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Director (Managing)

Our Ref: K/JM/5111
19th September, 2019

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Dear Sirs,

**Conwy Replacement Local Development Plan Preferred Strategy:
Objection on behalf of Mr Rikki Proffitt & Mrs Sue Degregory.**

We act for Mr Rikki Proffitt and Mrs Sue Degregory. Our Clients own land adjacent to St. Asaph Avenue and Gwellyn Avenue, Kimmel Bay. Our Clients ownership comprises previously developed brownfield land situated within the settlement boundary. The site is close to existing shops and services and has easy access to public transport provision. The site is surrounded by residential uses and is presently occupied by non-conforming uses. Development of the site could accommodate over 100 houses, would help sustain the existing settlement and services and could also secure community benefits including much needed affordable housing. It is considered that any risk of flooding at the site could be adequately managed by appropriate mitigation measures. In August 2018 we responded to your Authority's 'call for sites' and requested that the land be allocated for residential development in the Replacement Local Development Plan. By email of 6th March 2019 we received letter from you dated 11th January 2019 advising that the site would not be included with the LDP due to unacceptable level of flood risk.

Our Clients now wish to object in the strongest possible terms to the Preferred Strategy issued by your Authority. The broad grounds of such objection are as follows:-

1. Our Clients object to the Authority's intention to direct development away from the settlements of Pensarn, Towyn and Kimmel Bay to other areas within the Coastal Development Strategy Area. It is not accepted that development cannot proceed in these areas for reason of unacceptable flood risk. Such strategy will result in increased deprivation and lack of opportunity to deliver much-needed community services, infrastructure and affordable housing. Existing deprivation is acknowledged by the authority in the published preferred strategy and it is our Clients position that development within Towyn and Kimmel Bay has been unnecessarily blighted by Conwy County Borough Council and NRW for 26 of the last 29 years. The Authority's stated preferred strategy will continue such blight to the detriment of the affected communities and in complete conflict with stated preferred strategy objectives;
2. The preferred strategy advises that the Pensarn, Towyn and Kimmel Bay areas are subject to flood defence improvements. However, the preferred strategy is entirely silent with regard to details of any flood improvement works whatsoever. It is considered quite remarkable that, whilst deprivation and decline in these areas is clearly acknowledged, no proposals whatsoever are detailed to improve flood defence measures and reduce flood risk over the forthcoming plan period;
3. In light of the deprivation and decline acknowledged, the preferred strategy announces promotion of an Eastern Regeneration and Investment Area Initiative as part of the preferred strategy itself in order to avoid further decline in these vulnerable areas and to ensure that the plan contributes to the creation of resilient communities. Notwithstanding such, there are no further details provided whatsoever regarding such regeneration and investment initiatives;
4. Background Paper 35 (BP 35) "Flood Risk And Development Opportunities" (supposedly prepared in order to inform preparation of the prepared strategy) does not rule out development in Towyn and

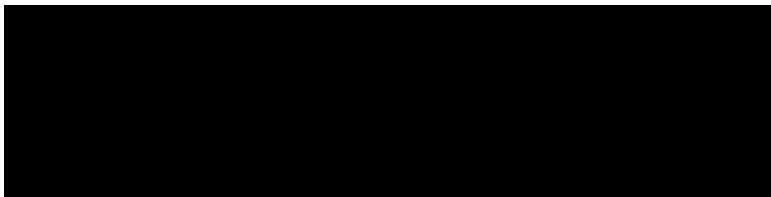
Kimmel Bay on flood risk rounds. With regard to our Clients site in particular, BP 35 concludes that *"in the event that this site should be considered for development prior to any improvement in the flood defences, ground raising, and appropriate mitigation will need to be considered if required"*. The paper further concludes that defences along the coastal frontage and tidal Clywd will result in significant betterment, making several thousand properties safe from flooding that are currently within the flood extent. The paper also refers to the updated version of the Clywd model contained within the Point of Ayre to Pensarn Modelling Study 2017 commission by NRW. That study shows that, if existing defences don't fail, then our Clients land will be dry in the 100 years plus climate change event and that the only land which will actually flood will be a short strip adjacent to the river Clywd. The study also shows that, even with a breach of the defences, our Clients land is shown to be flood three for the next hundred years plus climate change. In context of the above, It is at very least difficult to appreciate just how the Authority could have taken on board the findings of BP 35 in preparation of the preferred strategy when both documents were published at the same time (July 2019). Certainly, the Authority appear to have completely ignored relevant findings contained within the background paper. There is no explanation as to why this is provided.

Summary:-

The preferred strategy proposed will result in continued blight for the settlements of Pensarn, Towyn and Kimmel Bay for no good reason and will result in continuing and increased deprivation and negative impact upon community services and opportunities. The strategy fails to acknowledge the Authority's own commissioned background papers and entirely fails to address the issues of flood risk and deprivation acknowledged. Residents of the affected communities deserve much more. The strategy is manifestly flawed, unsound, unfit for purpose and should be withdrawn with immediate effect. For similar reasons, the Authority's decision not to include our Clients land for residential development purposes should be reviewed immediately.

We trust that the above views will be taken into account and that the Preferred Strategy will be withdrawn.

Yours faithfully,



Kenyon Planning

By Email

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