

Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: qA2366114

Richard Gratton
EDGE Architects NW Ltd
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26 January 2026

Dear Richard Gratton,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
CALLED IN PLANNING APPLICATION FOR PROPOSED ERECTION OF 1 NO.
DETACHED AND 2 NO. SEMI-DETACHED DWELLINGS WITH MEANS OF ACCESS AT
LAND ADJACENT TO 37 CADER AVENUE, KINMEL BAY, CONWY**

**PEDW REF: CAS-04056-N8H2L7
LPA REF: 0/51155**

1. Consideration has been given to the report of the Inspector, regarding your client's planning application.
2. In accordance with Section 77 of the Town and Country Planning Act 1990 the planning application was called in for decision by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006, the power to determine applications under Section 77 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Cabinet Secretary for Economy, Energy and Planning.
3. The Inspector recommends planning permission is refused. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Main Issues

4. The Inspector notes the main issue is whether the proposed development would be acceptable having regard to (i) the risk of flooding and (ii) biodiversity interest. (IR 49)

Flood Risk

5. The Inspector notes the Welsh Government published a new Technical Advice Note 15 'Development, Flooding and Coastal Erosion (2025)' (TAN 15) during the application process. In accordance with the content of the accompanying Ministerial Written Statement and Circular 002/2025, dated 31 March 2025, the Inspector has assessed the application on the basis of the previous version of TAN 15 due to it being submitted prior to publication of the new TAN. (IR 3)
6. The application site falls entirely within flood zone C1 of the Development Advice Map that supported the previous version of TAN 15. Zone C1 is an area of the flood zone where highly vulnerable development (including residential uses) may take place, subject to satisfying the justification tests in paragraph 6.2 of TAN 15. (IR 50)
7. The Inspector has assessed the scheme against the four justification tests in TAN 15. They are satisfied the proposal meets tests (i) to (iii) as it would contribute to the supply of housing to help sustain the settlement and is located on previously developed land. (IR 51)
8. Test (iv) relates to the potential consequences of flooding. The Inspector has assessed the proposal against this test and finds it would not comply with the requirements of TAN 15 and fails to accord with relevant LDP policies. (IR 52 – 59)

Biodiversity

9. The Inspector notes PPW requires the application of a step-wise approach in order to maintain and enhance biodiversity, build resilient networks and deliver net benefits. (IR 60)
10. The applicant has submitted a Green Infrastructure Statement (GIS) in order to demonstrate compliance with each stage of the step-wise approach. However, the Inspector states the GIS has been undertaken on the assumption that the application site is of no biodiversity merit but no survey work or evidence is provided to support this position. The Inspector also notes the GIS makes no reference to options considered to avoid or minimise harm to biodiversity. (IR 61)
11. The Inspector's observations are that the majority of the site is vegetated and, whilst there are no ecological designations affecting the site, there would be loss of habitat, resulting in some adverse impact on biodiversity. (IR 62)
12. Given the lack of detail relating to proposed planting and the absence of information regarding the biodiversity value of the site, the Inspector considers they are unable to conclude there would be enhancement of biodiversity above the current baseline. The Inspector finds the proposal does not demonstrate net benefit to biodiversity or that step-wise has been adequately addressed. Therefore, the proposal fails to comply with PPW and relevant development plan policies. (IR 63-64)

Other Matters

Housing Supply

13. The proposal would contribute to the supply of housing in the area, the Inspector states this weighs in favour of the development. (IR 65)

Affordable Housing

14. The Inspector is satisfied the applicant's Site Viability Assessment demonstrates that a lower provision of affordable housing is justified. (IR 66-67)

Living Conditions

15. The design of the proposed development is such that the Inspector considers the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupiers and future occupiers of the proposal. (IR 68)

Character and appearance

16. Subject to securing details of external materials through planning condition, the Inspector is content the proposal would not be harmful to the character and appearance of the surrounding area. (IR 69)

Highway Safety

17. The Inspector is satisfied any highway requirements can be addressed by planning condition and on this basis the proposal would be acceptable in relation to highway safety. (IR 70-71)

Drainage

18. The Inspector is content the proposal would be acceptable in relation to drainage. (IR 72)

Planning Balance and Overall Conclusion

19. The Inspector concludes the proposal would conflict with national and local planning policies relating to flood risk and gives this significant weight in the planning balance. The Inspector also affords significant weight to the adverse effect on biodiversity interests and conflict with local and national policies. (IR 75)
20. The small contribution to housing supply attracts modest weight in favour of granting planning permission. (IR 76)
21. The Inspector considers the scheme would be acceptable in relation to its effect on living conditions, the character and appearance of the area, drainage, the provision of affordable housing and, subject to conditions, highway safety. The Inspector considers these are neutral factors in the planning balance. (IR 77)
22. In balancing these factors, the Inspector finds the harm associated with the proposal in relation to flood risk and biodiversity, and associated policy conflicts, to be compelling factors which outweigh the limited benefit in relation to housing supply. (IR 78)
23. The Inspector recommends that planning permission is refused. (IR 79)

Welsh Ministers' Decision

24. I agree with the Inspector's reasoning and conclusions. For the reasons set out in the Inspector's report, and in exercise of the power referred to in paragraph two of this decision letter, I hereby refuse planning permission for planning application 0/51155.

The Well-being and Future Generations (Wales) Act 2015

25. The Welsh Ministers must, in accordance with the Wellbeing and Future Generations Act 2015 ('the WFG Act'), carry out sustainable development. This includes taking all reasonable steps to meet their well-being objectives.

Well-being objectives

26. I have considered the extent to which refusing planning permission meets the Welsh Government's well-being objectives. The decision would support the objective of "making our cities, towns and villages even better places in which to live and work". Similarly, it supports the objective to "Embed our response to the climate and nature emergency in everything we do". The effect of this decision on the other objectives is neutral.
27. In reaching my decision on the application, I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'.

Looking to the long-term

28. The decision takes account of the need to create sustainable developments for the long-term.

Involving people/Collaborating with others

29. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Taking an integrated approach

30. The decision has taken account of the development plan and its integration of economic, social and environmental strands across spatial scales.

Prevention

31. The decision would prevent unsustainable development being undertaken which would undermine the placemaking principles in PPW.

Reasonable steps

32. I have considered whether, having regard to the Welsh Ministers' wellbeing duty, it would be reasonable to take a different decision. I note the alternative decision would be to grant planning permission for the development. This would negatively impact on the objective to "Make our cities, towns and villages even better places in which to live

and work". The effect of this alternative decision on the other objectives would be neutral. Consequently, I consider that the decision to refuse planning permission is a reasonable step in meeting the Welsh Ministers' well-being objectives.

33. A copy of this letter has been sent to Conwy County Borough Council.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The script is cursive and fluid.

Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning

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