



Transportation Planning : Infrastructure Design

STATEMENT OF EVIDENCE

OF

DAVID ROBERTS IEng FIHE FCiHT

ON BEHALF OF XXXXXXXX

DEALING WITH HIGHWAY AND TRANSPORT MATTERS

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

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

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

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AUGUST 2021

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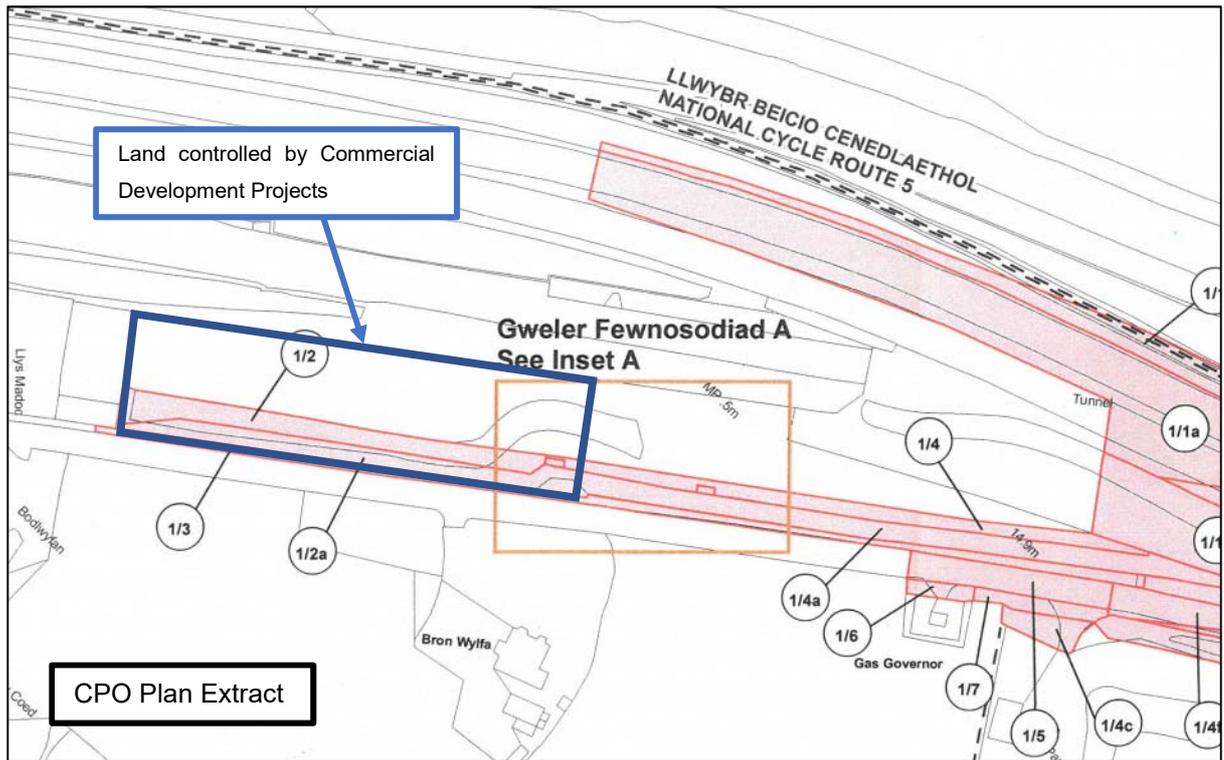
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1.0 QUALIFICATIONS AND EXPERIENCE OF DAVID ROBERTS IENG, FIHE, FCIHT

- 1.1 I am a Director of SCP, Transportation Planners and Infrastructure Designers, with offices in Manchester, Leeds and London.
- 1.2 I am an Incorporated Engineer of the Engineering Council, a Fellow of the Institute of Highway Engineers, and a Fellow of the Chartered Institution of Highways and Transportation.
- 1.3 I have over 35 years of experience of the highway, traffic and transport aspects of all types of development proposals and have advised many companies and local government authorities in that capacity.
- 1.4 I am acquainted with the site, having first been instructed to address the proposed development of 14 dwellings on my client's site in February 2019, and have carried out a number of observations and assessments of the highway and transport aspects of this development site since that time.
- 1.5 I confirm that the opinions expressed in this statement are my true and professional opinions and have been prepared in accordance with the CIHT Code of Conduct.

2.0 INTRODUCTION

2.1 My statement deals with the highway and transport aspects of the proposal by Welsh Government to compulsory purchase land from my client in order to provide a shared footway and cycleway, along with a retaining wall and working space for the construction of these works. The CPO area sought by Welsh Government and the land controlled by my client is shown on the plan extract below:



2.2 My client has secured a planning permission on their land to provide 14 dwellings that would be, at best, seriously impacted by the proposals and detrimental to the approved development, and, at worst, would make the development unachievable. At this stage, and unless an amended planning permission is achieved, the latter scenario looks to be the more likely outcome of the CPO. The approved development layout plan and the accompanying decision notice are attached as **Appendix 1**.

2.3 The case put forward in my Statement relates to the principle that there is no essential need for my client's land to be the subject of the CPO and that without the CPO and the related works along the frontage of their site there would be no material detriment to the objectives of the works that have led to the need for the CPO.

2.4 The purpose of this aspect of the CPO is to provide a shared pedestrian and cycle facility that stretches from the A55 roundabout and ends along my client's site frontage.

- 2.5 My client's site is described in the CPO documents as 'scrubland'. Immediately to the west of my client's site is the start of the existing urban area of Penmaenmawr and there is no proposal to CPO land within the urban area.
- 2.6 At this moment in time, it would seem to be no coincidence that all of the land that is subject to the CPO along _____ is undeveloped, and the CPO boundary ends at the start of the urban area. However, my client's planning permission extends the urban area and the principle of providing a shared pedestrian and cycle facility to the urban area would still be met if my client's land were to be excluded from the CPO, and my client's development allowed to proceed without risk of being the subject of the CPO.

3.0 APPROVED DEVELOPMENT AND ASSOCIATED DISCUSSIONS WITH THE HIGHWAY AUTHORITY

- 3.1 Full planning permission for 14 dwellings on the land that is subject to the CPO was achieved in April 2020 (see approved plan and Decision Notice at Appendix 1).
- 3.2 The planning permission resulted from extensive discussions with the Highway Authority (Conwy County Borough Council) to achieve an acceptable form of development and associated off-site infrastructure improvements to mitigate the impacts of the development.
- 3.3 It should be noted that the development site has significant constraints that lead to little flexibility in terms of the layout of the site. For example, the access position is fixed by the need to accommodate visibility splays without the need for third party land. A Condition of the planning permission is to provide visibility splays of 2.4 x 120m in both directions from the point of access.
- 3.4 A further constraint is the topography of the site. The site has a total depth of some 31m from the northern boundary to the southern boundary. Within this 31m distance, the site is some 4-5m lower on the northern boundary than the _____ level on the southern boundary. To overcome this significant level difference, within a relatively thin site, a section of the internal access ramp, that provides access to the car parking area, has a gradient of 1 in 5 (20%). The internal access roads are to be retained in private ownership, in part due to the gradient of the access ramp.
- 3.5 Other constraints that in part determine the position of the houses within the site are a mains gas pipe with a 3.0m easement where no buildings can be located, and a culverted watercourse that also has a 3.0m easement where no buildings can be located.
- 3.6 The combination of these significant site constraints resulted in a lengthy process to achieve a planning permission that was acceptable to the Planning Authority and economically and technically deliverable by the developer.
- 3.7 In addition to the on-site works, my negotiations with the Highway Authority covered a range of other considerations including accessibility of the site to all modes of travel, safety on the local highway network, and highway capacity.
- 3.8 Accessibility to all modes of travel considered the need for improvements for sustainable travel by pedestrians, cyclists, bus and train users. The following specific measures associated with Active Travel requirements were agreed as part of the development package with the Highway Authority:

- A widening of the footway on the site frontage since this becomes part of the urban environment and must be a minimum 2m width
- Dropped crossings and tactile paving at the new site access to assist existing pedestrians passing the site on _____
- Dropped crossing and tactile paving at the Station Road East junction on _____ to assist pedestrians towards Penmaenmawr centre and the railway station
- Provision of a footway on the western side of the Penmaenmawr football ground entrance along with a crossing point with dropped kerbs and tactile paving to allow pedestrians to cross from the northern footway to the football ground and the bus stop in that location. It should be noted that the existing footway provision on _____ switches from the northern side only, to the southern side only, in the vicinity of the football ground.

3.9 The Council's request for these Active Travel measures is included as **Appendix 2** to my Statement, along with my response to the requests which confirms agreement to these measures. It can therefore be concluded that Active Travel relative to the development proposals was fully considered as part of the planning application.

3.10 No mention was made at any time during my discussions with the Highway Authority that any proposals were being considered for the provision of a cycle facility along _____.

4.0 OBJECTIVES OF CPO SCHEME

- 4.1 The scheme of works that require the CPO is described in detail at Section 6 of the Statement of Case Part B - Statement of Need by Mr Healey 9 (CD1.01.02) As a very basic summary, the main purpose of the scheme is to remove two roundabouts on the A55 to improve safety and the free flow of traffic along this strategic traffic route. Associated with these works are new lengths of road and modifications to other existing roads to maintain access to and from the A55, via new slip roads.
- 4.2 It should be made clear at the outset that my client has no objections to the principal purpose of these proposed works.
- 4.3 In addition to the works to improve safety and capacity along the A55 strategic network are active travel measures that are set out to enhance the provision made for walkers and cyclists. The element that affects my client's site, and the resulting need to object to the CPO, is described in 6.10 d) of the Statement of Case Part B - Statement of Need (CD1.01.02):

Improvements to Conway Road – A 400 m segregated cycle/footway along the north side of Conway Road, providing a link between the residential area of Penmaenmawr, the existing Footpath 29/06 and local amenities such as the Penmaenmawr Phoenix Football Club ground.

- 4.4 The Welsh Government Statement of Case sets out 11 objectives that have led to the proposals that are now the subject of this CPO:
- OBJ1 Improve access to regional, national and international markets and improve access to employment opportunities.
 - OBJ2 Improve road safety on the A55 from Junction 14 to Junction 16A.
 - OBJ3 Improve journey times and journey time reliability on the A55 from Junction 14 to Junction 16A.
 - OBJ4 Improve resilience on the A55 for strategic and local traffic.
 - OBJ5 Improve journey times, journey time reliability and safety for access onto the A55 from Llanfairfechan and Penmaenmawr.
 - OBJ6 Reduce severance with coastal areas for the non-motorised users and enhance provision made for walkers and cyclists.
 - OBJ7 To take reasonable steps to build healthier communities and better environments.

- OBJ8 Increase opportunities to provide integrated transport.
- TECH OBJ9 Minimising technical departures from standards.
- TECH OBJ10 Minimising need to reduce speed limits.
- TECH OBJ11 Minimising disruption during construction.

4.5 In my assessment of these objectives, I believe that the following are relevant to the proposed shared pedestrian and cycle facility on Conway Road that has led to my client's objections to the CPO:

- i. OBJ6 Reduce severance with coastal areas for the non-motorised users and enhance provision made for walkers and cyclists.
- ii. OBJ7 To take reasonable steps to build healthier communities and better environments.
- iii. OBJ8 Increase opportunities to provide integrated transport.

4.6 The relationship between these three objectives and my client's objections are assessed in Section 6 of my Statement.

5.0 DESCRIPTION OF PROPOSED CYCLE SCHEME

5.1 As set out in paragraph 4.3 above, the description of the works that relate to my client’s objection is as follows:

Improvements to Conway Road – A 400 m segregated cycle/footway along the north side of Conway Road, providing a link between the residential area of Penmaenmawr, the existing Footpath 29/06 and local amenities such as the Penmaenmawr Phoenix Football Club ground.

5.2 In the explanatory statement for the proposed scheme of works, it states that;

The scheme will provide over 2 kilometres of active travel improvements, consisting of new off-road cycleways/footways and crossings. These works will extend from Conwy Road in Penmaenmawr to the south of the improved A55 Junction 16 to Glan-Yr-Afon Road in Dwygyfylchi and to the proposed new link road. These enhancements will improve the safety of both pedestrians and cyclists, including those using NCNR5.

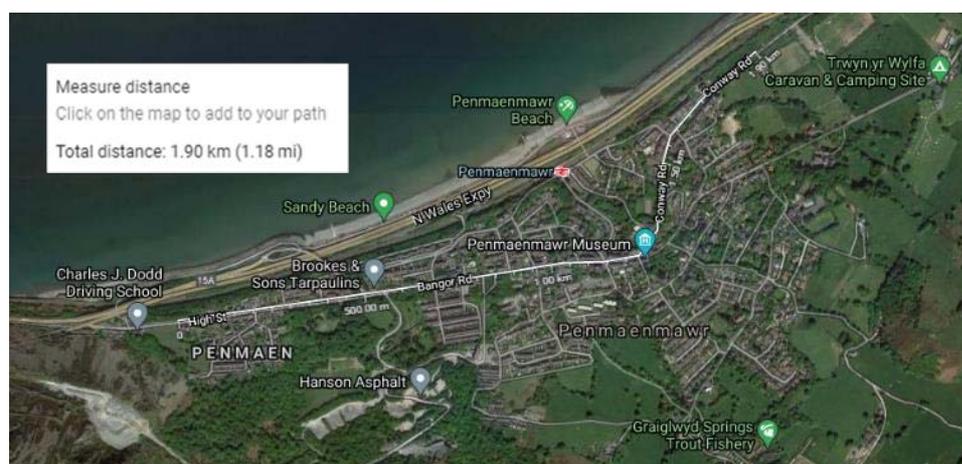
5.3 For clarification, the shared footway/cycleway is a 3.0m facility that is separated from the carriageway, effectively having the appearance of a wide footway, but shared with cyclists. It is proposed to start on the western edge of my client’s land and continue for some 270m on the north side of Conway Road to a point beyond the football ground access. It will then cross Conway Road to the south side and continue towards Dwygyfylchi, some 1.7km to the east. The plan below shows the indicative shared footway/cycleway proposal along Conway Road and the indicative extension of the urban area including my client’s approved development:



5.4 It should be noted that there are no cycle facilities to the west of my client's site and the cycleway is proposed to finish on my client's site frontage where cyclists would be expected to join the carriageway. There is a signed on-carriageway cycle route through part of Penmaenmawr which directs cyclists through a subway to National Cycle Route 5 which runs along the north side of the A55.

6.0 IMPACT OF REMOVING MY CLIENT'S LAND FROM THE CPO

- 6.1 The proposals seek to provide a shared footway/cycleway from Dwygyfylchi in the east to Penmaenmawr in the west. Locally, the proposals are stated as providing a link to the residential area of Penmaenmawr.
- 6.2 The current visible limit of the residential area is the western boundary of my client's land, where the CPO boundary has been taken to. However, the residential area of Penmaenmawr has effectively been extended by the planning permission to build houses on my client's land. Therefore, the cycle link should be stopped at the eastern edge of my client's land, rather than frustrate, or prevent, that approved development from coming forward, which the current CPO does.
- 6.3 The description of the shared footway/cycleway set out by the Welsh Government would not be affected by that change to the scheme, as it would still extend to the new boundary of the residential area of Penmaenmawr.
- 6.4 Also, the Welsh Government scheme shows that it is considered safe for cyclists to be on a shared surface with pedestrians where there is no housing development but that where there is housing development then cyclists are safe in the carriageway. This is the principle put forward by the scheme that requires the CPO.
- 6.5 With my client's development completed, cyclists would similarly remain on a shared surface with pedestrians where there is no housing development and that where there is housing development then cyclists are safe in the carriageway. Again, no principles are changed by stopping the cycleway to the east of my client's land.
- 6.6 I have measured that the existing urban area of Penmaenmawr is some 1.8km in length. The proposals by my client to build houses on their land at the eastern edge of the town would extend the urban area of Penmaenmawr to some 1.9km.



- 6.7 Throughout the whole urban area of Penmaenmawr there are no segregated cycle routes and cyclists share the carriageway with other vehicles. This is an existing situation that cannot foreseeably change. Therefore, if cyclists can share the carriageway in built-up area for 1.8km, there can be no expectation that there will be any measurable increased risk if they share the same carriageway with vehicles for 1.9km.
- 6.8 There is no objection put forward in my evidence that a shared footway/cycleway is not suitable beyond the urban area, as envisaged by the Welsh Government scheme, but it would not be consistent with the remainder of Penmaenmawr if the shared surface were extended across just my client's development and no other development in the whole of the town.
- 6.9 On this basis alone, it should be concluded that there is no overriding need to CPO my client's land for the purpose of providing a shared footway/cycleway that is unnecessary and alien to the urban area of Penmaenmawr.
- 6.10 Whilst it is for the Welsh Government to design a scheme for the termination point of the shared surface, my plan at **Appendix 3** shows that whatever the detail of the terminal point is proposed utilising my client's frontage, can be replicated without requiring my client's land.
- 6.11 It has been determined through the planning application process that my client's approved development meets with active travel requirements, and indeed has its own active travel improvements to implement. Hence the development scheme does not rely upon the Welsh Government scheme to be acceptable.
- 6.12 It is also important to note that there is no change whatsoever for pedestrians on Conway Road, whether the CPO scheme is implemented or not. There is a full standard pedestrian footway approved across my client's frontage and hence it is only cyclists who would find themselves sharing the carriageway with other vehicles for 1.9km through Penmaenmawr rather than the 1.8km with the Welsh Government scheme.
- 6.13 An additional 100m, or thereabouts, of shared footway/cycleway would not encourage any increased active travel in the town or the wider area. It is the link from Penmaenmawr to Dwygyfylchi, and the link to the national cycle network that would encourage active travel, rather than the relatively short length of off-road cycle route along my client's site frontage.
- 6.14 I have noted that the evidence of Mr Bayliss, at paragraph 6.4, states that:

In response to the proposed development along Conway Road, an alternative arrangement has been proposed which would see a gateway feature for Penmaenmawr established to the east of the sports ground. The road from the sports ground to the current limit of Penmaenmawr, would then provide a transition (30 mph) into the main village

(likely 20 mph), and in order to reduce speed on an otherwise straight section of road would consider traffic calming measures. The cycleway would be kept adjacent to the carriageway and the margin strip omitted to minimise impact on the proposed development.

6.15 Clarification has been sought in relation to this paragraph, since it is unclear if this reference to development along _____ refers to my client's development. Also, I have not seen a plan showing an alternative arrangement for the gateway to Penmaenmawr that is referred to. Without seeing a plan it is not possible to comment fully at this time, but I would support an extension of the 30mph speed limit on the entrance to the town, and encouraged Conwy Highways to support this as part of my client's development that extends the urban area. However, the explanation of the scheme still suggests that the cycleway would be kept separate from the carriageway, which suggests that my client's objection would not be satisfied by the scheme, since it does not stop the cycleway before crossing my client's land.

6.16 In assessing the objectives of the overall Welsh Government scheme, I highlighted at paragraph 4.5 that I think the key objectives to be considered against my client's objection to the CPO are:

- i. OBJ6 – to enhance the provision for walkers and cyclists.

In my view the overall scheme relating to active travel and the link between Penmaenmawr and Dwygyfylchi will enhance the attractiveness of walking and cycling between these places. However, I do not believe that the 100m, or thereabouts, length of shared cycleway across the frontage of my client's housing proposal will have any impact on the attractiveness of the route. The overall Welsh Government scheme therefore meets this objective without the need to CPO my client's land.

- ii. OBJ7 To take reasonable steps to build healthier communities and better environments.

In my view the overall scheme has taken reasonable steps to promote active travel that can lead to a healthier community. However, I do not believe that the 100m, or thereabouts, length of shared cycleway across the frontage of my client's housing proposal will have any impact on the likelihood of increased active travel and correspondingly lead to a healthier community. The overall Welsh Government scheme therefore meets this objective without the need to CPO my client's land

- iii. OBJ8 Increase opportunities to provide integrated transport.

In my view the integration of services relates to ensuring that there are no gaps in transport services or facilities. Since my client's land is at the very end of a proposed

shared cycleway, the omission of the cycleway from my client's frontage does not create any gap in facilities. Indeed, it should be concluded that by excluding the cycleway from my client's this urban frontage would be wholly consistent with the rest of the urban area of Penmaenmawr.

7.0 SUMMARY & CONCLUSIONS

- 7.1 My statement deals with the highway and transport aspects of the proposal by Welsh Government to compulsory purchase land from my client in order to provide a shared footway and cycleway, along with a retaining wall and working space for the construction of these works.
- 7.2 My client has secured a planning permission on their land to provide 14 dwellings that would be, at best, seriously impacted by the proposals and detrimental to the approved development, and, at worst, would make the development unachievable.
- 7.3 The case put forward in my Statement relates to the principle that there is no essential need for my client's land to be the subject of the CPO and that without the CPO and the related works along the frontage of their site there would be no material detriment to the objectives of the works that have led to the need for the CPO.
- 7.4 The Welsh Government set out in their reasons for the CPO that the land is needed to provide a cycle link from the urban area of Penmaenmawr to the A55 and Dwygyfylchi. However, this appears to ignore the fact that my client has secured a development that would extend the urban area of Penmaenmawr, which leads to the initial conclusion that the scheme should stop before crossing my client's frontage.
- 7.5 My client's approved development cannot be reasonably modified to accommodate the loss of land across the site frontage due to the significant constraints that the site has, including the topography of the site which leads to a 4-5m level difference over the 31m depth of the site, visibility splays that need to be accommodated at the site access without the need for third party land, and two easements within the site for a gas main and a culverted watercourse. Hence, the loss of land on the site frontage is likely to make the approved development unachievable.
- 7.6 The approved development has also been the subject of an active travel audit by Conwy Council and has been found to be acceptable, subject to certain improvement measures that have been agreed to, including a 2.0m footway provision across the site frontage. On this basis it can be concluded that there are no overriding concerns relating to active travel at the present time at a local level.
- 7.7 The issues affecting my client's land stem from the proposals to enhance active travel along Conway Road. However, the primary purpose of the Welsh Government scheme is to improve safety and the free flow of traffic along the A55 strategic highway, with the active travel opportunities being taken up as part of that scheme.
- 7.8 There are 11 objectives that the success of the proposals is measured against, although in my view only 3 of the objectives can have any relationship with the proposals that affect my client's

land. These relate to enhancing facilities for walkers and cyclists, building healthier communities and providing integrated transport networks.

- 7.9 I have discussed in my evidence that the exclusion of my client's land from the CPO would have no impact on any of these objectives and that there is no overriding need to CPO my client's land. This conclusion is reached on the basis that my client's land would not attract any additional pedestrians since pedestrians are already fully satisfied in terms of a 2.0m wide footway. There are no off-road cycle routes elsewhere in the urban area of Penmaenmawr and therefore cyclists already share the roads with other vehicles throughout the town and a 100m section of shared footway would not change the perception of the attractiveness of cycling in this area. In terms of an integrated transport network, the exclusion of my client's land does not create any gaps in the infrastructure for cyclists or pedestrians.
- 7.10 As an overall conclusion, the proposed extension of a shared footway/cycleway across my client's frontage provides no measurable benefit to the public and only leads to frustrating and preventing the completion of my client's approved residential development. In the absence of any overriding benefit from the scheme of works that the CPO seek to accommodate, the CPO must fail and a modification to the proposals plan is necessary.