

# Town and Country Planning Act 1990 Section 77 Flintshire County Council Planning Application by Welsh Development Agency

## INTRODUCTION

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### FACTS NOT IN DISPUTE

1. I have the honour to report that on 5 September 2000 I opened an Inquiry at Theatre Clwyd, Mold into a planning application made in the first instance to Flintshire County Council on 5 June 1997, and subsequently called-in by the then Secretary of State for Wales on 9 October 1997 for his own decision, under the powers conferred on him by

Section 77 of the Town and Country Planning Act 1990. The application (described in more detail below) is for business and industrial development on land north-east of Shotwick Road, Deeside Development Zone, Flintshire.

2. The reason for the call-in was that the then Secretary of State was of the opinion that the proposed development raised planning issues of more than local importance, and therefore he considered that he ought to determine the application himself. On 3 August 1999, the National Assembly issued a letter stating that, on the information so far available, the following matters appeared likely to be amongst those relevant to its consideration of the application.
  1. the supply of employment land;
  2. the loss of Grade 2 agricultural land;
  3. consideration of the potential need for Green Belt designation in North East Wales, in view of the Welsh Office Ministerial letters of 20 June 1997 and 23 March 1998;

4. the implications of the development on the trunk road network;
5. relevant national and development plan policies; and
6. whether any permission granted should be subject to conditions and, if so, the form they should take.

The letter was stated to be the National Assembly's statement under Rule 6(10) of the Inquiries Procedures Rules, 1992.

3. Pre-Inquiry meetings were held at County Hall, Mold on 5 June and 12 July 2000. The Inquiry sat on the following days: September 5,6,7,8,12,13,14,15,20,21,22: December 12,14,15, 2000; January 3,4,9,10,11,12,17,18,23,24,25, 2001. Additionally, visits to the site and its surroundings (including an inspection of highways matters) and to alternative sites mentioned at Inquiry were made on six further days.

4. Flintshire County Council appeared at the Inquiry in support of the Applicants, the Welsh Development Agency. Objectors who appeared were W T Banks (Farming) Ltd; the trustees of the Shotwick Estate; the JSR Farming Group Puddington and District Parish Council; Burton Residents Association (all the foregoing were represented by the same leading Counsel, and are referred to in this report as the Grouped Objectors); the National Assembly for Wales Agriculture Department; the National Assembly for Wales Transport Directorate the Flintshire Green Party; Burton Mere Fisheries; and Councilors Heesom, Cattermoul and Rowlands. In addition, the Highways Agency (who did not give evidence) were represented by Counsel at the Inquiry session at which conditions were discussed.
  
5. Both at the Inquiry and in the writing of this report I have had the able assistance of my Assistant Inspector, Mr Andrew Freeman BSc (Hons), DipTP, DipEM, FRTPI, FIHT, MIEnvSc. Mr Freeman had particular responsibility for highways and ecological issues at the inquiry, and has been largely responsible for those sections

of this report dealing with those matters, together with written representations. He has seen the entire report, at its final draft stage, and has, authorised me to say that he is in agreement with my conclusions and recommendations.

6. This report contains a description of the application site and its surroundings (including the highway network) details of the application proposals, planning history and policy, the gist of the representations made at Inquiry and in writing, and my conclusions and recommendations. List of appearances and documents are attached.

*Source*

*Division:*

*Planning*

*Date: July 2002*