the principles behind the general road improvement scheme (the “Scheme”), its objections are unresolved. CDP therefore seek a modification to the Draft Orders.
- 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 \_\_\_\_\_, Penmaenmawr, LLL34 6PR. It therefore relates to Ground 2 (material detriment to be caused to CDP’s retained land) and Ground 3 (Proportionality between housing land supply and transport/cycling priorities) as set out in Appendix 1 above. Planning permission was granted by Conwy Council, for the development as described, on 28 April 2020 under reference 0/46556. The land is owned and is to be developed by the objector, 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.
- 2.4 I do not submit any evidence in relation to Grounds 1, 4, 5 ,6 or 7 (Grounds of Objection Appendix 1)

## 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 situated on the north side of Conway Road to the east of Penmaenmawr. Junction 16 is located approximately 500m away and Phoenix Football Club 150m to the east. The site comprises approximately 0.36 hectares with a road frontage of approximately 118m along Conway Road. The land slopes from 18m-19.5 AOD adjacent to the Conway Road to 12-13m AOD to the rail line and A55. A Location plan of the CDP site is provided in Appendix 2.

#### 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 (plots1-9);
- 1 No. pair of 2/3 storey, 4 bed semi-detached dwellings with integral garage and gardens to front and rear (Plots 10-11);
- 1 No. 3 storey, 2 bed apartment block with in-curtilage car parking and communal gardens (Plots 12-14).

3.3 Details of the approved development - Proposed Site Layout and elevations are provided in Appendix 3.

3.4 The apartments (3 No.) are to be provided as affordable units and 11 dwellings as market housing.

3.5 The proposed development follows a linear form served by a single service access road on the north side of the development. The rear gardens of Plots 1-11 back on to Conway Road with pedestrian access from the highway. The apartment block, at the east end of the site, has its own dedicated amenity space.

3.6 A planning application for the development now approved was submitted for determination to Conwy Council on 8 August 2019 supported by detailed plans and extensive documentation including:

- Agricultural Report
- Arboriculture Report
- Drainage Report
- Ecology
- Highways Statement
- Landscape Visual Impact Assessment
- Planning Statement
- Pre -application Pack
- Traffic Counts
- Speed Surveys

Planning History

- 3.7 Conwy Council resolved to grant planning permission on 9 October 2019 for the erection of 14 dwellings, access and associated works (reference 0/46556) subject to further assessment of the highway matters and the noise impact on occupiers of the development. The Planning Committee resolution stipulated that that such matters be resolved within 12 weeks of its acceptance and that the Development and Building Control Manager be authorised to determine the application under delegation. A copy of the planning committee minutes is included in Appendix 4.
- 3.8 Supplementary information relating to highway considerations, speed surveys and traffic counts were submitted by CDP subsequent to the Planning Committee resolution of 9 October 2019. Although discussions with the Council's Highway Authority continued into the first quarter of 2020, at no stage was there any suggestion that the Order Scheme might impact on CDP's proposal for which planning permission was granted on 28 April 2020.
- 3.9 The proposed development was assessed against the statutory requirements of Active Travel (Wales) Act 2013 and was considered to be compliant. This is confirmed by the Conwy County Council Highways Authority's consultation response to the application proposal dated 11 November 2019 included at Appendix 5.
- 3.10 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. A copy of the decision notice is provided in Appendix 6. An informative on the decision notice records that permission granted is to be read in conjunction with the legal agreement applicable to this site.
- 3.11 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). The Certificate also records that the submission of details relating to affordable housing provision required by condition 3 were not approved (reference 0/47828). A copy of the decision notice is provided in Appendix 7.
- 3.12 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. A copy of the decision notice is provided in Appendix 8. The Section 106 Agreement was varied to address the affordable housing issue and sealed on 13 May 2020.
- 3.13 With all pre-commencement conditions discharged, CDP had intended to commence development on or about 1 June 2021 with completion on or about 1 June 2022.

**Table 1: Planning History Details - 0/46556- land adjacent to Conway Road, Penmaenmawr**

Description	Reference	Outcome	Date
Erection of 14 No. dwellings access and associated works.	0/46556	Certificate of Planning Permission granted.	28/04/2020
Erection of 14 No. dwellings access and associated works.	0/46556	Certificate of Planning Permission re-issued following discharge of conditions 4 and 6	21/12/2020
Erection of 14 No. dwellings access and associated works.	0/46556	Certificate of Planning Permission re-issued following discharge of condition 3.	23/05/2021

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

- 4.1 Appendix 9 is an extract of Draft Side Road Order Plan 1 (reference 2.01.12). It 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. As the site is narrow and rectilinear, there is no scope for adjusting the siting of the approved dwellings and access road that abuts the northern boundary edge, 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”) (CD3.01.01) does not fully assess the impact of the Scheme on the CDP housing development and makes contradictory statements.
- 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. It continues to state that contingency sites are allocated in the LDP as reserve sites should other land allocated for development not come forward as anticipated. Finally, 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 proposals had advanced beyond simply being a contingency allocation. Secondly, it is incorrect to suggest that the Scheme does not directly affect the site. As explained in Paragraph 4.1, 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 no longer a housing contingency site. It was an approved housing commitment contributing to housing delivery (market and affordable housing). This ought to have attracted great weight in the planning balance, in accordance with national and local planning policy objectives, (covered in Section 5.0 of this Proof).
- 4.8 However, this was not the case. The status of the CDP site as a housing commitment is finally acknowledged in Shan Wyn Jones Proof of Evidence (CD1.04.01) (reference paragraph 3.54). Thus it is accepted that the assertion that 'no planning permission was secured for these development land sites' is incorrect. 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) (CD4.01.51);
- Technical Advice Note 2 -Planning and Affordable Housing (TAN2);
- Transport Advice Note 18: 2007 (TAN 18) (CD4.01.28);
- Conwy Integrated Network Map (CINP) (CD4.01.35);
- Joint Housing Land Availability Study 2019 (JHLAS) (CD4.01.148);

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 (CD4.01.05);
- Well-being of Future Generation s (Wales) Act 2015 (CD4.01.04)

- 5.4 There is strong policy support at national and local level for providing safe and convenient access routes for cycles. Equally there is strong policy support at national and local level to meet housing needs and deliver affordable housing.
- 5.5 The CDP site lies within the settlement boundary of Penmaenmawr, and was allocated as a housing contingency site in the adopted LDP. 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. This core planning policy objective is reflected in NDF, Section 2:

*“Good quality affordable homes are the bedrock of communities and form the basis for individuals and families to flourish in all aspects of their lives. Future Wales provides evidence of the need for housing across Wales at both a national and regional level. This evidence demonstrates the need for a focus on increasing the delivery of social and affordable homes. The Welsh Government is targeting its housing and planning interventions towards achieving this aim within the broader context of increasing supply and responding to different needs, including our ageing society and climate change”.*

- 6.2 NDF confirms in Section 4 that the planning system **must** facilitate the provision of additional market and affordable housing;

*“Providing housing in Wales at levels which meet our needs is a key priority for the Welsh Government. The planning system must facilitate the provision of additional market and affordable housing. There is a complex picture of housing need and provision with the opportunities people have varying significantly depending on income and where they live in Wales”.*

- 6.3 NDF is committed to increasing the delivery of affordable homes. Policy 7 – Delivering Affordable Homes states:

***“Policy 7 – Delivering Affordable Homes***

*The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing”.*

- 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. This is clearly set out in paragraph in 4.2.2 as follows:

*“The planning system must:*

- identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;*
- enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and*
- focus on the delivery of the identified housing requirement and the related land supply”.*

And in paragraph 4.2.4 and 4.2.5 as follows:

*‘Effective monitoring of these issues is essential to ensure that there is an adequate and continuing supply of deliverable housing land to meet the identified requirement throughout the plan period. The housing requirement that has been identified by the planning authority must be realistic and deliverable.*

*‘Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period. Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities; this should include the housing requirements of older people and people with disabilities’.*

- 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 place emphasis on a development plan led approach. Although the adopted LDP for the area pre-dates NDF and PPW 1, the obligation to plan, monitor and manage housing supply and delivery has been a consistent objective at national planning policy level for some years (notwithstanding the ‘revocation’ of TAN1 1).
- 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. Relevant extracts of JHLAS 2019 are included Appendix 11.

#### Active Travel

- 6.10 The Active Travel (Wales) Act 2013 places a statutory duty on the Welsh Ministers when exercising powers 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. More specifically Section 4 of NDF identifies that:
- “The Active Travel (Wales) Act 2013 seeks to bring about a substantial increase in active travel and forms a key driver in the delivery of the Welsh Government’s ambition to create sustainable places where people can walk and cycle as part of their everyday activity”.*
- 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. Policy support and legislative framework for safeguarding and improving active travel routes is not a matter of dispute.

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, until receipt of the Draft Orders in March 2021.
- 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. This allocated contingency site was released because of the absence of a 5 year housing supply.
- 6.16 Although TAN 1 has been 'cancelled', the approved development is nevertheless 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. By jeopardising the delivery of market and affordable housing, the CPO Scheme is in conflict with a key objective of Government policy which seeks to increase the delivery of market and affordable housing throughout Wales.
- 6.17 Whilst the provision of active travel routes is a key policy objective, it is to be undertaken having regard to other relevant planning policy considerations as opposed to taking precedent 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 also provide active travel routes for purposeful journeys 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. In my view, the additional 270m on the northern side of Conway Road does not make a positive contribution to purposeful journeys. To this extent, there is no 'Active Travel' justification for the continuation of the cycleway beyond Phoenix Football Club.
- 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. The latter runs along the west boundary of the Football Club connecting Conway Old Road and Conway Road (see Appendix 12).
- 6.21 If the outcome resulted in the termination of the cycleway at the point where Footpath 29/06 meets Conway Road, it would still secure necessary safe and active travel routes around and over Junction 16. Similarly, the envisaged active travel route between the residential area of

Penmaenmawr, Phoenix Football Club and Footpath 29/06 would not be jeopardised. 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 which I regard as relevant to the opinions I have 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