

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

## PLANNING POLICY BACKGROUND

PLANNING  
HISTORY

ALYN AND  
DEESIDE  
LOCAL  
PLAN

5.0 Planning Policy  
Background

Clwyd County Structure  
Plan: First Alteration

**Structure Plan Second  
Alterations: Flintshire  
Edition**

**Emerging Regional  
Planning Guidance**

5.1 The statutory development plan consists of:

(i) the County of Flint County Development Plan (approved 1958) and the Connah's Quay-Shotton Town Map (approved 1962).

(ii) the Clwyd County Structure Plan First Alteration (CSPFA): approved by the Secretary of State for Wales on 31 October 1991, and intended to run until 1996.

5.2 The two old-style development plans remain technically in force in the absence of an adopted local plan. Both show the application site as 'white land' where existing uses are intended, in the main, to remain undisturbed. They are now regarded as out-of-date for practical purposes, and no party to the inquiry sought to rely on them. By contrast the proposals of CSPFA remain very relevant.

5.3 Other relevant plans, not forming part of the development plan for the purposes of Section 54A are:

- (i) the Structure Plan  
Second Alteration:  
Flintshire edition.
- (ii) the Alyn and  
Deeside Local Plan  
(ADLP), considered  
in Section 6.0 of the  
report.

(iii) the emerging Flintshire Unitary Development Plan: this plan is at an early stage. a pre-deposit consultation draft having been produced in May 2000 (Corn Document 45). Little reference was made to it at inquiry, and it will not be further considered here.

5.4 An emerging policy document referred to at the Inquiry is the first consultation draft of Regional Planning Guidance for North Wales (see paras 5.17-5.21 below).

5.5 As regards national policy documents, reference is made as appropriate in the statement of cases to "Planning Guidance (Wales): Planning Policy" and other relevant documents. They are also to be found as Core Documents, and it is not considered necessary to refer to them in more detail here.

## **Clwyd County Structure Plan: First Alteration**

5.6 This (Core Document 33) is the only reasonably up-to-date statutory development plan covering Flintshire, and it was not disputed that its policies should be accorded substantial weight.

5.7 Policy A2 refers to the need for a strategic site in the area of the former Alyn and Deeside District, the accompanying text referring to strategic sites as follows.

"ii. Strategic sites are large sites close to primary and main distributor routes, developed to a good standard and capable of attracting a range of firms, particularly larger firms. Current sites in Clwyd are: Deeside Industrial Park, Kinmel Industrial Park, Delyn Enterprise Zone/ Greenfield Business Park and Wrexham Industrial Estate."

5.8 Policy A3 is a general employment policy stating:

"Employment development should take place on land which satisfies the following requirements:

- A. It should, wherever possible, be located on land in or on the edge of main settlements.
- B. It should use derelict or under-used land in preference to agricultural land of Grades 1,2 or 3a.
- C. It should not increase air, noise, water pollution or hazard to unacceptable levels, nor have an undue detrimental effect on the surrounding landscape or environment.

- D. It should have good road access, adequate parking and not generate sufficient traffic to cause nuisance or danger.
- E. It should be readily developable."

5.9 Policy A10 is specific to the Deeside Development Zone and states:

"The area to the north of the River Dee and west of A494/A550 also including the site of the former Connah's Quay Power Station is designated as the Deeside Development Zone. The precise boundary of the Zone will be defined in a Local Plan. Within this Zone sites will be allocated for major employment development projects, taking into account other Structure Plan policies particularly with regard to nearby settlements, landscape, environment (especially the Dee Estuary SSSI), agricultural land and

access."

The reasoned justification for Policy A10 is as follows:

"i. The area already contains the Deeside Industrial Park and Deeside Industrial Estate, Deeside Titanium and the Shotton Paper Company. A new strategic road link between A494/A550 and Kelsterton will service the area during the 1990s. There remain substantial areas of derelict land to be reclaimed at Broken Bank and the former power station at Connah's Quay. The area has continuing unemployment problems. It is well located in relation to the national motorway network and to labour markets and is in a Development Area. It is designed to provide a strategic location for major employment development projects for the sub-region.

ii. Major employment development projects could cover any of the after-uses identified in Clwyd County Council and Alyn & Deeside's joint Garden Festival submission namely: industry, offices, warehousing, retailing, hotels and leisure. It is also important to have a very large readily available site for major incoming industries. Any proposals for development, and the delineation of the boundaries of the Development Zone, must comply with other Structure Plan policies."

5.10 The protection of best and most versatile agricultural land is covered by Policy H1:

"There will be a strong presumption against the use of agricultural land of grades 1,2 and 3a for non-agricultural purposes unless there is no other site suitable for the particular purpose. Should there be a need to take such land, particular care should be taken to avoid impairing the efficiency of

established farm units."

## **Structure Plan Second Alterations: Flintshire Edition**

- 5.11 The former Clwyd County Council proposed to update the Structure Plan First Alteration and had substantially completed the Clwyd Structure Plan Second Alteration, which provides guidance to 2011, prior to Local Government Re-organisation on 1 April 1996. The Plan was placed on deposit in April 1995 and following representations made at the Deposit Stage, Changes to the Plan were placed on informal deposit in January 1996.
- 5.12 This current document (Core Document 34) is an amended version of the Clwyd Structure Plan Second Alteration (Deposit Report) but incorporating the Proposed Changes. It has been amended to contain only policies and proposals appropriate to the

Flintshire County Council area, which comprises the former Alyn and Deeside and Delyn Districts. It has been approved by the County Council for development control purposes, and to aid the preparation of the Flintshire Unitary Development Plan and strategic planning guidance for North Wales. It will not proceed to statutory adoption. It is, however, more up-to-date than CSPFA, and it is a material consideration in determining this application.

- 5.13 Policy EMP1 refers to the scale of employment land provision in the County, whilst EMP2 states:

"Within the land areas referred to in Policy EMP1, a range of strategic, high quality and local employment sites should be provided. Local sites should be located in or on the edge of most main settlements and at appropriate locations in rural

areas."

Strategic sites are defined in the text as:

"iii) Strategic sites are large sites close to high standard primary and main distributor routes. The sites should be capable of being developed to a good standard and of attracting a range of firms, particularly larger firms. Current sites in Flintshire which are expected to continue in this role over the plan period, are: Deeside Industrial Park (which lies within the Deeside Development Zone - an area of sub-regional importance) and Greenfield Business Park."

5.14 Policy EMP3 deals with the general location of employment development:

"Land to be allocated or given planning permission for employment development should normally satisfy the following criteria:

- A. It should, wherever possible, be located on land in or on the edge of main settlements, unless the development is so large that it is best suited to a free standing location.
- B. It should use derelict or under-used land in preference to agricultural land.
- C. It should not use agricultural land of Grades 1, 2 or 3a unless there is an especially strong case which over-rides the special importance given to protecting such land.

- D. It should not increase air, noise, water pollution or hazard to unacceptable levels, nor be in conflict with Structure Plan policies which protect the environment.
- E. It should be sited and designed to avoid flood risk, or be protected from it, and to avoid creating or increasing flood risk elsewhere.
- F. It should have good road and, where possible, rail access, adequate parking and not generate sufficient traffic to cause nuisance or danger.
- G. It should be accessible by public transport.
- H. It should be readily developable".

5.15 Major employment developments are dealt with under Policy EMP9 which, with its accompanying text, reads as follows:

"Major employment development projects requiring the release of large areas of land, other than land either allocated or with planning permission for employment purposes, will only be permitted where:

- A. The proposal cannot reasonably be implemented on land provided for in a Development Plan
- B. It complies with Policy EMP3 and
- C. The proposal would bring substantial employment benefits.

- i) The provision of sites for major incoming firms was an issue highlighted in the Strategic Planning Guidance for Wales Consultation Report, January. 1992. Large firms, whilst requiring extensive areas of land and significant infrastructure investment, can provide many job opportunities and can have importance catalytic effects on the local economy. In its final submission to the Secretary of State for Wales, the Strategic Planning Advisory Committee points to the need for additional guidance from the Welsh Office on this matter and recommends that Local Authorities in

Clwyd and Gwynedd should determine the number and location of large sites (of between about 100 and 150 acres - 40 to 60 ha.) and incorporate appropriate policies in their development plans.

- ii) The purpose of the policy is to provide locational guidance for those major employment developments requiring in the region of 100 acres or more of land as opposed to the relatively smaller investment enquiries which can be accommodated on strategic sites under Policy EMP 2. Formal provision for major employment developments through specific land allocations is not considered

practical. Large industries have different site needs in respect of location, size of site and infrastructure requirements. Not all of these requirements can be foreseen. There are also problems associated with protecting any site identified from piecemeal, incremental development. The policy therefore provides a context for the consideration of cases which may arise where the proposal cannot be satisfactorily accommodated through the employment land provisions of a Development Plan. Such proposals are likely to warrant an Environmental Assessment and would need to be acceptable in environmental and other terms.

The criteria of Policy EMP 3 will be used to assess the proposal.

iii) Criteria A and C are intended to ensure that there are sound reasons to warrant departing from Policy EMP 2 and allowing development on unallocated land. In assessing proposals, account will be taken of:

a) whether the proposal could be equally well located on land allocated in Development Plans in accordance with Policy EMP1 and EMP2; and

- b) the scale of job creation either through direct employment or through indirect jobs generated by the development.
  
- iv) Currently, in the County, the only area with an existing employment designation capable of accommodating this scale of development is the Deeside Development Zone, which was designated for major employment development projects under Policy A10 of the Structure Plan First Alteration and the boundary of which has now been delineated in the Alyn and Deeside Draft Local Plan. Whilst not all of the potential employment sites

within the Zone  
have been  
formally  
allocated because  
this would lead  
to an over-supply  
of employment  
land during the  
Plan period, it  
does contain  
large land areas  
which could be  
made available  
should the need  
arise to  
accommodate a  
major  
employment  
project, subject  
to any proposal  
being acceptable  
within the terms  
of the policy  
criteria.

- v) However, the  
policy recognises  
that major  
projects may  
seek locations in  
other areas of the  
County. It is the  
intention of the  
policy to provide  
a context for the  
consideration of  
all such  
development  
proposals that  
may arise during  
the course of the  
Plan.

vi) Major employment development projects comprise proposals relating primarily to industrial, office or warehousing development but may also include associated retailing, hotel or leisure elements where part of a mixed-use proposals."

5.16 Policy CONS1 deals with protection of agricultural land:

"Development proposals which require the use of agricultural land of grades 1,2 and 3a for non-agricultural purposes will not be granted planning permission unless there is no other site suitable for the particular purpose. Should there be a need to take such land, particular care should be taken to avoid impairing the efficiency of established farm units."

## **Emerging Regional Planning Guidance**

5.17 "Planning Guidance (Wales): Planning Policy" does not provide defined regional planning guidance or a sub-regional policy context for the preparation of Unitary Development Plans. The National Assembly for Wales has advised local planning Authorities to collaborate in setting strategic planning objectives and policies for their areas and to establish appropriate voluntary working arrangements to achieve this. In North-Wales this consists of a co-operative group comprising elected members of Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham Councils' together with the Snowdonia National Park Authority which has been established to achieve these aims. It is advised by the Heads of the Planning Services for the Authorities.

5.18 This group undertook to produce regional planning guidance for North Wales to cover the period 1999-2009, and a first consultation draft was produced in Spring 1999. A revised consultation edition was produced in January 2000 (Core Document 38) and further consultation carried out on the understanding that further work was being undertaken on population and household forecasts and minerals issues. If as a result of this consultation there are significant issues which cannot be resolved then it is intended to hold a conference with an independent chairman who will consider appropriate matters in public and make recommendations which will be published. It is anticipated that each Local Planning Authority will then adopt the guidance with appropriate revisions.

5.19 The document refers (para 6.9) to 'Regional Employment Sites'. These are the bigger sites available for development by the larger firms and for inward investment. Such sites should exhibit the following characteristics:-

- Be of sufficient size for the purpose;
- Be on land that is reasonably level and economic to develop;
- Preferably be previously developed land;
- Have good accessibility to the road and rail network;
- Normally be situated within or on the edge of main settlements;

- Be served, or be capable of being served, by public transport;
- Preferably be in an assisted area.

5.20 Accompanying the draft guidance is a map identifying existing major employment sites and highlighting two as Regional Development Sites. These are located in the Deeside Development Zone and in the Wrexham Industrial Estate. No other Regional Development Sites are identified in North Wales. The draft guidance anticipates that Local Authorities and the WDA will work in partnership to ensure the provision of infrastructure where it is lacking, bidding for available government funds where necessary. The guidance also states that major employment sites should be safeguarded from other forms of development for the

duration of the  
guidance.

5.21 Planning Division of  
the National Assembly  
commented on the  
draft guidance by letter  
dated 26 June 2000.

*Source*

*Division:*

*Planning*

*Date: July*

*2002*