



Adroddiad

Ymchwiliad a gynhaliwyd ar 19 & 20 July 2006, and
29 August 2006

Ymweliad â safle a wnaed ar 29/08/06

Report

Inquiry held on 19 & 20 July 2006, and 29 August
2006

Site visit made on 29/08/06

gan/by Clive I Cochrane DipArch MSc MRTPI

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date 28/11/06

Town and Country Planning Act 1990,
Section 77 Call-in Application
ANGLESEY COUNTY COUNCIL

Application by

S V OWEN LIMITED

Cyf ffeil/File ref: APP/L6805/X/05/514745

File Ref: APP/L6805/X/05/514745

Site address: The Old Cricket Ground, Trearddur Bay, Anglesey

- The application was called in for decision by the Welsh Assembly Government by a direction, made under section 77 of the Town and Country Planning Act 1990, on 29/09/05.
- The application is made by S V Owen Ltd to Anglesey County Council.
- The application Ref: 46C137D is dated 03/09/03.
- The development proposed is the erection of 34 three-storey dwellings.
- The reason given for making the direction was that the proposed development raises issues of more than local importance. In particular, it raises issues which may be in conflict with national planning policy.
- On the information available at the time of making the direction, the following were the matters on which the Assembly Government particularly wished to be informed for the purpose of his consideration of the application: -
 - (i) The visual and environmental implications of the proposed development on the site and surrounding areas;
 - (ii) The relevant national policies as set out in Planning Policy Wales (March 2002) particularly those relating to retail (*sic - residential*) development and Technical Advice Note (TAN) 15 – Development and Flood Risk – 2004;
 - (iii) Policies in the approved Gwynedd Structure Plan, Adopted Ynys Mon Local Plan and the emerging Unitary Development Plan.

Summary of Recommendation: That planning permission be refused.

1. Procedural Matters

- 1.1 The application was submitted in detailed form for the erection of 34 three-storey dwellings in 10 separate blocks, each comprising short terraces of three or four units. The site would be served by a single access road off the B4545, Lon St Ffraid.
- 1.2 The reference to “retail” development as a matter for consideration by the Assembly Government in the call-in letter is clearly an error, as there is no retail content to the proposed development. The main issues in this inquiry relate to the suitability of the application site for residential development, bearing in mind the susceptibility of the area to tidal flooding as set out in TAN15 and the Development Advice Map for the area. In addition, the County Council has raised an issue concerning the adequate provision of affordable housing related to the scale of the proposed residential development.
- 1.3 At the inquiry, an application for an award of costs was made on behalf of the applicants against the Isle of Anglesey County Council. This matter is dealt with in a separate accompanying report.
- 1.4 This report contains a description of the site and surrounding area, a summary of planning policy, a description of the proposed development, the cases for each party on the main issues, and my conclusions and recommendations. Lists of those attending the inquiry and documents presented at the inquiry are appended. The Welsh Assembly Government call-in letter identified 3 areas for consideration in determining this application and I intend to deal with the evidence from the parties on each of these matters, before reaching conclusions and making recommendations at the end of the report.

2. The Site and Surroundings

- 2.1 The application site is an open, rectangular-shaped area of fairly flat land, centrally located within the coastal settlement of Trearddur Bay, which is some 3 km south of Holyhead. Trearddur Bay is a sandy bay located between Porth y Post to the north and Porth Diana to the south. The bay is about 500m long lying between two low rocky outcrops on the coastline and it forms part of a narrow isthmus of land that connects the northern and southern sections of Holy Island, lying between the Irish Sea to the west and the Inland Sea on the east side. The Inland Sea is a large coastal inlet on the east side of the isthmus, lying between the crossing points of Stanley Embankment and Four Mile Bridge, which connect Holy Island to the rest of Anglesey.
- 2.2 The section of Trearddur Bay opposite the site is backed by a belt of sand dunes, which is reinforced on its seaward side by concrete and masonry structures that operate as a pedestrian walkway or promenade forming a coastal protection/sea defence system along the full breadth of the bay. The land behind this is relatively flat with a natural fall away from the bay to the north-east. The public car park to the rear has footpath links through the dunes to the promenade. The construction of the car park and public toilets has removed much of the dune system between the bay and Lon St Ffraid (the B4545 road), which runs along the back of the dune area connecting the southern and northern parts of the developed area of Trearddur Bay and linking through to Holyhead.
- 2.3 The application site has a 130m frontage on the north-eastern side of Lon St Ffraid, lying directly opposite the section of sand dunes, public car park, toilets and pumping station. With a depth of some 66m to 68m, the site has an area of about 0.85ha. The site consists of disturbed ground, with some tipped spoil from recent works, and it falls gradually north-eastwards towards the boundary line with a golf course, which was constructed some 6 or 7 years ago, where there is a drainage ditch leading into the Inland Sea. Along the road to the south, the site adjoins the old police station, now a 2-storey dwelling with a construction site for two further dwellings to the rear, and a group of new houses at Mariner's Close. The northern boundary is formed by a detached dwelling and the local Spar shop/Post Office on the road frontage. The front and side boundaries of the site are formed by a low stone wall which runs alongside the highway with a gated access from the road approximately 30m from the southern corner of the land.

3 Planning Policy

- 3.1 The current development plan comprises the Gwynedd Replacement Structure Plan 1993 – Policies A2 (location of new housing), A3 (scale and phasing of new housing), A9 (affordable housing), D29 (design and siting of development) and D32 (landscaping) are relevant; the Ynys Mon Local Plan 1996, of which Policies 1 (general policy), 42 (design of new development), 47, 48 (criteria for housing development), 49 (defined settlement boundaries) and 51 (large sites) are relevant; and the Ynys Mon Unitary Development Plan 2001, Proposed Changes 2002 and 2003 and Inspector's Report July 2004 – Policies GP1, GP2, HP2, HP3, HP7, SG2 and SG6 are relevant. In addition, the Council has a published Supplementary Planning Guidance document on Affordable Housing, May 2004.
- 3.2 Local Plan Policy 49 states that "planning permission for new houses will be granted on sites allocated for housing ... shown on the Proposals Maps and detailed in Proposals T1 to T52". The application site lies within the development boundary for Trearddur Bay and it is allocated for housing as site 41, as shown on Proposals Map 26. This policy also accords with the requirements of Structure Plan Policy A1 and Local Plan Policy 47.

- 3.3 UDP Policy HP2 requires revised applications on existing housing sites to be developed to a maximum density appropriate to the area and it is explained that the Council has identified 30 dwellings per hectare as the average density required across the plan area. The application site has been excluded from the development boundary and is not shown as part of the housing land allocation in the Deposit version of the UDP. Progress on the adoption of the UDP was stopped by the Assembly Government, but its policies have been largely approved by the Council for development control purposes.
- 3.4 With regard to the provision of affordable housing, UDP Policy HP7 requires that where there is a demonstrable lack of affordable homes to meet housing needs, the Council will negotiate an element of affordable housing in new schemes of 10 or more dwellings. The Council's adopted Supplementary Planning Guidance on Affordable Housing (May 2004) requires provision on a range of new development sites in priority order in the form of either i) on-site provision, or ii) off-site provision, or iii) by the payment of a sum in lieu of such provision.
- 3.5 Policy SG2 of the Ynys Mon Unitary Development Plan (November 2001) states that development proposals (including the raising of land) will not be permitted which would either:
- (i) Cause unacceptable risk to human life and damage to property within the flood risk areas and/or;
 - (ii) Result in an unacceptable risk of flooding, including tidal inundation either on or off site, or which would adversely affect flood management schemes.
 - (iii) In areas of flood plain currently unobstructed, where water flows in times of flood, built development will only be permitted wholly exceptionally and will be limited to essential transport and utilities infrastructure.
- 3.6 Policy SG3 only allows development where it would not pose an unacceptable risk to the capacity, quality or flow of groundwaters, surface waters or coastal water systems so that it would not cause flooding elsewhere.

4. Planning History

- 4.1 Outline planning permission for residential development on the Old Cricket Ground site (Ref: 46C137A) was granted on appeal on 05/01/90 (Ref: P45/973) (Doc.APP8), and the details for 17 dwellings on the site were permitted by the Council on 20/08/91. The permitted scheme does not include any tidal flooding alleviation measures.
- 4.2 On 01/12/94 the developers wrote to enquire from the Council whether works carried out on the site constituted the commencement of the development, and the Council replied on 07/12/94 that the excavations for the foundations conformed to the requirements of section 56 of Town and Country Planning Act 1990, i.e. that the planning permission had been commenced, and therefore secured, within the specified time period.

5. The Proposals

- 5.1 The proposed development is for the erection of 34 three-storey dwellings, roads and associated flood drainage and prevention works. The blocks or terraces are indicated to be 10m in height. The external materials are specified as natural Welsh slate roofs and coloured rendered walls, alternately mango, cream and white.
- 5.2 This scheme would double the density of housing on the site compared to the development already permitted. A Design Statement has been submitted in accordance with the advice in

TAN12. The design concept is different from that of the extant planning permission in that it would not be a conventional estate pattern of individual house plots, but rather a development that would reflect its seaside location and its setting as part of the street scene. Blocks of 3-storey dwellings with a staggered building line and varied ridge height would fill the road frontage gap and link the site to the foreshore and bay area.

- 5.3 With regard to the provision of affordable housing, a 2001 County-wide Housing Needs Survey confirmed that there was very little need for affordable housing within Trearddur Bay and the Council did not consider the application site to be suitable for on-site provision. Subsequently, in January 2003 the Council did not consider it advisable to insist on a payment in lieu of on-site provision. Further to the Council's requirement in accordance with the Supplementary Planning Guidance on Affordable Housing and a further Local Community and Housing Need Survey report in February 2005 the applicants have entered into a section 106 Obligation to provide affordable housing off-site on land owned by the developer.
- 5.4 A Flood Risk Assessment is submitted as part of the proposals. This proposes finished floor levels of 4.2m and 4.5m AOD minimum as a mitigation measure, which led to the withdrawal of the Environment Agency Wales' initial objection to the development.

6. Case for the Applicants

- 6.1 The applicants purchased the site in June 2000 on the understanding that it had a protected planning permission for 17 detached dwellings, which had already been confirmed by the Isle of Anglesey Borough Council on 07/12/94. There is an easement to lay a surface water discharge pipe to the ditch in the adjoining field (now the golf course).
- 6.2 In 2001, the published Deposit Unitary Development Plan excluded the application site from the development boundary for Trearddur Bay, even though it already had an extant planning permission. This was discussed with the Council's Development Control Officer, and an assurance was given that the boundary was irrelevant because the site already had planning permission for residential development. Therefore, no objection was made to the development boundary line in the UDP. However, the UDP was challenged on the basis that Paragraph 16.45 of the UDP should allocate housing land for future development taking into account land which already had gained planning permission. In two similar circumstances sites with planning permission at Caergeiliog and Pen y Sarn were excluded from allocated housing sites in the UDP and objections were raised. In both cases, the UDP Inspector recommended amended development boundaries to include those sites with consent.
- 6.3 The starting point for consideration of this application is that it should be allowed as being in accordance with the development plan, unless material considerations indicate otherwise. The site lies within the development boundary of Trearddur Bay and it is allocated for housing development under Proposal 41 of the Local Plan. This accords with the requirements of A1 and A2 of the Structure Plan. The preparation of the UDP was stopped in 2005, but the site was already committed to development for 17 dwellings through the grant of planning permission. The proposed doubling of density to 34 dwellings on the site would be in line with Planning Policy Wales (sections 9.1.2 and 9.3.4 of MIPPS, June 2006) and Policy HP2 of the UDP which encourage the efficient use of land.
- 6.4 Although it is not the preferred option, it is considered feasible to proceed with the 1990 planning permission for 17 houses if this application is turned down. In order to provide flood protection for the permitted scheme, the access road could be raised by some 365mm

along a 10m length at its southern end to achieve a minimum level of 3.265m AOD to comply with the requirements of TAN15. With regard to the slab levels of the houses, none are indicated on the approved plans, but if they were raised to 4.5m AOD and 4.2m AOD at the front and back of the site respectively, as originally agreed with the Environment Agency Wales for the proposed development, this would give the houses protection against a 1 in 1000 year flood event of 4.1m AOD, as it would effectively raise their floor levels above the extreme flood levels.

- 6.5 With regard to the availability of insurance for the future occupiers of the 17 detached houses, a letter of 31/05/06 from an insurance company confirms that cover would be provided based on the flood risk report carried out by Black & Veatch Ltd. This offer is based on the implementation of the agreed flood alleviation measures regarding road and slab levels, referred to above and the Tidal Flood Warnings system provided by the Environment Agency Wales.
- 6.6 With regard to the design and layout of the proposed development, the increased density accords with both national and local policy. It would ensure a more efficient use of the land in line with the average density of 30 units per hectare that the Council is aiming to achieve through the development plan policy. The Design Statement explains the concept of replacing the permitted scheme for an inward-looking development with a scheme that would make a positive contribution to the street scene at this focal point of the village that would reflect its seaside location. The development would have a strong frontage with an element of variety, interest and colour that would complement its overall harmony and rhythm.

Affordable Housing

- 6.7 The application does not propose any on-site provision of affordable housing, and it could not be amended to do so without fundamental changes to the plans. Policy 51 of the Ynys Mon Local Plan and Policy A9 of the Gwynedd Replacement Structure Plan allow the local planning authority to negotiate an on-site provision of affordable housing where there is a proven local need which is not being met. Although the Housing Needs Survey of 2001 identified an island-wide need for affordable housing, this did not apply to Trearddur Bay. In view of the lack of local need and of local facilities for such housing, it was agreed by the Council that on-site provision would not be appropriate. Any off-site provision would need to be site-specific in order to accord with government advice in TAN2.
- 6.8 The Council's Supplementary Planning Guidance 2004 allows a second option of off-site provision of affordable housing and a third option allows for payment in lieu of such provision. It is not accepted that a payment in lieu of provision would be in accordance with TAN2 advice, because the payment would not be linked to provision on a specific alternative site. Moreover, the Council's policy is not applicable retrospectively, as in this instance the Council had already resolved to grant planning permission for the development before the Supplementary Planning Guidance was published. The alternative provision options do not therefore apply to the development at this late stage in the planning process.
- 6.9 Notwithstanding their opposition to it, the applicants are willing to provide 5 low cost affordable dwellings on an alternative site in Caergeiliog, which is in their ownership. This site has extant planning permission for 40 dwellings, and is allocated for housing under Policy T16 in the emerging Unitary Development Plan. In the event that this preferred option is not acceptable, the applicants are also prepared to make a payment in lieu for these

affordable units. Both possibilities are covered by signed alternative section 106 Agreements (Docs.APP18 & 19).

Flood Risk

- 6.10 The November 2003 Flood Risk Assessment prepared by Black & Veatch (Doc.APP17) accepted that the application site falls within the Environment Agency Wales' Indicative Flood Plain. However, it is contended that the site is not reliant upon the future integrity of sea defences because, once levels on the site are raised, then the whole site can be considered to be removed from the Trearddur Bay Flood Risk Area. Only a short length of Lon St Ffraid between the car park entrance and St Ffraid's Church is below the 4.1m AOD 1 in 200 yr extreme flood level estimated for 2073, with the lowest level being 3.495m AOD at the junction with Ravenspoint Road. Therefore, the highway itself protects the site from all but the most severe conditions and the area is not at risk from a breach.
- 6.11 It is accepted however, that the road will continue to experience flooding around the Lon St Ffraid/Ravenspoint Road junction as a result of "splash-over" water arising from the Ravenspoint Road frontage and through the 2 entrances into the car park opposite the site. Overland flow routes for this flood water through the site must be maintained to avoid any adverse impact on neighbouring properties. The Mariners Court houses and the Old Police House experience flooding on a regular basis as they are the first affected when overland flow conditions occur.
- 6.12 There is additional overland flow provision through the application site which would be maintained and there is a need to provide a gradient through the site to accommodate this. Floor slab levels reducing from 4.5m AOD to 4.2m AOD for the inner line of properties would allow the flow to occur. The site is not at risk from breaching, but the levels and an appropriate layout would better facilitate the flow of splash-over water across the site. The overland flood route would be an inconvenience, but at the depths predicted it would not be a risk to life or damage to property. Flooding would be of a limited duration over the peak of the tide.
- 6.13 The Environment Agency Wales operates a Tidal Flood Warning Service for this area. The Floodline is accessible by any resident who may wish to know about any warnings in force and the lead time of up to 36 hours for any flood event would provide sufficient time for action to be taken either by the County Council or by an individual.
- 6.14 Policy 28 of the Local Plan deals with tidal inundation and river flooding. The site is not liable to tidal inundation due to the 1 in 200 year possibility of a still water level of 4.1m AOD because it is protected by the height of structures and the ground between the site and the sea and it is not situated in a natural flood plain. The development would have no adverse impact on other areas in terms of increase risk of flooding and it would not impair the maintenance or management of sea defences. The land was allocated for housing development in the Local Plan and it is therefore considered that it would meet the requirements of Policy 28.
- 6.15 The Environment Agency Wales accepted the Flood Risk Assessment for the site prepared by Black and Veatch in November 2003 and withdrew their initial objection to the development in a letter dated 02/12/03, also agreeing that the floor levels of the proposed dwellings at the back of the site on its eastern side could be reduced from 4.5m AOD to 4.2m AOD. With officer recommendation and the support of the Environment Agency Wales, the Council resolved to approve the application on 03/03/04, some 4 months before the revised TAN15 was published.

- 6.16 However, the Development Advice Map for the Trearddur Bay Flood Risk Area shows the site as falling within the Extreme Flood Outline (EFO) of the 1 in 1000 year Still Water Level. With regard to the flood risk zones in TAN15, the site is shown as falling within Zone C2 despite the presence of significant infrastructure, including flood defences. It is contended that the application site should be in a C1 rather than C2 flood zone, as it has been demonstrated that the development could proceed without the risk of flooding of the proposed dwellings or any danger to people during a 1 in 1000 year flood event. The development would result in the removal of substantial parts of the site from the EFO used to define zone C. The proposed development would not exacerbate any existing off-site flooding problems and, in the case of an extreme flood event, it would provide an improved overland route for the flow of flood water away from the adjoining public highway, thus improving the situation for the surrounding area.
- 6.17 Although neither the Environment Agency Wales nor the Council had any objections to the proposed development when it was resolved to approve it in March 2004, there remained an objection by the Highway Authority to the proposed overland flood route along the B4545 and through the proposed site access road. Revised drainage proposals were submitted in June 2005, but no formal acceptance of the proposals was received by the applicants.
- 6.18 The Bullen Report ("Trearddur Bay Coastal Study – Feasibility Report", April 2004) further delayed the issue of a decision notice on the application. The Council required a further assessment of the application in the light of the Bullen report findings on the condition of the coastal defences. In September 2004, the Environment Agency Wales again objected to the development in the light of the revised TAN15 and the Development Advice Map, which showed the site as lying within flood zone C2. This category of zone is considered in TAN15 to be unsuitable for highly vulnerable development such as housing.
- 6.19 In terms of flood defences, the isthmus strip between the Irish Sea and the Inland Sea, which includes the application site, is protected by a variety of different structures ranging from natural dunes to the concrete and masonry walls reinforced by a line of steel sheet piles and timber stop-logs. In the past, the County Council and its predecessors has been committed to maintenance and improvement works to these defences. It is therefore argued that the site is protected by coastal sea defences to the west of the site, a stance that has been adopted by both EAW and the County Council in the past. Defended areas of the Development Advice Map are categorised as C1 zones where development is allowed.
- 6.20 It is clear from the EAW Environmental Overview 1999, the 2002 EAW Plan (Doc. APP16 - 2), their consultation on the 2003 planning application and in the approval of adjacent developments to the north and south in 2001 and 2004, that the Environment Agency Wales has consistently regarded the site as being defended, and has relied on those defences in approving planning applications. Similarly, the County Council regarded the structures as performing a sea defence function in the report of the Director of Technical Services in 1975 (see Appendix 1.7 of the FRA 2006 – Doc.APP21).
- 6.21 The ongoing integrity of the sea defences is assured as the Anglesey County Council has programmed improvement works to commence in September 2007. These comprise the rebuilding of the Ravenspoint Road defence and the strengthening of the remaining defences with rock revetment. The introduction of a new rock revetment and re-profiling of the Ravenspoint Road defence will reduce the frequency of splashover events and the quantity of water in overland flows in extreme conditions. Budgetary provision has been made for an expenditure of £100,000 in 2006-2007 for design costs and for £800,000 in 2007-2008 for the construction works.

- 6.22 The C2 categorisation within the Development Advice Map contained in TAN15 is incorrect with regard to this area of Trearddur Bay. The Flood Risk Assessment 2006 and the Bullen Report agree in defining the role of the defences as protecting the eastern hinterland of this area from tidal inundation. As such, the area is defended from flooding by significant flood defences and should have a C1 designation.
- 6.23 Once developed in accordance with the FRA and the County Highway requirements for the overland/underground flow route, the site would provide a better system for the conveyance of any remaining overland flow of water than either in its current state or as it might be developed under the extant planning permission for 17 dwellings. If the correct interpretation of TAN15 is that, in order to make the development acceptable, no flood water must enter the site, this can be remedied by directing all overflow water underground, as required by the Highways Authority. Any foreseeable overflow onto the development site can easily be stopped by the provision of a ramp at the entrance as originally proposed, but to which EAW objects.

7. Case for the Isle of Anglesey County Council

- 7.1 The County Council supports the application for the erection of 34 dwellings on land at the Old Cricket ground. When the application first came before the Council for determination in March 2004, taking into account all material considerations, including flooding, design, density, traffic and historic significance of the site, it was concluded that the scheme was acceptable. With regard to flooding, the Council noted that the applicants had satisfied EAW that, subject to the provision of a flood route and agreed floor slab levels, the development was acceptable. The EAW initial objection had been withdrawn on 02/12/03 when it was accepted that the site did not act as a sump.
- 7.2 A decision notice was not issued at that time because the applicants were still negotiating with the Highways Department about the overland flood route and had obtained a copy of the draft decision letter and was unhappy about 3 of the conditions (conditions 17, 20 and 11). The Highways Department were keen to retain the existing flood water route rather than re-directing flows down the new access road, which would involve water travelling an extra 25m along the highway and could impact on highway safety (condition 11). The applicants produced an addendum report on 30/07/04 to deal with these concerns, which indicated that an additional piped flood route would be provided through the site. Final details were submitted and agreed on 22/06/05.
- 7.3 The Council and EAW also received the Bullen Report in early July 2004, which indicated that the coastal defences in Trearddur Bay were in poor condition and did not provide a sufficient standard of defence. At the same time, the Welsh Assembly Government published the revised TAN15 – Development and Flood Risk, designating the application site as falling within a Zone C2 flood risk area.
- 7.4 The application was referred back to the Planning Committee on 05/10/05 for consideration of the contents of the Bullen Report and TAN15. The Council resolved to support the application for the following reasons: -
- 1) The site already benefits from planning permission for 17 dwellings with no special conditions to mitigate flood risk. The applicants has indicated that this permission will be implemented as a fall back position. This application would provide a better development than that which already has planning permission.
 - 2) There were conflicting views about flooding. At the time of the March 2004 decision, EAW had no objection to the scheme and nothing had physically changed

on the ground by October 2005. Therefore the Council adopts the applicants' case regarding the technical flooding issues.

- 3) The application provides the opportunity for the provision of affordable housing in accordance with the Council's Supplementary Planning Guidance.

Flood Risk

- 7.5 County Councillors gave evidence through their own knowledge of the site. Councillor Chorlton has lived in the area all his life, about quarter of a mile from the Old Cricket Ground. He was a Fireman for 30 years and has not seen or heard anything to suggest that the site has ever been flooded. To his recollection, splashover water runs down Ravenspoint Road, past the Police House and through Mariners Court on to the golf course. Councillor Jones has lived in Anglesey all his life, now some 8 miles from the site. He visits the area regularly and has never seen the site itself flood.
- 7.6 In the Councillors' experience the sea wall and sand dunes function in practice as an acceptable sea defence. This view was previously accepted by the EAW in considering other planning applications and in earlier consultations on the Cricket Ground development. EAW referred to sea "defences" in their consultation responses to proposals for the change of use of the old police station to a dwelling, and with regard to the residential development on the site of the old sea shanty, which are both close to the application site. Furthermore, the EAW were prepared to accept those developments without objection on the basis of an acceptable flood risk.

Affordable Housing

- 7.7 The proposed development is seen as an opportunity for the provision of affordable housing in accordance with the Council's Supplementary Planning Guidance. However, the Council takes a different view from the applicants' about whether affordable housing should be required as part of the scheme in principle, and the mechanism for its delivery.
- 7.8 Both national and local planning policy requires the provision of affordable housing in principle. Government policy as set out in Ministerial Interim Policy Statement of June 2006 and TAN2, is that the provision of affordable housing is a material consideration in applications of this nature.
- 7.9 An identified need for affordable housing has been established in the area and as the proposed development is greater than 10 dwellings, it is clear that the relevant development plan policies apply. Policies in both the Gwynedd Structure Plan (1993) and the Ynys Mon Local Plan (1996) apply in this case, and both require the provision of affordable housing. The Ynys Mon UDP, although it was stopped in December 2005, remains a material consideration, and Policy HP7 identifies the need for 30% affordable housing provision on relevant applications. This policy stance is further supported by the Council's adopted Supplementary Planning Guidance which details the requirement for affordable housing and is therefore a material consideration in this application.
- 7.10 The Council does not accept the applicants' claim that it was the previous practice of the Council (before the publication of the UDP and SPG) to allow such housing applications to escape an affordable housing element, and therefore none should be required in this instance. Both the UDP and SPG policies were applicable at the time of the determination of the application in October 2005 and they remain as material considerations.

- 7.11 With regard to the method of delivering affordable housing, the Council's preference in this case is for a payment in lieu of on-site provision, whereby the money received would be used for affordable housing schemes on Anglesey. The applicants have produced 2 alternative section 106 Unilateral Undertakings; one would ensure off-site provision of 5 units and the other would provide a payment in lieu.
- 7.12 Although the applicants claim that the payment in lieu method is an inappropriate way to secure affordable housing in light of government guidance in TAN 2, the Council has adopted SPG which specifically allows for the provision of a payment in lieu. The Assembly Government was consulted on the SPG, but did not object to the mechanisms for securing affordable housing or indicate that it conflicts with TAN 2.
- 7.13 The SPG does not conflict with guidance in the up-dated version of TAN 2 (June 2006), as it expressly envisages payments in lieu as a legitimate method for delivery. The SPG provides a sequential priority for the methods of delivering affordable housing; these are 1) on-site provision, 2) off-site provision, and 3) payment in lieu. The Council accepts the applicants' contention that on-site provision is not possible within the context of the present scheme.
- 7.14 In considering the applicants' proposed off-site provision, the Council is concerned about the viability and suitability of the alternative site at Caergeiliog. Although the site has an extant planning permission, the applicants has been unable to offer any assurances as to when or if that development will commence on site. The permission dates from the 1990s and minor works were commenced within the time period in order to keep the permission alive. The same owners, the applicants, are currently pursuing a new application for development of the site, but the permitted scheme does not provide any 1-bedroom units, whereas the Housing Needs Survey identifies a local need for 13 houses, of which 12 are required to be 1-bedroom accommodation. Consequently, the extant planning permission for Caergeiliog cannot accommodate the identified local need for affordable housing. It is therefore the Council's view that a payment in lieu is an appropriate and legitimate mechanism for securing the delivery of affordable housing.
- 7.15 Without prejudice to its case, the Council has produced a list of 19 suggested conditions (Doc.CC8) (also in Statement of Common Ground), which are considered to be relevant in the event of planning permission being granted.

8. Case for Environment Agency Wales

- 8.1 The Old Cricket Ground lies within the 0.5% (1 in 200 year) flood plain for Trearddur Bay, and the whole of the site lies within Zone C2 of the Welsh Assembly Government Development Advice Map. The DAM is base on the Extreme Flood Outline data depicting the 0.1% (or 1 in 1000 year event), which was supplied to Welsh Assembly Government in January 2004 (Doc.EA1/1).
- 8.2 The proposed development site is protected by coastal defences which are not structurally adequate, particularly under extreme overtopping conditions. The Environment Agency is aware that tidal flooding has occurred at the proposed development site and surrounding area.
- 8.3 Mitigation measures are proposed in the applicants' Flood Risk Assessment (FRA), January 2006 (Black and Veach). The proposed mitigation is considered to be neither acceptable nor appropriate within DAM Zone C2. Paragraph 6.2 of TAN15 states that new development should be directed away from Zone C and that highly vulnerable development

should not be permitted in Zone C2. Although the FRA questions the zoning category for the application site, it is clearly shown as Zone C2 in the DAM.

- 8.4 The County Council are responsible for the coastal defences in Trearddur Bay and the technical report they commissioned from Faber Maunsell (formerly Bullen Consultants) in 2004 states in the opening paragraph of the executive summary that *“The coastal defences in Trearddur Bay are in poor condition and do not provide a sufficient standard of flood defence...”*. Although the FRA 2006 states that there have been no physical changes within the area since the first FRA 2003 to justify any change in stance on the flood risk by the Environment Agency Wales, there have been material changes in the policy position. These are the publication of TAN15 in July 2004 and the findings of the Faber Maunsell report, which have been taken into account by the Agency.
- 8.5 The FRA confirms that the site is affected by flood waters entering the site, and the historic storm event of February 2002 caused 100mm deep flood water to enter the site. This has been estimated to be a 1 in 50 year (2%) event, whereas TAN15 deals with flood events of 1 in 200 year (0.5%) and 1 in 1000 year (0.1%) for tidal areas. No additional modelling work has been carried out to assess the impacts of the more extreme event. It is therefore reasonable to assume that more flood water would reach and pass through the site during the more extreme event, but no scientific evidence has been produced to quantify the actual depth and velocity of flood water that could be expected on the site. Therefore the precautionary principle must take precedence when dealing with highly vulnerable development.
- 8.6 It should be noted that even within DAM Zone C1, highly vulnerable development can only proceed where stringent criteria are met: -

TAN 15 Requirements	EAW Response
1. “Flood defences must be shown by the developer to be structurally adequate, particularly under extreme overtopping conditions”	This is not the case in this instance since the maintaining authority indicates that the defences are inadequate.
2. “Effective flood warnings are provided for the site”	There is only a Flood Watch available for the West Coast of Anglesey. This is not a site specific warning. A Flood Watch is for low impact flooding, whereas a site specific warning provides a timely warning of flooding to property. The current Flood Watch is for our professional partners, e.g. local authorities, emergency services, to activate their operational procedures.
3. “Escape/evacuation routes are shown by the developer to be operational under all conditions”.	This is not demonstrated. The FRA (2.4) refers to photographs taken during the February 2002 event (0.5% or 1 in 50 year event) where the access is flooded. The site is served by a single access point

	off the B4545 which would not be flood free in a 0.5% event.
4. "The development is designed to allow the occupier the facility for rapid movement of goods/possessions to areas away from the flood waters"	This has not been demonstrated.
5. "No flooding elsewhere".	It is noted that flood waters enter and flow through the site, reference is made to works carried out by neighbouring landowner who has constructed a bund along the boundary of the golf course. These and any further works may affect flooding elsewhere, however these cannot be controlled since they are outside the boundary of the application site.

If the site were to be reclassified as C1 rather than C2, the justification tests set out in paragraphs 6 and 7 of TAN15 should be applied to the proposals. Clearly, the evidence of the applicants does not show that the criteria set out in paragraphs 6.2(i) or (ii) would be met, and the development would therefore be contrary to TAN15 advice for this reason.

- 8.7 It is the Development Advice Map that should be used to trigger the appropriate tests of justification for the proposed development. The Zones are fixed by the DAM in order to direct development away from areas at high risk of flooding and in particular, to ensure that highly vulnerable development does not take place in Zone C2 areas. The tests set out in paragraphs 6 and 7 of the TAN can only be applied to justify such highly vulnerable development in an area already designated as C1 in the DAM. With regard to Zone C2, Figure 1 (paragraph 4.2) of the TAN15 says that *"only less vulnerable development should be considered subject to application of the justification test, including the acceptability of consequences. Emergency services and highly vulnerable development should not be considered"*.
- 8.8 Section 6 of TAN15 describes the criteria for justifying development within Zones C1 and C2, and states (6.2) that *"In Zone C the test outlined in sections 6 and 7 will be applied, recognising however, that highly vulnerable development in Zone C2 should not be permitted"*. Section 9 states in relation to Zone C2 that *"the flooding consequences associated with Emergency Services and highly vulnerable development are not considered to be acceptable. Plan allocations should not be made for such development and planning applications not proposed"*.
- 8.9 There is uncertainty about the role that the Inland Sea may have in an extreme flood event and about its 0.1% event level. Until further studies have been made into extreme levels in the Inland Sea and the effect this may have on water passing through the application site, the Agency has no scientific evidence to confirm the actual levels.

- 8.10 The flood defences in Trearddur Bay comprise the Ravenspoint Road sea wall, constructed to prevent coastal erosion and the Southern Promenade, which provides protection to the existing sand dune system. Since the construction of the car park on the sea front, the ability of the dune system to provide any benefit to the development site and surrounding area has been removed. There is no evidence that these structures were constructed to withhold a specified head of water, only that they were constructed to prevent erosion of the immediate hinterland. This is confirmed by the Faber Maunsell/Bullen Consultants report of 2004, which states that "*there are no purpose built flood defences in Trearddur Bay – the existing defences are to prevent coastal erosion.*"
- 8.11 The current proposals would result in an increase in numbers of residents within a site that has a known flooding history, thus increasing the numbers of people put at risk, which is unacceptable. In summary, the defences protecting the site are inadequate, as confirmed by its classification as Zone C2 in the DAM, and the development would not have a dry access/egress route. The developer cannot rely on proposals by the County Council to improve the defences, since developers should not rely on public resources to improve/provide flood defences to allow for new development.
- 8.12 The Agency has been involved in several appeal decisions, which have been dismissed on the grounds that the proposed developments were contrary to guidance in TAN15. In particular, the Llandovery decision by the Welsh Assembly Government makes it clear that residential development is highly vulnerable and should not be permitted in Zone C2. In that case the Assembly Planning Decision Committee accepted the Inspector's conclusion that in the C2 area adequate flood protection and mitigation measures could be provided and that potential consequences for a flooding event would be acceptable, but stated that "*Welsh Assembly Government policy is to move away from flood defence and the mitigation of the consequences of new development in areas being defined of flood hazard*" In paragraph 8 of its decision, the Committee makes it clear that the justification tests cannot be applied to residential sites in Zone C2 in deciding whether those sites are in accordance with TAN15 advice.

9. Cases for Interested Persons

- 9.1 Local neighbour, **Mrs Maudsley**, claims that the levels of the site have been raised to change its profile and that the construction of the car park and Pumping Station has reduced the sand dune system. The site is part of a unique geographical area lying between two ridges and it has a high water table. It is on a narrow isthmus of land, where high tide is 2 or 3 hours later on the west side. **Mr L Goodwin** adds that the car park between the sand dunes and Lon St Ffraid has major flooding problems and there is no height difference at the application site. There is therefore little defence mechanism for the development, which should be refused planning permission.
- 9.2 In Mr Goodwin's view, affordable housing is not necessary on the application site, but it is not appropriate to provide affordable housing off site at a less attractive location. The site should be bought by the County Council for additional car parking rather than build houses where flooding occurs. From where he lives next to the sand dunes in the middle of Trearddur Bay, **Mr W Holden** has noted that the height and force of the sea hitting the land has increased in recent years. The dunes have been much reduced in height and he has observed flood of 16-18 inches of water at the Village Hall and seen the Cricket Ground and Pavilion flooded 6 times from his property where there is a full view of the site.
- 9.3 The local doctor, **Dr S Reilly**, expresses concerns that the Old Cricket Ground floods regularly as it is at a lower level than the road. As her father played cricket there in 1970s

and 1980s until the land was sold, she has observed it in all conditions over the years. The evidence of Councillors that the site does not flood is not considered to be credible, and it is not backed up by evidence. In addition, the provision of affordable housing in Trearddur Bay would be unrealistic in the current market. Housing in Trearddur is not affordable to local families and the number of young families has reduced in the area over the years.

- 9.4 Whilst being concerned at the further loss of open space in Trearddur Bay, **Mr J Abbott** MBE is more concerned about the building of houses on an area designated as a Zone C2 flood plain. He believes that the site is vulnerable to flooding from the sea, with a predicted greater risk due to the rising sea levels caused by climate change. At times, the sea overtops the sea wall and the remains of the sand dunes, which results in flooding of the low-lying land around and including the Old Cricket Ground. The water can only escape to the Inland Sea via this low-lying land, and the high tide in the Inland Sea would prevent the escape of flood water in certain conditions.
- 9.5 The effective height and depth of the sand dunes has been reduced in recent years, the sea wall and promenade are in a poor state of repair, and in times of overflow and heavy rainfall the drains do not cope with the surface water. The application site lies on the direct route for flood water from the Irish Sea to the Inland Sea. The purpose of the guidance in TAN15 is to prevent house building on known flood plains and this site has been identified as falling within flood Zone C2.
- 9.6 With regard to flood warnings, the Environment Agency Wales has introduced an early warning system. Only 2 sites on Anglesey have been identified as being at such flood risk to warrant inclusion. One is Beaumaris and the other is Trearddur Bay.
- 9.7 **Mr A Pritchard** explained some of the history of this central part of Trearddur Bay: that the bay was once the estuary of the River Alaw, which silted up and the river now enters the Irish Sea some 2 miles to the north. The silted estuary became the golf course and Old Cricket Ground. The sand dune system built up on the seaward side of this alluvial plain. One large mound was the site of a chapel and burial ground in the 6th century, but it was gradually eroded away by coastal erosion until the remains were destroyed by notable storms in 1913, 1927 and 1938. The coastline has been eroding away for many years despite the efforts of man to stop it.
- 9.8 After that event, a sea wall was erected and this has been altered and repaired several times since, notably through the addition of the promenade in 1992. The sea wall is in poor condition today. Although the Bullen Group now says that the promenade/sea wall is not quite as bad as initially thought, they do not say that it is sound. The Council's evidence that the application site does not flood is not credible as several buildings along the road have been flooded and pumped out when flooding has occurred.
- 9.9 There is also concern that the Inland Sea is encroaching onto the Cricket Ground and golf course. The proposed housing development has been designed to allow flood water to pass through the site and to discharge into the Inland Sea. However, high tide for the Inland Sea is 2 hours later than Trearddur Bay and the overtopping water would be unable to flow anywhere. The site would remain flooded, the same as the existing car park, which has nowhere to flow.
- 9.10 As Town Councillor for Holyhead, **Mr K Roberts** has witnessed flooding of the Old Cricket Ground on 01/02/02, when he rescued a child from its pushchair at the entrance from Lon St Ffraid, where the waters were flowing across the footway into the site. Flood water from the car park and from Ravenspoint Road met and flowed through the gate onto

the cricket ground, which was flooded. As a Holyhead policeman from 1974-78, it was necessary sometimes to use sand bags to protect the Old Police House/Station in Trearddur Bay.

- 9.11 Local resident, **Capt T Shaw**, emphasises that Trearddur Bay is an exposed coastal area in a corner that concentrates the effects of the tide. With strong tidal surges, particularly when the Spring tide combines with a depression, the effect is more than over-topping, it is a considerable amount of water. Climate change sea level rises make Trearddur Bay very vulnerable. The Inland Sea levels are rising and the nearby SSSI is being drowned. The Old Cricket Ground is on sand bed and the water goes through to the sand underneath. Consequently, it would be difficult to build on, requiring special raft foundations and piles.
- 9.12 **Councillor P Dunning** questions whether the 1990 planning permission (Ref. 46C 137B) for 17 houses on the application site is still alive, on the grounds that some conditions have not been met and the works carried out were not sufficient to satisfy the requirements of section 56 of the Town and Country Planning Act 1990. He considers that the developer and new owner of the site should have applied for a Certificate of Lawfulness of Development from the County Council. Other points raised: -
- The high tide levels in the Inland Sea have risen over 20cm since the completion of the A55 Expressway causeway;
 - Land levels on the application site have been raised substantially by deposition of material imported from the car park and Pumping Station across the road;
 - The ability of the site to absorb water has been affected by the installation of a large bore sewer across the site;
 - The location of the new sewer raises questions about the ability of the developer to construct the previously permitted housing scheme in accordance with the plans.
 - He has witnessed flood water flowing into the application site during storm events on a number of occasions, with the ditch at the rear full to capacity and unable to take the flow of water from the seaward side.
- 9.13 During the 1970 - 80s, **Mr D Harris** was a member and Trustee of Trearddur Bay Cricket Club. During that period the cricket field was flooded 6 or 7 times by the high tides and could not be played on. The tide flooded the area once every 2 or 3 years particularly in February/March and October. The proposed development of 34 houses would push the flood waters away to other land nearby. Recently the ground level has been raised by 300-450mm by Welsh Water using it as a dumping ground for materials. The ground is part of the flood plain and it has considerable natural beauty.

10. Written Representations

- 10.1 The considerable number of written representations are almost entirely against the proposed development of this former cricket field. The gist of these representations is that the proposals would be overdevelopment of the site, out of character with its surroundings; it would create parking and traffic congestion problems; there would be drainage and flooding problems on the site and elsewhere; and that the design is inappropriate. Other objectors claim that the site has historical significance and it should be kept as open space and put to community use.

11. Conditions and Obligations

- 11.1 The applicants have submitted 2 alternative section 106 Unilateral Undertakings (Docs APP18 & 19) regarding the provision of affordable housing, related to the proposed development. Their preferred option is to provide 5 units off-site in a residential development on land at Tre Ifan, Caergeiliog (Doc. APP18). As this is opposed by the County Council, who would prefer payment in lieu of the provision of units, the applicants also offer an alternative undertaking to make a payment in lieu (Doc. APP19). Both agreements are conditional upon the grant of planning permission.
- 11.2 In the first, preferred, Undertaking, the applicants would reserve 5 plots on land already in their ownership at Caergeiliog, which has the benefit of planning permission (Ref: 32/C/27A). In Clause 2) of the First Schedule the developer covenants that the first sale or occupation of the eighteenth dwelling on the application site shall not take place before the first sales of all five of the affordable dwellings on the alternative land, but this may cease to apply where an affordable dwelling has been offered for sale as such for 4 months without the receipt of any offers. For the reasons already set out above, the Council does not regard this proposal as a viable or practicable means of securing affordable housing, but accepts the alternative Undertaking to make a payment in lieu (Doc. APP19) for the provision of affordable housing elsewhere in the area.
- 11.3 The Council's list of 19 suggested conditions (Doc. CC8) is generally agreed with the applicants, but with reservations by the applicants about condition No 10, which would remove most of the permitted development rights of future householders under Part 1 and Part 2 of the Town and Country Planning (General Permitted Development) Order 1995. The Council points out that this is a requirement of the Environment Agency Wales that overland flood flow routes should be kept open through the development from Lon St Ffraid to the golf course.
- 11.4 In order to alleviate the effects of flooding, condition No 08 would require finished floor levels to be no lower than 4.5m AOD for plots 1 to 16 and no lower than 4.2m AOD for plots 17 to 34, and condition No 09 would require further approval to be sought for above ground engineering operations which could affect agreed flood routes through the site. However, the provision of a new surface water drainage system, designed to take flood water from Lon St Ffraid through the site to the drainage ditch, is not covered by any of the proposed conditions or agreements.

12. Conclusions¹

- 12.1 The starting point for consideration of this application is whether the development would be in accordance with the development plan for the area. The site lies within the development boundary of Trearddur Bay and it is allocated for housing development under Proposal 41 of the Local Plan as shown on Proposals Map 26^{3.2}. Local Plan Policy 49 states that “planning permission for new houses will be granted on sites allocated for housing ... shown on the Proposals Maps and detailed in Proposals T1 to T52”. This policy also accords with the requirements of Structure Plan Policy A1 and Local Plan Policy 47.
- 12.2 The proposed increase in housing density on the site is in line with Planning Policy Wales (MIPPS, June 2006, sections 9.1.2 and 9.3.4) and Policy HP2 of the UDP^{3.3} which encourage the efficient use of land. UDP Policy HP2 requires revised applications on existing housing sites to be developed to a maximum density appropriate to the area and the Council has identified 30 dwellings per hectare as the average density required across the plan area.
- 12.3 Although the application site was not included within the development boundary and was not shown as part of the housing land allocation in the Deposit version of the UDP^{3.3}, this must be considered to be a technical oversight because, at that time of public consultation, it already had planning permission for 17 houses^{Doc.APP8}, development had been commenced, and therefore the site was already committed for development. The Draft UDP has been stopped, and although the site was not specifically allocated for development in that document, the current scheme is in accordance with statutory development plan, consisting of the Local Plan and Structure Plan, and several other provisions of the stopped UDP.
- 12.4 Apart from detailed design considerations of the appearance, scale and layout of the proposed housing in this prominent location, the outstanding issues in determining the application concern tidal flood risk and the provision of affordable housing.

Flood Risk

- 12.5 The Executive Summary of the Bullen Report – Trearddur Bay Coastal Study (Faber Maunsell 2006)^{Doc.EA1/5} describes the coastal defences in Trearddur Bay as being in poor condition and not providing a sufficient standard of flood defence, which was highlighted during the storm event of 01/02/02 when severe flooding and damage to the sea walls occurred in Trearddur Bay.
- 12.6 In their letter of 03/11/04^{Doc.EA1/2}, the EAW explains that the Old Cricket Ground falls within both the 0.1% and the 1% floodplain for Trearddur Bay. The coastal protection works, which the Bullen Report describes as being in poor condition, are not flood defences. Their purpose is to protect the coast from erosion, rather than the land from tidal flooding, and therefore the site is within classification Zone C2, where highly vulnerable development should not be permitted.
- 12.7 Following consultations with the local community on various options for improvement, the preferred scheme^{6.21} includes the refurbishment of existing structures, replacement of the sea wall at Ravenspoint Road with a new reinforced concrete wall and rock revetment, and improvements to the backland drainage and sand dune areas to minimise the effect of wave

¹ The superscript numbers^{2.5 etc} refer to factual sources in earlier paragraphs and Documents.

overtopping. These works are justified in terms of the protection of amenity value of the bay, maintenance of highway and other infrastructure, and alleviation of the risk of flooding to people and property. The County Council is committed to expenditure of £100,000 on design work in 2006-7 and £800,000 for the improvement works in 2007-8 and has applied for Welsh Assembly Government grant aid.

- 12.8 Unlike the Llandovery situation, Trearddur Bay already has fairly extensive coastal protection measures in place, which consist of concrete sea walls and sheet steel piling against the sand dune system to provide a solid paved promenade. It is the defence along Ravenspoint Road that regularly allows wave over-topping. Clearly, a programme of improvement work is in hand for 2006-2008 to re-build the Ravenspoint Road sea wall and to provide rock revetments along the promenade, which will ensure that reasonable coastal defences will be in place by the time this proposed development is built and occupied. The defences will be improved and strengthened, and the revetment will reduce the likelihood of wave splashover occurring.
- 12.9 However, there is no evidence that the existing and proposed coastal defence works are designed to withstand a 1 in 1000 year storm event, and it is clear that the application site would remain vulnerable to flooding even from a 1 in 50 year storm as experienced in February 2002. Although remedial works are proposed, comprising raised floor slab levels, a protected overland flood route and additional drainage, this would not remove the possibility of flooding occurring over parts of the site, including the access road. Clearly the development of the site would be designed to cope with flooding and the access road junction would become the main conduit for the over-topping flood water.
- 12.10 From the history of the site and its topographical low-lying nature as a former estuarial area, the Old Cricket Ground (and the Village Hall site) provides a natural flood route between Trearddur Bay and the Inland Sea. Obviously, a site designed to cater for flood water cannot be classed as a flood-free environment for residential development for the simple reason that it will inevitably be affected by sea water in certain circumstances. Whilst the finished floor levels of the dwellings would be above the predicted highest tide levels, there would be times when the access road, cul-de-sac and gardens would be flooded.
- 12.11 The general approach of Planning Policy Wales and TAN15 is "to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions". In order of preference, this aims to direct development away from areas at high risk of flooding; but where development has to be considered in high risk areas (i.e. Zone C), only those developments that can be justified on the basis of the tests outlined in sections 6 and 7 of the TAN are to be located in such areas.
- 12.12 The Trearddur Bay area, including the application site, is in Zone C2, according to the TAN15 Development Advice Map for the area. This is defined as an area of the floodplain without significant flood defence infrastructure, where according to Figure 1 of the TAN "only less vulnerable development should be considered subject to application of the justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered". The proposed residential development fall into the "highly vulnerable" category.
- 12.13 In contrast, C1 zones are described in Figure 1 as "Areas of the flood plain which are developed and served by significant infrastructure, including flood defences". Although the applicants claim that the site should be redefined as Zone C1, this part of Trearddur Bay is

not developed or served by significant infrastructure. It is not previously developed land and it forms an open green gap between existing development to the north and south, with no significant structures between the Bay and the Inland Sea. The site itself does not contain the infrastructure necessary for residential development. Furthermore, the Environment Agency considers that the existing defences are in place only to protect the sand dune system and Ravenspoint Road from tidal erosion. There is no evidence that the existing sea walls comprise significant flood defences. Although improvements to the sea walls are planned for 2007-8, that does not mean that the land will be defended against flooding to an adequate standard, nor does it alter the classification of the area today as falling within Zone C2.

12.14 Had the site fallen within Zone C1, Figure 1 indicates that development can take place "subject to the application of justification test". As advised in paragraph 6.2, new development should be directed away from Zone C to suitable land in Zone A or B, where there is less risk of flooding. Bearing in mind that highly vulnerable residential development will not be allowed in Zone C2, all other new development will only be justified if it meets 4 tests: -

- (i) Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- (ii) Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and
- (iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
- (iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The proposed development meets none of these criteria: first and foremost, it is highly vulnerable residential development, but it is also not development that is required to meet any regeneration, employment or sustainability objectives of the local authority or the Assembly Government. Consequently, as the development is not defined as being of low vulnerability to flooding, and it does not meet tests set out in the TAN, there is no requirement to further assess the flooding consequences in order to decide whether it should proceed or not. The analysis carried out by the Environment Agency Wales^{8.6} shows that the proposed scheme including flooding mitigation measures would not meet the TAN15 criteria.

12.15 Bearing in mind the present condition of the coastal protection and the low-lying nature of the land, the site appears to be correctly identified as falling within Zone C2. Although it is argued that the consequence of flooding would not be serious for the proposed dwellings themselves, it would be likely to adversely affect safe access into and out of the entrance, and across the site to the dwellings. The applicants suggest that the level of the access road at the entrance could be raised to prevent flooding of the access route and/or to prevent flood water entering the site from Lon St Ffraid. The effect of this would be to divert the natural flow direction of the flood waters down Lon St Ffraid towards the Old Police House and Mariner's Court. This still leaves the problem of flooding in Lon St Ffraid itself, which would be the sole access route to and from the development.

- 12.16 Whilst it is proposed that an underground drain would be provided to take the diverted flood water off Lon St Ffraid as a substitute for the overland flood route^{6.23, Plan A.7}, there could be no guarantee that a recessed 600 by 600mm gully would capture the volume of water flowing downhill towards Ravenspoint Road junction. There is also the possibility that the gully entrance could become partly blocked by debris or lack of maintenance at the critical time. The possibility remains therefore, that raising the site access levels to overcome flooding on the application site would increase the volume of flood waters elsewhere in the vicinity.
- 12.17 It is noted that the developer has a “fall-back” situation, whereby the earlier consent for 17 dwellings could proceed regardless of the known flood risk. Apart from the comments of house insurers (ABI), there are no requirements for flood alleviation measures to be provided as part of that development. However, the new proposals would double the number of people living on the site, resulting in there being 34 households within a site that has a known flooding history, unacceptably increasing the numbers of residents at risk.
- 12.18 In conclusion therefore, the site appears to be correctly zoned C2 because it is an undeveloped area without existing adequate flood defences. In this area highly vulnerable development such as housing should not be permitted. It is national planning policy to move away from development within flood Zone C which relies on flood defence, unless it meets the criteria set out in TAN15. The development of this site does not meet those criteria, and development is not justifiable under paragraphs 6 and 7 of the TAN, and it is therefore contrary to Welsh Assembly Government policy.

Affordable Housing

- 12.19 The Council requires a payment in lieu of on-site or off-site provision of affordable housing^{7.11}. It is agreed that there is no local need for affordable housing in Trearddur Bay^{6.7}, and that it would not be appropriate to insist on the provision of five affordable units within the proposed development^{5.3}. This is due to the lack of basic services in Trearddur Bay and the need for access to schools, banks and medical services
- 12.20 As explained in TAN2, a financial contribution towards the provision of affordable housing on a different site would only be appropriate if the different site is considered suitable. This assessment has to be made before the local authority seeks, or the developer offers, a financial contribution on another site. In this instance, the financial payment that the Council is seeking is not related to the provision of affordable housing on a specific site, and therefore such a payment would not be appropriate.
- 12.21 The applicants would prefer to allocate five dwellings on the alternative site at Caergeiliog, but the Council has concerns about deliverability on that site^{7.14}. Although the applicants have re-applied for a higher density housing development on the Caergeiliog site, there is no serious impediment to the provision of the five 1 or 2-bedroom units on the part of the site indicated on the section 106 Agreement Plan^{Doc APP18}.
- 12.22 UDP Policy HP7 requires the provision of affordable housing and the Supplementary Planning Guidance of May 2004 gives priority to provision on the development site, or off-site at a suitable location, or failing that by the payment of a sum in lieu^{3.4}, in that preferential order. As it is agreed that affordable housing is not needed in Trearddur Bay itself, the next preferred option would be provision off-site at Caergeiliog.
- 12.23 The sealed section 106 Undertaking would ensure that 5 units would be provided on the alternative site before development on the Old Cricket Ground, Trearddur Bay, is

completed. Therefore the agreement would ensure the deliverability of the 5 affordable homes in a timescale that is related to the development of the application site.

Design

12.24 The proposed development would double the density of housing on the site from that permitted in 1990. The layout and scale of buildings would be quite different. Rather than following the conventional housing estate layout of individual plots, the proposal is for a waterfront style of development, comprising blocks of 3 or 4 taller, 3-storey dwellings, of alternating colours and styles to create visual breaks and interest in a harmonious pattern. Each dwelling would have amenity provision in terms of a balcony and garden.

12.25 Whilst the density would be quite high for this area of Anglesey, adequate private amenity space would be available and parking would be provided inside the site so as to preserve the visual harmony of the development when viewed from the roadside. Therefore, setting aside other concerns, I consider that the design, layout and external appearance of the houses would be appropriate in this coastal setting, close to the seafront of Trearddur Bay.

Archaeological Significance

12.26 The site is located opposite the Towyn Chapel scheduled ancient monument. A pre-determination archaeological assessment of the site has been completed to the satisfaction of the Gwynedd Archaeological Planning Service (GAPS). Following this, GAPS advise that a watching brief during the construction phase would be sufficient for the protection and recording of any remains found on the Old Cricket Ground site. This is included as one of the conditions suggested by the County Council (Condition No 7, Doc.CC8).

Final Conclusions

12.27 My final conclusions are that the proposed development would be in accord with the development plan with regard to settlement policies and affordable housing, but it would not accord with the draft UDP Policies SG2 and SG3, which aim to protect new development and other areas from flood risk. The site is designated Zone C2 in the Development Advice Map to TAN15, where residential development is unacceptable. I do not accept the applicants' arguments that the site area should be considered as C1 land where there are adequate flood defences in place, and even if it could be so defined, the proposed development does not meet the relevant criteria and tests set out in TAN15 for essential development in Zone C of the floodplain.

13. Recommendations

- 13.1 I recommend that planning permission be refused for the erection of 34 three-storey dwellings on The Old Cricket Ground, Trearddur Bay, Anglesey, (application Ref: 46C137D, dated 03/09/03).
- 13.2 If, contrary to my recommendation, the Assembly Government is minded to grant planning permission, I recommend that this shall be subject to the section 106 unilateral Undertaking to provide 5 affordable homes at Tre Ifan, Caergeiliog, Anglesey (Doc APP 18) and the conditions set out in Document CC8.

Clive I Cochrane

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss Sarah Reid - Of Counsel, instructed by Isle of Anglesey County Council

She called:

Mr M Eaglestone MRTPI - Planning Policy Manager, Isle of Anglesey County Council

Councillor W J Chorlton - Isle of Anglesey County Council

Councillor A Jones - Isle of Anglesey County Council

FOR THE APPLICANTS:

Mr M Jarman - of Queen's Counsel, instructed by Mrs J Tyrer, Planning Consultant

He called:

Mrs J E Tyrer BA MRTPI - Planning Consultant

Mr B Killingworth CEng - Black & Veatch Ltd, Consulting Engineers

Mr S V Owen - Applicants

FOR THE ENVIRONMENT AGENCY WALES:

Mr D Lintott - of Counsel, instructed by Environment Agency Wales

He called:

Mr P Jones - Flood Defence Team Leader, Northern Area, Environment Agency Wales

Mr N Taunt MSc - Development Control Technical Specialist, Northern Area, Environment Agency Wales

INTERESTED PERSONS:

Mrs P Mawdsley - Hillcote, Lon Towyn Capel, Trearddur Bay LL65 2TY

Mr L Goodwin - 68 Trearddur Road, Trearddur Bay LL65 2UE

Mr J Abbott MBE - Leeseholme Capel Farm Estate, Trearddur Bay LL65 2BX

Mr W Holden	- 2 Glan-y-Mor, Lon St Ffraid, Trearddur Bay LL65 2YR
Mr A Pritchard	- Delgarda, Stanley Mill Lane, Trearddur Bay LL65 2BZ
Dr S Reilly	- Helyg-On, Lon Towyn Capel, Trearddur Bay LL65 2TY
Cllr K R Roberts	- Town Councillor Holyhead, Chair Trearddur Bay Residents & Tenants Association, Gwenallt, Lon Cre Crist, Trearddur Bay LL65 2BZ
Cllr G Parry (rep. Cllr P Dunning)	- Anglesey County Council
Capt T Shaw	- Traeth Gwyn, Lon Towyn Capel, Trearddur Bay LL65 2TY
Mr D Harris	- Bren-a-Don, Lon Towyn Capel, Trearddur Bay LL65

INQUIRY DOCUMENTS

Document G1 List of persons present at the inquiry

ISLE OF ANGLESEY COUNTY COUNCIL

Document CC1	Proof of Evidence of Mr M Eaglestone
Document CC2	Letter of 06/07/06 from Welsh Assembly Government to County Council
Document CC3	Copy of UDP Policy HP7 – Affordable Housing
Document CC4	Bundle of Correspondence with WAG and Applicants' Agent
Document CC5	Schedule of Committee Reports & Minutes related to Development
Document CC6	Statement by Councillor J A Jones
Document CC7	Statement by Councillor W J Chorlton
Document CC8	List of Suggested Conditions 1-19
Document CC9	High Court Transcript - R v South Cambridgeshire District Council, QBD 2002

APPLICANTS – S V OWEN LTD

Document APP1	Agreed Statement of Common Ground
Document APP2	Appendices ASCG1-4 to Agreed Statement of Common Ground

Document	APP3	Proof of Evidence of Mrs J E Tyrer
Document	APP4	Appendices JT1-4 to Mrs Tyrer's Evidence
Document	APP5	Design Statement by CDN Planning Ltd
Document	APP6	Welsh Assembly Government decisions on Llandoverly Applications Ref: APP/121/07-022 etc.
Document	APP7	EAW Consultation of 16/03/04 on proposed dwelling at Sea Shanty, Trearddur Bay
Document	APP8	Appeal Decision of January 1990 on development of Old Cricket Ground, Trearddur Bay
Document	APP9	EAW Consultation of 16/01/01 on 2 proposed dwellings at rear of Old Police Station, Lon St Ffraid, Trearddur Bay
Document	APP10	Local Environment Agency Plan , Anglesey – Environmental Overview, January 1999.
Document	APP11	Proof of Evidence of Mr S V Owen
Document	APP12	Appendices SO1-SO3a-r to Mr Owen's Evidence
Document	APP13	Letter of 14/07/06 from Welsh Water to S V Owen Ltd
Document	APP14	Letter of 24/08/06 from William Hughes (Civil Engineering) Ltd to S V Owen regarding the construction of a sewer on the site.
Document	APP15	Proof of evidence of Mr B Killingworth
Document	APP16	Appendices BK1-16 to Mr Killingworth's Evidence
Document	APP17	Appendix BK13 – Flood Risk Assessment , May 2006
Document	APP18	Section 106 Undertaking to provide Affordable Homes off-site at Tre Ifan, Caergeiliog, Anglesey
Document	APP19	Section 106 Undertaking to make a payment in lieu for affordable housing
Document	APP20	Folder of Copies of Correspondence : Appendix to Statement of Common Ground
Document	APP21	Flood Risk Assessment January 2006 – Black & Veatch and Appendices 1 & 2

ENVIRONMENT AGENCY WALES

Document	EA1	Appeal Statement and Proof of Evidence of Mr P A Jones & Appendices 1-5
Document	EA2	Proof of Evidence of Mr N Taunt and Appendices A1-3
Document	EA3	Inspector's Report on Llandoverly Applications APP/M6825/X/04/514568 etc

INTERESTED PARTIES

Document	IP1	Statement by Cllr K Roberts with attached letters
Document	IP2	Statement by Dr S Reilly
Document	IP3	Statement by Mr J Abbott and DVDs of flooding occurrences 2002
Document	IP4	Statement by Mr A Pritchard
Document	IP5	Bundle of correspondence to and from Mr Pritchard
Document	IP6	Statement by Cllr P Dunning and appended correspondence from 1994

PLANS

Plans	A	Submitted Application Plans:
		1. Site Location Plan 1:2500
		2. Proposed Site Layout
		3. Elevations of Site 1:200
		4. Cross Sections 1:200
		5. Proposed House Plans 1:100
		6. Proposed Elevations 1:100
		7. Surface Water Drainage Design
		8. Surface Water Drainage Sizing
		9. Proposed Flood Route at Lon St Ffraid.