
Yr Arolyglaeth Gynllunio, Adellad y Goron, Parc
Cathays,
Caerdydd CF10 3NQ ☎ 029 2082 3889 Ffacs 029 2082
5150



The Planning Inspectorate, Crown Buildings, Cathays
Park,
Cardiff CF10 3NQ ☎ 029 2082 3889 Fax 029 2082 5150

Adroddiad

Ymchwiliad a agorwyd ar 05/09/00
Ymchwiliad a gaewyd ar 25/01/01

Report

Inquiry opened on 05/09/00
Inquiry closed on 25/01/01

gan/by P J Macdonald MSc RIBA MRTPI

Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru

An Inspector appointed by the
National Assembly for Wales

Dyddiad/date: 10/07/2001

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 77

FLINTSHIRE COUNTY COUNCIL

PLANNING APPLICATION

BY

WELSH DEVELOPMENT AGENCY

Cyf ffeil/File ref: APP/A6835/X/99/513437/TX

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ABBREVIATIONS

AADT:	Annual average daily total (of vehicles)
AOD:	Above Ordnance Datum
ADLP:	Alyn and Deeside Local Plan
ALC:	Agricultural Land Classification
BAP:	Biodiversity Action Plan
CCW :	Countryside Council for Wales
CRF:	Congestion Reference Flow (of traffic)
CSPFA:	Clwyd County Structure Plan: First Alteration
DDZ:	Deeside Development Zone
DIP:	Deeside Industrial Park
FBT:	Farm Business Tenancy
FCC:	Flintshire County Council
GDP:	Gross domestic product
MAFF:	Ministry of Agriculture, Fisheries and Food
MOD:	Ministry of Defence
NAW:	National Assembly for Wales
NAWAD:	NAW Agriculture Department
NEWT:	North East Wales Institute, Wrexham
NRTF:	National road traffic forecast
PGW:	Planning Guidance (Wales): Planning Policy (the 1999 edition unless otherwise stated)
RSPB:	Royal Society for the Protection of Birds
RIGS:	Regionally important geological site
SPA:	Special Protection Area (Birds Directive)
SME:	Small and medium enterprises
SSSI :	Site of Special Scientific Interest
TIA :	Traffic impact assessment
UDP:	Unitary Development Plan
Vph:	Vehicles per hour
WDA :	Welsh Development Agency
WOAD:	Welsh Office Agriculture Department
WTB:	W T Banks (Farming) Ltd

Room 1-004
The Planning Inspectorate
Cathays Park
Cardiff
CF10 3NQ

To the National Assembly for Wales

INTRODUCTION

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, MIEEnvSc. 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.

FACTS NOT IN DISPUTE

1.0. THE APPLICATION PROPOSALS

- 1.1. The application dated 5 June 1997 (Core Document 1) was in outline with all matters of detail reserved for further approval. The development was described as being:

"Business and industrial development (classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987) including the erection of buildings, raising the level of part of the site, associated building, engineering and other operations and landscaping; and the creation of a nature reserve with vehicular access and car parking".

The plan accompanying the application was drawing no 3219/1000/Revision B, a site plan to a scale of 1:10,000. The application site was outlined in red, and other land controlled by the applicant (including land in England) outlined in blue. The existing use of the site was described as "agriculture, lake, boat club, pumping station".

- 1.2. An Environmental Statement (core Documents 3-12a) accompanied the application, together with a non-technical summary, in accordance with the provisions of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988. These were:

Volume 1	Main Text
Volume 2	Illustrations
Volume 3A	Landscape and Visual Impact
Volume 3B	Surface Water Drainage
Volume 3C	Ecology (later supplemented by Document ref. CD7a)
Volume 3D	Agriculture
Volume 3E	Archaeology
Volume 3F	Transportation and Traffic
Volume 3G	Noise
Volume 3H	Dust
Volume 4	Non-technical summary

- 1.3. The application was also accompanied by a Development Brief (Core Document 2) prepared by the WDA in consultation with Cheshire County Council.

- 1.4. In response to a letter date 5 December 1997 from the Welsh Office, the WDA subsequently provided supplementary environmental information comprising:

- i) A survey of water quality (Volume 31) (Core Document 13)
- ii) An assessment of the effect of traffic on air quality (Core Document 14)
- iii) An assessment of the effects of dust from the development (Core Document 15)
- iv) An assessment of road traffic noise associated with the development (Core Document 16)
- v) An assessment of the visual impact of the development (Core Documents 17 and 17a)
- vi) An assessment of the visual impact of traffic and associated highway improvements (Core Document 18)
- vii) An assessment of the quality of the dredged material for sustaining the planting (Core Document 19)
- viii) A survey of wintering birds (Core Document 21)
- ix) A water vole survey (Core Document 22)
- x) A survey of breeding birds (Core Document 23)
- xi) An assessment of ground water quality (Core Document 24)
- xii) A non-technical summary to the supplementary information (Core Document 24a)

1.5. In response to issues raised by the highways authorities, a Traffic Impact Assessment was submitted (Core Document 20), with a later updated supplement (Core Document 20a).

1.6. On 13 July 2000, a letter was sent to the Planning Inspectorate, setting out the basis on which the WDA now wished the application to be considered. The relevant parts of the letter were:

“1. That the application and any planning permission granted pursuant to it be tied by condition to the matters set out below drawn from the submitted Master Plan, which was included as Figure 16 in the Environmental Statement that accompanied the application when submitted. The Master Plan establishes, inter alia, the following principles of size, scale, layout and design:

- The sole vehicular access points to the proposed development (other than those to be used in an emergency) are to be from the Parkway and Toyota roundabouts on Shotwick Road.
- The relative disposition within the application site of the developable areas, the existing and proposed water bodies, the areas to be landscaped and that part of the site on which it is intended to create a nature reserve.
- The extent and configuration of the developable areas of the site, which total 81.0 hectares (200.1 acres), subdivided into Plateau A (62.2 hectares/153.7 acres) and Plateau B (18.8 hectares 146.4 acres).
- The restriction on the erection of buildings in relation to the national/country boundary: that is, no buildings closer than 200 metres on Plateau A and 150 metres on Plateau B to the national/county boundary.

2. That the development be carried out in general conformity with and so as not to materially depart from the submitted Development Brief (Draft 4 - February 1994), in respect of which the WDA has previously recommended the imposition of a planning condition.

3. That the application be considered on the basis that the site will be developed with a total gross floor area not exceeding 243,000 square metres and that each project to be located on the site will have a minimum gross floor area of 46,000 square metres. This is the basis on which the submitted Traffic Impact Assessment (Oscar Faber, April 1999) was prepared.

4. That any development on the site falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be ancillary to Class B2 and Class B8 developments.

5. That any building to be erected on the site will not exceed 23 metres in height".

1.7. On 8 August 2000, a further letter was sent to the Planning Inspectorate, stating:

- "1. In the event of outline planning permission being granted, the WDA is prepared to accept that a condition be imposed limiting development of the site to a maximum of three occupiers.
2. In our earlier letter, we indicated that any building to be erected on the site would not exceed 23 metres in height. As a result of the WDA's evaluation of existing building heights and current investment enquiries, the WDA now wishes the application to be considered on the basis that any building to be erected on the larger plateau (Plateau A) would not exceed 40 metres in height. The WDA is content that the 23 metres referred to previously should be retained in respect of development on Plateau B".

1.8. On 29 August 2000 a letter was sent to the Planning Inspectorate stating that the WDA wished to revert to the previous proposal, whereby the maximum height of any building to be erected on either plateau would not exceed 23m. The WDA remained willing to accept a condition limiting development of the site to a maximum of three occupiers.

1.9. In view of these various change, I asked at the Inquiry that the WDA should issue a composite letter incorporating in their final form all the matters set out in the previous three letters as well as any additional matters discussed at inquiry.

This was done by letter dated 21 September 2000 as follows:

"In view of the long period that has elapsed since the planning application was submitted to the local planning authority, the WDA, as applicant, has given further consideration to the form of the application and now wishes that its application be considered on the following basis:

1. That the application and any planning permission granted pursuant to it be tied by condition to the matters set out below drawn from the submitted Master Plan, which was included as Figure 16 in the Environment Statement (Core Document 4) that accompanied the application when submitted. The Master Plan establishes, inter alia, the following principles of size, scale, layout and design:
 - The sole vehicular access points to the proposed development (other than those to be used in an emergency) are to be from the Parkway and Toyota roundabouts on Shotwick Road.
 - The relative disposition within the application site of the developable areas, the existing and proposed water bodies, the area to be

landscaped and that part of the site on which it is intended to create a nature reserve.

- The extent and configuration of the developable areas of the site, which total 81.0 hectares (200.1 acres), subdivided into Plateau A (62.2 hectares/153.7 acres) and Plateau B (18.8 hectares/46.4 acres).
 - The restriction on the erection of buildings in relation to the national/county boundary: that is, no buildings closer than 200 metres on Plateau A and 150 metres on Plateau B to the national/county boundary.
2. That the development be carried out in general conformity with and so as not to materially depart from the submitted Development Brief (Draft 4 - February 1994) (Core Document 2), in respect of which the WDA has previously recommended the imposition of a planning condition.
 3. That the application be considered on the basis that the site will be developed with a total gross floor area not exceeding 243,000 square metres and that each project to be located on the site will have a minimum gross floor area of 46,000 square metres. This is the basis on which the submitted Traffic Impact Assessment (Oscar Faber, April 1999) (Core Documents 20 and 20a) was prepared.
 4. That any development on the site falling within Class BI of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be ancillary to Class B2 and Class B8 developments.
 5. That any building to be erected on Plateau A site will not exceed 23 metres in height over a maximum ground floor area of 43,848 square metres and elsewhere on Plateau A will not exceed 8 metres in height; and that any building to be erected on Plateau B will not exceed 8 metres in height. In the case of both plateaux, the heights are to be measured from a base level of 6.5m AOD.
 6. That development of the site will be limited to a maximum of three occupiers.

We confirm that the WDA is prepared to accept that the planning permission, if granted, be subject to enforceable planning conditions which would give effect to the above. This, we believe, will ensure that any planning permission granted is properly related to the environmental assessment undertaken".

The suggested conditions reflect this letter (see Section 16 below)

- 1.10. The development concept is illustrated in Volume 2 of Core Document 4: "Illustrations". This includes maps and photographs of the site together with a master plan (16) illustrative layout (17), site sections and landscaping details. The master plan shows the site as being developed to

provide two plateau areas for development: Plateau A of 62.2 ha (153.7 acres) and Plateau B of 18.8 ha (46.4 acres), the division between them following the alignment of the existing 400kV overhead line. The plateaux are to be raised to obviate flooding and the raising of levels will require the excavation of up to 1.8 million tonnes of fill material from part of the site, which will provide a void to be flooded to form a lake. This part of the site would then be managed as a nature reserve.

1.11. It is envisaged that the site preparation works would take approximately 44 weeks and the key principles will be as follows:

- i) Topsoil will be stripped from the area of the proposed lake and water will be supplied to the area (this will come from existing groundwater, supplemented if necessary from Shotwick Lake).
- ii) A suction dredger will be placed in the lake area and a twin pipeline will be connected from the dredger to the proposed development areas.
- iii) In the development area, topsoil will be stripped and a bund will be formed around the perimeter of each area to the proposed ground level.
- iv) Hydraulic sand (a mixture of sand and water) will then be pumped via one of the pipelines from the new lake to the development areas where it will be deposited within the bunds and spread to form the raised development platforms.
- v) A pump will return the carrying water along the other pipeline to the site of the lake.
- vi) As shown on Plan 17 of Volume 2, Plateau B will be created first in a sequence of four separate 'cells', followed by Plateau A.
- vii) After completion of the earthworks, each cell will be hydroseeded with a mix containing a surface sealant, seed and fertiliser. This will minimise the risk from wind blown sand.

1.12. Access for vehicles is proposed by improving the existing Parkway and Toyota roundabouts on Shotwick Road. No permanent link is currently envisaged between the two development areas, although emergency exits would be provided from both.

2.0 SITE DESCRIPTION

2.1. The application site is located in the extreme north-eastern corner of Wales, with the long north-eastern boundary of the site lying along the national (England/Wales) and County (Cheshire/Flintshire) boundaries. The other long (south-western) boundary lies along Shotwick Road (A548), a dual-carriageway road linking the A494T/A55T with the new

Flintshire Bridge. The short south-eastern boundary lies close to the A494, whilst the short north-western boundary adjoins a railway line, beyond which are marshes including Inner Marsh Farm, managed by the RSPB as a nature reserve.

The site is, in effect, long and narrow, relatively flat (4.440 to 6.180 AOD), and in agricultural use. The site includes a lake, used by a sailing club.

- 2.2. On the western side -of Shotwick Road lies the extensive Deeside Industrial Park, which includes a wide range of buildings, some of them substantial in size and prominent in the landscape. Other surrounding uses are generally open and of a rural nature. To the north and east the land rises, with large fields, hedges and woodland and the three Cheshire villages of Burton, Shotwick and Puddington, all of them designated as Conservation Areas. The City of Chester lies some 5km to the south-east, whilst the nearest urban area is Connah's Quay, beyond the River Dee to the south-west.
- 2.3 The site has no major buildings. There are smaller structures connected with the sailing club or agricultural uses, together with a pumping station and an electricity sub-station. There is a small group of houses, 1-5 Green Lane, adjacent to the south-eastern boundary. Two public footpaths cross the site. The total area of the application site is given in the planning application as being 208.6 ha (515 acres).
- 2.4. The application site is farmed by W T Banks and Co (Farming) Ltd (refer to Section 9.6 of this report for a description of their land holdings and activities). The majority of the site comprises land known as Holdings 1 and 2 Sealand, with a smaller area in the north-eastern part of the site forming part of Inner Marsh Farm (land areas and tenure are given at 9.6). Lying alongside part of the north-eastern boundary of the application site is Home Farm, owned by W T Banks and located on rising land within Cheshire. The extent and location of these areas of land is shown on Plan 24 in Core Document 4: "Farm Holdings".
- 2.5. JSR Farming Group (see paragraph 9.6.9 et seq) manage two pig units, Gun Park and Chapel Farm, located on land within (Gun Park) or adjacent to (Chapel Farm) Home Farm. The location of these units is shown on Plan CPM2 of Document WDA. A piped system of slurry disposal from JSR's holdings runs onto the application site, where it discharges.
- 2.6. An extensive series of plans and photographs of the application site and its surroundings will be found at Core Document 4. Photo-montages of the application proposals will be found at Core Documents 17 and 17a.

3.0. HIGHWAYS & TRANSPORTATION

Existing Highway Network

- 3.1. The existing highway network in the vicinity of the application site is shown on Figures 5.1a and 5.1b in Document WDA9. Access to the application site would be gained from the A458 Shotwick Road via two existing roundabouts, Toyota Roundabout and Parkway Roundabout. To the west, Shotwick Road passes over the new Flintshire Bridge to give access to Flint and other towns along the north Wales coast. To the east, Shotwick Road connects to the dualled A550(T) at the grade-separated Deeside Park Interchange.
- 3.2. A little way to the north of Deeside Park Interchange, the A550(T) crosses into England. Beyond the national boundary, at the signalised Woodbank Junction, the road splits. The A550(T) continues to the north as a single-carriageway link to the M53. To the east, the A5117(T) dual carriageway connects to the M56 via the Little Chef and M56 roundabouts.
- 3.3. To the south of Deeside Park Interchange, the A550(T) continues into Wales. At Drome Corner Interchange, the dual carriageway becomes the A494(T) and extends beyond Connah's Quay via the Queensferry and Ewloe interchanges. At Ewloe, the A494(T) becomes the A55(T). To the northwest, the A55(T) runs through north Wales. To the southeast, south and east, the A55(T) continues to the south and east of Chester, eventually linking with the southern end of the M53 motorway a little way south of its junction with the M56. The M53 and A55(T) can be used as an alternative route into the area as advised by signs of the M56 westbound, when appropriate.
- 3.4. The east-west route comprising the M56, A5117(T), A550(T), and A55(T) all form part of the E22 (Ireland-Poland) Trans European Network.

Existing Public Transport

- 3.5. There are two railway lines in the vicinity of the application site. The Wrexham to Bidston line runs roughly north-south and passes through the Deeside Development Zone. The North Wales Coastal route, running east-west, passes within 3km of the proposed development. Shotton Station, 3km to the south, serves both lines. The other fully operational station is at Neston, 5km to the north, on the Wrexham-Bidston line. Harwarden Bridge Station, also on the Wrexham-Bidston line, is only served at weekday morning and evening peak times. Shotton and Harwarden Bridge stations would provide easiest access to the site although pedestrian access is poor.
- 3.6. From Shotton Station, there is an hourly train service on the Wrexham-Bidston line, Mondays to Saturdays, between 0700 and 1930 hours. On the North Wales Coastal route, a twice-hourly service operates in the peak

hours reducing to hourly in off-peak hours up to 2300 hours. Irregular and much less frequent services run at other times.

- 3.7. The buses currently serving the Deeside Development Zone are service Nos 20, 21, 22 and 111. The routes and times of operation are shown on the timetable at Appendix D in Document WDA8. Bus numbers 20 and 21 are weekday peak hour services linking Holywell bus station with Deeside Industrial Park via different routes. There is one bus a day in each direction Mondays to Fridays. A similar service, the No 22 service, runs between Mold and the Deeside Industrial Park. Buses call at Shotton Station.
- 3.8. The No 111 service runs between Mold and Ellesmere Port. It is the only regular bus link in the vicinity of the Deeside Industrial Park. There is no Sunday service. The first bus from Mold is at 0618 hours (not Saturdays). Subsequent buses are at 0733 and 0848 hours, then, generally, every hour up to 1648 hours. There is a similar service in the opposite direction.

4.0 PLANNING HISTORY

- 4.1. The only previous planning application on this site of direct relevance is that submitted in outline by the WDA in June, 1992 in respect of proposed business and industrial development (Use Classes B1, B2 and 138) including the erection of buildings, raising the level of the site, provision of infrastructure, landscaping and associated works. This related to a 20 ha site within the western part of the current application site and was submitted in response to a contemporary enquiry on behalf of a large inward investment. The 20 hectares sought to facilitate the first phase of the project.
- 4.2. The Local Planning Authority, Alyn and Deeside District Council, resolved to grant planning permission subject to a Section 106 Agreement but in September, 1992 the then Secretary of State for Wales issued a direction that the application be referred to him for determination. In November, 1992, the Secretary of State informed the Local Planning Authority of the matters which were likely to be most relevant to his consideration of the application:
 - i. The visual and environmental effects of the proposed development on the site and surrounding areas.
 - ii. The effects of the proposed development on nature conservation on the site and surrounding areas, and in the Dee Estuary.
 - iii. The impact of the proposed development on an area of high quality agricultural land.
 - iv. Relevant national and development plan policies.

4.3. Arrangements were made to hold a public local inquiry but the application was withdrawn in November, 1995.

5.0 PLANNING POLICY BACKGROUND

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.

6.0 ALYN AND DEESIDE LOCAL PLAN

6.1. The ADLP was issued for consultation in December 1991, and a revised plan placed on deposit in the summer of 1994, having received a certificate of General Conformity from Clwyd County Council on 16 May 1994. A public inquiry into objections was held by Mr Keith Smith BA(Econ) DipTP, DPA, FRTPI, ACIS between October 1995 and January 1996. Modifications were proposed in 1997, but the Welsh Office intervened in October 1997, issuing a direction to modify Policy Em15. A modification of the policy proposed in February 1998 failed to satisfy the Welsh Office and on 22 September 1998, the Council resolved to take no further action towards progressing the plan towards adoption, pending the determination of the present application. The plan is thus not part of the development plan for the purposes of Section 54A, and this led to considerable dispute at Inquiry as to the weight it should be given.

6.2. In the deposit version of the plan (Core Document 35), Policy Em15 read as follows:

"OPPORTUNITY SITE 2

Em15 THE LAND NORTH OF SHOTWICK ROAD IS DESIGNATED AS 'OPPORTUNITY SITE 2' AND IS ALLOCATED FOR LARGE-SCALE COMPREHENSIVE MIXED USE DEVELOPMENT COMPRISING BUSINESS, INDUSTRIAL, COMMERCIAL AND LEISURE USES.

Reasons and Explanation

5.61 This site covers about 186.2 hectares (460 acres) gross and is considered suitable for business, industrial, commercial and leisure uses in the form of a large-scale comprehensive mixed use scheme. It is within the Deeside Development Zone. When detailed proposals are prepared for the site particular attention will be given to the impact upon the Dee Estuary and on nearby settlements in Cheshire. Proposals for commercial and leisure uses would need to comply with the appropriate policies for shopping and other commercial uses and for leisure uses, especially the requirement not to have a serious effect on the vitality and viability as a whole of any town or district centre in the Plan Area or town centres elsewhere. The Council believes that there are special circumstances which warrant the development of this land for employment uses even though the high quality of the farmland in this area would normally be safeguarded by Policy A1 in Chapter 9."

6.3. Two other "Opportunity Sites" were also designated by the plan, as follows:

OPPORTUNITY SITE 1

Em14 THE LAND NORTH WEST OF GARDEN CITY IS DESIGNATED AS 'OPPORTUNITY SITE 1' AND IS ALLOCATED FOR LARGE-SCALE COMPREHENSIVE MIXED USE DEVELOPMENT COMPRISING INDUSTRIAL, COMMERCIAL, LEISURE AND SMALL-SCALE RESIDENTIAL USES.

OPPORTUNITY SITE 3

Em16 THE FORMER CONNAH'S QUAY POWER STATION SITE IS DESIGNATED 'OPPORTUNITY SITE 3' AND IS ALLOCATED FOR LARGESCALE COMPREHENSIVE MIXED USE DEVELOPMENT COMPRISING INDUSTRIAL, COMMERCIAL AND LEISURE USES.

6.4. A number of objections to the policy were considered by the Local Plan Inspector, including one from the WDA, who supported the Opportunity Site designation, but opposed the use of the site for commercial and leisure uses as this would detract from the potential to accommodate large scale industrial projects; and one from the Welsh Office, who considered that guidance should be included as to how the mix of uses on the site would be achieved. WORD (as it then was) raised a strong objection to the

loss of agricultural land of Grade 2 quality. (The objections are summarised on page 133 of Core Document 36).

- 6.5. The Council put forward Proposed Change 73, which required the formulation of a development brief and the preparation of a formal Environmental Assessment for development proposals. The brief would make it clear that the majority of the site was for B1 and B2 uses and that commercial uses would be small in scale and ancillary to the primary use of the site for employment purposes. The Inspector considered that this would meet the concerns of the WDA and the Welsh Office, the latter objection having been withdrawn.
- 6.6. The Inspector did not accept that the site should be included in a Green Barrier in order to relate satisfactorily to the strategic purposes of the West Cheshire Green Belt, and did not regard the site as fulfilling any of the purposes of a Green Barrier. Nor did he consider that the site need remain undeveloped in order to safeguard the appearance and character of the Cheshire villages.
- 6.7. As regards the effect on birds particularly lapwing, corn bunting and grey partridge, he considered the concerns of objectors well-founded. He noted that mitigation measures were proposed, but regarded them as damage limitation only. This was an important factor to be weighed against the proposed allocation, he concluded. On loss of good agricultural land, he said:

"5.131 The objection site, as highly productive and versatile Grade 2 agricultural land, represents a valuable national resource in the longer term. This point was accepted by the Council. As WOAD raise a strong objection to its development it appears to me that the release of the site could only be justified in the most exceptional of circumstances. This point was accepted by WORD and the Council, though not by the Green Party. Neither WOAD nor the Council could, perhaps understandably, give me any indication as to what circumstances would be regarded as exceptional. This must, therefore, be a matter of judgement for the decision maker in the light of circumstances prevailing at the time. In the absence of any compelling justification for land release I consider that the land should be retained in productive agricultural use for as long as possible. Its contribution to national farm output should not be put at risk by measures such as land raising or recontouring as part of any speculative site preparation works. Given the availability of other allocated sites and Opportunity Sites 1 and 3, which are available for a wide range of developments, I conclude that there is no compelling case for release of the site at this time contrary to the strong objection by WOAD".

- 6.8. His conclusions and recommendations were:

"5.132 The agricultural land quality objections of WOAD and the Broughton Green Party appear to me to be decisive. The objections of RSPB, NWWT and Broughton Green Party on grounds of adverse

ecological impact are also of great significance and must be weighed against the proposal. I accord the other objections less weight and consider that many of the points raised are met by the preparation of the development brief and the requirement to undertake EA prior to the release of the site for development. Having regard to the foregoing I therefore conclude that Opportunity Site 2 should be recommended for deletion from the plan.

RECOMMENDATION

5.133 I recommend that the plan be modified as follows:

- (1) by the deletion of Opportunity Site 2 from the Proposals Map;
- (2) by the deletion of Policy Em15; and
- (3) by the deletion of paragraph 5.61 of the explanatory text."

6.9. These recommendations were not accepted by the Council following receipt of the Inspector's report in July 1996. What followed is set out in paragraphs 8.6 to 8.12 below. Following Welsh Office intervention, the Council produced proposed modification MD1, as follows:

"Delete the existing Policy EM.15 and Reasons and Explanation as contained in paragraph 5.61 and substitute the following policy and supporting text:

OPPORTUNITY SITE 2

EM.15 THE LAND NORTH OF SHOTWICK ROAD, TO BE KNOWN AS 'OPPORTUNITY SITE 2', IS DESIGNATED AS A MAJOR INWARD INVESTMENT SITE RESERVED TO MEET THE NEEDS OF LARGE SCALE INDUSTRIAL AND BUSINESS USES, DEVELOPED IN A COMPREHENSIVE MANNER AND WHICH MAY INCLUDE ELEMENTS OF COMMERCIAL AND LEISURE USES.

Reasons and Explanation

5.61 This site, situated within the Deeside Development Zone, covers about 186.2 hectares (460 acres) gross and is considered suitable to meet the needs of large scale inward investment projects which may include manufacturing, high technology and headquarters business functions. Within the site which includes a large area of wetland, appropriate ancillary commercial and leisure uses would be considered acceptable provided that the commercial and leisure elements do not have a serious effect on the vitality and viability as a whole of any town or district centre in the plan area or town centres elsewhere. Development of the site will be carried out in accordance with the principles of an approved planning brief and will be subject to an environmental impact assessment. When detailed proposals are prepared for the site particular attention will be given to the impact

upon the Dee Estuary and on nearby settlements in Cheshire. As part of the development significant areas will be reserved and developed as a landscape buffer zone within which new wildlife habitats and wetland areas will be created.

5.62 The Council believes that there are special circumstances which warrant the development of this land for employment uses even though the high quality of the farmland in this area would normally be safeguarded by Policies A1 and G1 (M) of the Plan. The Plan area's identification in Planning Guidance (Wales) Planning Policy as part of a major growth area and references to the need to identify and bring forward sites for large inward investment, together with a scarcity of suitable sites elsewhere in North Wales justifies the site's allocation for this type of use. The location of the site in relation to the existing transport network and other potential sustainable transport opportunities is also a significant influence on the allocation of this site."

6.10. The Welsh Office stated on 29 May 1998, that the proposed modification did not satisfy the Direction of 15 October 1997; and there the matter has rested.

7.0 THE CASE FOR THE APPLICANTS

The material points were:

7.1 STRATEGIC OBJECTIVES OF WDA

7.1.1 The WDA was a statutory body, originally established in 1975, and recently expanded by integration with the Land Authority for Wales and the Development Board for Rural Wales. Its statutory functions were:

- i) to further the economic and social development of Wales or any part of Wales;
- ii) to promote efficiency in business and international competitiveness in Wales;
- iii) to provide, maintain or safeguard employment in any part of Wales; and
- iv) to further the improvement of the environment in Wales (having regard to existing amenity).

7.1.2 A key concern of UK regional economic development policy was to improve competitiveness, as measured by GDP. Only two (London and South East England) of the twelve regions of the UK exceeded the average European Union GDP per head. Between 1991 and 1998, Wales had gone from third to second from bottom of the UK's competitiveness league, with average GDP per head under 80% of the UK average, a trend that appeared to be worsening.

7.1.3 Flintshire and Wrexham had enjoyed a hard-won but remarkable economic turnaround over the last decade or so. Over that period, unemployment had gone from twice the national average to below the national average. Figures for GDP per head put the region just above the UK average. However, it needed to continue to grow in order to lift GDP in both North Wales and Wales as a whole.

7.1.4 Welsh policy guidance had as a key aim to encourage economic development, and recognised that new development was likely to continue to focus on existing urban locations, particularly the heavily populated coastal strips in South Wales and North East Wales. "Pathway to Prosperity" (Core Document 55) referred to a fairer distribution of jobs and investment throughout all parts of Wales, particularly the South Wales Valleys and rural Wales. However, it also referred to the need for large-scale inward investment sites to be identified, preferably in Assisted Areas and Development Areas. The Agency was responsible for assembling, preparing and/or delivering such sites, and the Shotwick Road proposals furthered the Agency's strategic objectives, but not at the expense of its programme for West Wales, which was focussed and well-resourced.

7.1.5 In May 2000, the National Assembly published "betterwales.com" (Core Document 58) which set out a number of goals or 'benchmarks' for Wales in 2010. In economic terms, these included:

- i) Output per head must have risen from around 83% of the UK average in the mid 1990's to at least 90%, generating an additional £5 billion at 1997 prices.
- ii) With the assistance of European Union Objective I Programme for West Wales and the Valleys, output per head in the Valleys and West of Wales should have increased from about 73% of the UK average during the mid 1990's to over 80%.
- iii) The total number of new businesses should have risen by 35,000 and the number of jobs should have grown by 135,000, of which 110,000 should be located in the Valleys and West Wales.
- iv) Inward investment should have been maintained at late 1990 levels.

7.1.6 In the shorter term, "betterwales.com" also incorporates specific targets for March 2003. These targets include:

- i) Inward investment projects to generate an average of 7,000 jobs a year.
- ii) 40,000 net additional jobs to be created, 34,000 of which should be in the West of Wales and the Valleys.

7.1.7 These targets were demanding, and the objective of a major uplift in Welsh GDP was not going to be achieved solely by focussing on large-

scale job generation in the Valleys and West Wales. The generation of higher levels of Welsh GDP would continue to require the further development of high technology, high value companies, employing skilled and well-paid workers.

- 7.1.8 In seeking to meet the economic targets set by the Assembly in terms of increasing GDP per capita and creating more jobs, while acknowledging and addressing regional disparities, both the Assembly and the Agency recognised the vital role of inward investment. The Agency's success in attracting inward investment was based on an established programme of identifying, assembling and delivering an adequate range and supply of sites underpinned with the requisite physical, economic and environmental infrastructure throughout Wales.
- 7.1.9 The need for the Agency to maintain an adequate portfolio of sites was essential to its ability to attract and maintain new investment in Wales. In providing sites, the Agency had to recognise the variety in the needs of different regions in Wales in terms of the type and intensity of economic development while also acknowledging the requirements of inward investors in terms of location and type of site.
- 7.1.10 Following the July 2000 agreement between the Government and the European Commission about Assisted Areas, Shotwick Road became the largest development site available with Assisted Area status in North East Wales. Acquisition and delivery of the Shotwick Road site would not imply any weakening of support for development of the economy in North West Wales. Expenditure on the site with its outstanding strategic attributes would be considered as an all-Wales strategic project, one that had an impact well beyond the immediate locality. It would not be at the expense of budgetary provision for sites in North West Wales, which are well supported by the EU backed Objective 1 programme.
- 7.1.11 The Agency had a clear remit to improve the environment. With some exceptions much of the environmental dereliction of North Wales's coal, steel, and textile era had been removed. In North East Wales, there were few brownfield sites left available for development, and none remotely comparable to Shotwick Road in terms of size, location and grant support regime. In North West Wales, there were obviously fewer brownfields to renew and utilise. In fact, given North West Wales' mountainous topography, there were comparatively few flat field opportunities let alone brownfield opportunities. Thus, throughout North Wales almost all new site developments were, of necessity, greenfield.
- 7.1.12 With one exception, the North Wales strategic sites programme was, at county level, constrained by the above circumstances of topography and land availability to sites of modest size compared with Shotwick Road. In size terms Ty Mawr, near Holyhead, was superficially comparable. The Agency, supported by Ynys M6n County Council, was in discussion with a local landowner regarding an 80 hectare unserviced greenfield site adjoining the soon to be completed A55 dual carriageway, just outside the

Irish Sea ferry port of Holyhead. The initial viable development area was 60 hectares, with perhaps all 80 hectares developed over a 15-20 year timescale.

- 7.1.13 Discussions between the landowner, the planning authority and the WDA's technical advisors were still ongoing. However, it was probable that any early phase of development would comprise a commercial/leisure/retail element which would reduce the 60 hectares initially available to some 57 hectares. Initial topographical and environmental appraisal suggested that the largest plot size was likely to be 20 hectares. Clearly, the site was not comparable with the Shotwick Road site in terms of size, and was certainly less advanced in preparation.
- 7.1.14 Critically, however, Ty Mawr, Holyhead was one and a half hours west of Shotwick Road and all the outstanding locational advantages Deeside offered. Local and inward investment would be attracted to Ty Mawr because of its particular unique selling points. The potential Ty Mawr site development demonstrated the Assembly and Agency's commitment to North West Wales. However, the prospects for attracting singular, large scale global investment to Ty Mawr were limited. It was a complementary opportunity, but not a substitute for the Shotwick Road site.
- 7.1.15 Such was the international competition for large-scale investment that, in order for a site to be a realistic contender, it not only had to possess the desired locational characteristics but it must be deliverable. The site must either possess the necessary infrastructure, or the appropriate infrastructure must be made available within the specific timescale required by the investor. In addition to the above, there must of course also be no uncertainty regarding the ownership of the site and the planning background. Such was the inward investment market today that if any of the above were missing the site could not be offered to inward investors with complete assurance.
- 7.1.16 To compete successfully in the global market, Wales needed sites which were competitive and attractive to inward investors. Investors were undoubtedly becoming more discriminating in their choice of location. The benefits of potential locations, capability and timescale for site delivery were subject to vigorous scrutiny. While criteria for individual investors would vary, depending on the nature and scale of the investor, generally firms required good national and international transportation links, together with an available, suitably skilled workforce. They needed the infrastructure to access UK and EU markets.
- 7.1.17 The Agency firmly believed that if granted planning permission the application site would provide an excellent, much needed, opportunity for North Wales to attract major inward investment.
- 7.1.18 The success of Deeside in terms of economic development was largely based on its locational advantages. These advantages included the continuation of Assisted Area Status; its proximity to an established

workforce; its direct access onto a major highway network; its proximity to Manchester International Airport (which offered direct access to Europe, the Far East and North America); and the presence of a wide range of existing manufacturers and potential suppliers.

- 7.1.19 In addition to the above advantages, the application site at Shotwick Road offered the opportunity to provide some 81 hectares of developable land within a landscaped setting comprising a further 127.6 hectares. The Agency's involvement would ensure the site's availability and provision of infrastructure to enable its release to meet user requirements.
- 7.1.20 The Agency had a portfolio of smaller sites across the North Wales region and possessed a wide knowledge, through its work with its partners on the North Wales Economic Forum, of other existing employment sites. The Agency was convinced that there were no other sites of this scale available or capable of being implemented in the North Wales region that possess the characteristics necessary to attract large-scale investment. The WDA wished to conclude their involvement in the Deeside area with world class investment in an outstanding landscape and location.

7.2 LOCAL AND REGIONAL ECONOMIC CONTEXT

- 7.2.1 The application site was located in a large labour market, and was well served by the trunk road network, being immediately accessible to the A55 North Wales Expressway, and the M53 and M56 motorways. It was highly accessible for car-borne journeys to work and also benefited from a railway station nearby at Shotton, and local bus services. The complex travel to work patterns around the DDZ paid no attention to district, county or national boundaries.
- 7.2.2 The DDZ benefited from a wide commuting zone, due to the combination of relatively uncongested roads in North Wales (especially the A55 and A483 towards Wrexham) and proximity to the motorway network of North West England. (The 30 min travel time is shown on the map at Document WDAI). The Local Impact Area (again, see Document WDAI) included 93% of the current workforce of the DDZ, and included the following local authority areas: Flintshire, Wrexham and Denbighshire in North Wales; Wirral in Merseyside; and Chester and Ellesmere Port and Neston in Cheshire. 58% of the 8900 workers employed in the DDZ lived in North Wales (48% of the total lived in Flintshire, plus 6.8% in Wrexham). In 1998 the population of Flintshire was 147,100, and that of the Local Impact Area was 888,600.
- 7.2.3 Within Flintshire, manufacturing was the economic mainstay, with 44% of employees working in manufacturing and production industries (as against 29% in the Local Impact Area and 18% in Great Britain). There was strong concentration in a number of industries, eg aerospace (BAe Systems at Broughton), steel manufacture (Corus at Shotton), medical equipment, fibre optics, paper manufacture, and food and drink. The economy of Flintshire and the wider area was considerably stronger than at any time

over the last 10 years, but remained vulnerable to economic restructuring and global economic forces. The recently announced restructuring plans of Corus were a reminder of the continued need to attract new investment.

7.2.4 Deeside Industrial Park was occupied by an estimated 67 companies, which were involved in a variety of manufacturing, service and distribution activities. The size of companies varied considerably, from a few employees to in excess of 1000. The dominant activity was manufacturing, with 66% of companies employed in that sector. The picture of concentration of manufacturing in Flintshire this gave was exaggerated by administrative boundaries. Chester had a concentration of service sector employment, and Flintshire and Chester were closely connected by commuting patterns and business linkages, to their mutual benefit.

7.2.5 The area in the immediate vicinity of DDZ had become a successful economy. Job creation had been strong, in part driven by the area's success in attracting, retaining and expanding inward investment. However, in spite of the economic success of the DDZ and Flintshire more generally, there was still evidence of economic need:

- i) Average earnings were still well below the Great Britain average and had been slipping back in relative terms (to 8% below the GB average in Flintshire).
- ii) In the wider Local Impact Area there was a very large labour pool. Some parts of the Local Impact Area had weak labour markets. There was a total of some 18,000 unemployed claimants in the whole of the Local Impact Area.
- iii) Employment rates (at 68%) in the Local Impact Area remained below the UK average (74%) and was significantly below those of the most successful part of the UK. There was still a substantial "jobs gap" amongst the residents of Flintshire (of the order of 6,000 jobs).
- iv) Compared to the most competitive European Union regions, both GDP and wage levels lagged behind considerably.

7.3 ROLE OF INWARD INVESTMENT IN ECONOMIC DEVELOPMENT

7.3.1 Foreign direct investment (FDI) was defined as "when an investor in one country (the home country) acquires an asset in another country (the host country) with the intent to manage that asset." It could take a number of forms, but that most likely to require large industrial sites was where a foreign-based company set up a completely new operation on a greenfield or brownfield site. In the later half of the 1990s, inward investment had grown rapidly, both globally and in the UK. In the case of the UK, there were 757 inward investment projects in 1999/2000 leading to the creation of 52,783 new jobs. Manufacturing investment accounted for 40% of all projects; with R & D, contact centres, and HQ operations all featuring

strongly. The US continued to be by far the largest single inward investor, with 48% of all projects. All recent evidence suggested that past high levels of FDI would be sustained over the medium term.

7.3.2 Inward investment had an extremely important role to play in the Welsh economy. In the last four years, all forms of inward investment had created 41,500 jobs (and safeguarded 15,300) and led to the investment of £5 billion in: 468 projects. Within this total of new jobs, 25,000 were created and 14,000 safeguarded by overseas owned firms.

7.3.3 Within Wales, the former county area of Clwyd (which includes Flintshire) had been one of the most successful areas for inward investment. Over the 16 year period 1985 to 2000, inward investment in the former County area of Clwyd created 22,800 jobs and safeguarded a further 9,300 jobs. Between 1996 and 2000, the former county area of Clwyd accounted for 16% of all inward investment projects in Wales; 31% of all inward investment capital expenditure in Wales; and 12% of all new jobs created by inward investment in Wales.

7.3.4 Flintshire County Council had recorded a total of 49 successful new inward investment projects in its area between 1996 and 1999, providing 1149 jobs. This equated to 91% of all new inward investment projects into Clwyd as recorded by the WDA, and 57% of jobs created by new inward investment. Deeside Industrial Park accounted for 7 of the 49 projects and 775 jobs (or 67% of all jobs thus created).

FACTORS AFFECTING INWARD INVESTMENT

7.3.5 Factors influencing the choice of inward investment locations were:

- i) communications and proximity to markets and suppliers
- ii) quality, cost and availability of labour and other factors of production
- iii) helpfulness of area representatives and development packages available
- iv) past record of inward investment.

Communications and proximity

7.3.6 Inward investors required sites to have excellent communications to their markets, meaning quality road, rail, air and sea infrastructure. The attractiveness of North Wales and North West England had been improved in recent years, for example, by large investment in the regional motorway network and in Manchester Airport (American investors were particularly interested in sites within easy reach of a major international airport). The second full length runway at Manchester Airport would further the

attractiveness of inward investment to the North West of England and surrounding areas including North Wales.

- 7.3.7 Inward investors also considered the proximity of reliable local suppliers to their production process. The importance of this would vary from company to company depending on their supply chain requirements. Additionally, some investors would wish to be located in the same area as their competitors where there were established supply lines and a "critical mass" of skilled labour ("Silicon Glen" in central Scotland, for example).

Quality, cost, availability of labour

- 7.3.8 The ready availability of a skilled and experienced industrial labour force at competitive wage costs was often a crucial factor in the investment decision. The UK had benefited from relatively low labour costs traditionally in the attraction of inward investment and was enjoying a good reputation currently as a skilled and flexible workforce (industrial disputes were at their lowest levels and manufacturing productivity has grown continuously over the last 15 years).

Area Representatives and packages

- 7.3.9 There was competition at an international level over the grant packages which areas could offer potential inward investors. While comparisons of these might effect a decision between areas one way or the other, they were unlikely to be the main reason for an investor's final investment decision. This was because, when committing themselves to a large investment, investors were thinking long-term about their operations, rather than about any short-term cost savings. The Welsh experience with Japanese inward investors was a good example of this; because Japanese companies typically took a considered long-term approach to investment decision making, the ones which had located in Wales had almost all prospered.

- 7.3.10 There was some evidence that American. companies which located in Wales were more likely to do so because of the attractive packages available to them. The scaling down of the support available in many parts of North East Wales, therefore, was a factor in reducing the relative attractiveness of the areas, but only one factor amongst many.

Past Record

- 7.3.11 The fact that other foreign investors had already located and prospered in an area was undoubtedly an incentive for potential inward investors to consider the location. By talking to some of these companies they would be able to get a good feel for the area relating to its strengths, weaknesses and potential. The fact that Wales was successful in attracting Japanese investment at an early stage, and that these operations were successful, undoubtedly helped "put it on the map" as a potential area for inward investment.

INWARD INVESTMENT INQUIRIES TO WDA

- 7.3.12 During 1995 and 1996, the number of enquiries received by the WDA rose sharply to 721 and 877 respectively from 580 in 1994. In both years the majority of enquiries were for small sites. In 1995, 79% of enquiries related to sites less than 4 hectares (10 acres) and in 1996 for 82% of enquiries. Sites of less than 20 hectares (50 acres) accounted for 95% of enquiries in 1995 which rose slightly to 96% in 1996.
- 7.3.13 In both 1995 and 1996, the number of enquiries for large sites over 100 acres (40 hectares) was significantly higher than in 1994. 10 enquiries were made in 1994 about sites over 40 hectares, whilst 29 and 24 such enquiries were made respectively in 1995 and 1996. 31% of such enquiries were in respect of sites of around 40 hectares (100 acres) and 41% were about sites of above 200 hectares (500 acres). 12% of enquiries were made by the automotive sector and 25% by electronic related companies. There were substantial numbers of enquiries from silicon chip manufacturers that preferred large sites in these years.
- 7.3.14 During 1999/2000, WDA dealt with a total of 675 clients at an all Wales level (Table below). 6% of these required sites exceeding 20 hectares and 16 (or 2.3% of the total) required sites exceeding 40 hectares. At a North East Wales level a total of 59 clients were assisted; 5% required sites exceeding 20 hectares and of these, 2 required sites exceeding 40 hectares. Demand for large sites was clearly relatively low compared with total demand, but this was to be expected. The important point was that demand for large sites still clearly existed.

Size of Site (Ha)	All Wales		North East Wales		North West Wales	
	No.	%	No.	%	No.	%
0-10	559	82.8	47	79.7	35	79.5
> 10-20	77	11.4	7	11.9	6	13.6
>20-40	23	3.4	3	5.1	1	2.3
>40	16	2.3	2	3.4	2	4.5
Total	675	100	59	100	44	100

7.3.15 In the last two years (1998/9 and 1999/2000) the WDA had received 27 inquiries for very large sites (40ha or more). The details were as follows:

Size of Land Area (Ha)	Sector	Origin of Enquiry
200	Developers	Not Stated
200	Industrial	Not Stated
200	Unknown	UK
120	Unknown	Not Stated
100	Light Industrial	UK
80	Developers	UK
80	Developers	UK
80	Miscellaneous	UK
80	Electronic	Europe
100	Developers	UK
70	General Enquiry	Not Stated
60	Recycling/Waste Management	UK
60	Miscellaneous	UK
60	Unknown	UK
60	Electronic	Not Stated
40	Automotive	North America
40	Manufacturing	Rest of the World
40	Manufacturing	Europe
40	Recycling/Waste Management	UK
40	Call Centre	North America
40	Manufacturing	North America
40	Developers	UK
40	Leisure Use	UK
40	Light Industrial	Not Stated
40	Unknown	UK
40	Unknown	Not Stated
40	Miscellaneous	UK

7.4 AVAILABILITY OF ALTERNATIVE SITES

7.4.1 The case for the development of the application site depended in part upon the extent to which there are other comparable large strategic employment sites available. An assessment had, therefore, been done of sites in North Wales and North West England. Sites in England were relevant because travel-to-work patterns were such that residents of North Wales, particularly Flintshire, could, and did, work in North West England (and vice versa). In addition, large scale inward investors could well look at locations in North Wales and North West England simultaneously, since both shared similar locational benefits (eg access to Manchester Airport).

- 7.4.2 Although a wide area, including North West England, had been considered, it was to be noted that there was no basis in national or regional policy for suggesting that these proposals were inappropriate in Deeside, and emerging, regional guidance expressly endorsed that location as one of only two appropriate for strategic employment opportunities.
- 7.4.3 It was the Applicants' contention that this site had come forward through the development plan process. Nothing in Structure Plan Policies AI, A2 or A 10 endorsed the view that strategic sites should be sought elsewhere, including in other regions. One did not begin (as some objectors suggested) with the identification of a 'need' and then search widely for sites to satisfy that need. One began with the development plan, and specifically with Policy A10. That, and national policy, promoted this form of economic development at this location. Nor was it correct to set up a false dichotomy between Deeside on one hand and West Wales and the Valleys on the other, since national policy encompassed both.
- 7.4.4 The search area was mainly confined to sites in excess of 20 hectares (ie similar to the smaller of the two development areas on the application site) within 45 minutes drive time of Deeside. Such sites were to be found in North Wales, Cheshire, and Merseyside. (A summarised assessment of such sites is to be found at Document WDA3). In addition, sites in excess of 50 hectares, within 1 hour's drive time (ie in Greater Manchester) were also noted.
- 7.4.5 The availability of the sites listed was classified as follows:
- Immediate:** sites with planning permission, or well advanced towards obtaining planning permission, having few or no constraints, which were expected to be developed or to become available within 2-3 years (ie before 2003).
- Medium term:** sites with planning permission or allocated, having constraints, which were likely to become available within 5 years (ie before 2005).
- Long term:** allocated sites (in UDPs or Local Plans) but with physical, access or other constraints, making their availability unlikely within 5 years (ie not before 2005).
- 7.4.6 These sites were considered under the following geographical headings: Flintshire; rest of North Wales; and North West England, subdivided into Cheshire, Merseyside and Greater Manchester.
- Flintshire**
- 7.4.7 Within the existing Deeside Industrial Park, development opportunities were limited, as the majority of available land was held for expansion of existing units. Site A4 was committed, and Site A6 was constrained by

foundations of old structures. Nothing on DIP constituted an alternative to the application site.

- 7.4.8 Within the County, there were three sites which might at first be seen as alternatives to the application sites. These were: Garden City, Queensferry; Warren Hall, Broughton; and Powergen, Connahs Quay. In reality, only the first of these sites offered any realistic possibilities, and that was highly unlikely to become available for employment uses within the next 5 years.
- 7.4.9 Garden City (identified as Opportunity Site 1 in the Alyn and Deeside Local Plan) was of the right scale (up to 125ha gross) and in the right location to provide an alternative. It also benefited from Tier 2 Assisted Area status. However, the site was in two ownerships - Corus and the Ministry of Defence, and it was uncertain when the MOD land might come forward for development. A gross area of 65ha belongs to Corus, of which approximately 41ha might be developable. The site was within the River Dee floodplain, and the Environment Agency would need to be satisfied. Major access improvements would be required, but these were not dependent upon the availability of MOD land. A planning application had been submitted for housing on the Corus land. In terms of availability, the land had to be in the 'long term' category.
- 7.4.10 Warren Hall, Broughton had a gross area of 79ha, but the planning permission was for B1 uses. The developable area was restricted by the proposed golf course, and by the flight path of BAe's nearby airfield. The objective was to develop a high quality business park, similar to that at Chester, which was approaching capacity. The net developable area might be 30 hectares or less. The site was clearly not a real alternative to the application site in terms of either scale or type of use.
- 7.4.11 The Powergen site at Connah's Quay had a gross area of 64 hectares, but only 16ha was now available for development, as a new power station and the new Dee Crossing had substantially reduced the developable area. The site was therefore not an alternative to the application site.

Rest of North Wales

- 7.4.12 Three sites existed in Anglesey (Ty Mawr, Holyhead; Rhosgoch; Gaerwen), but were much further west than Deeside, and would appeal to a different type of inward investor. They were to be seen as complementary to the application site, rather than being potential alternatives to it.
- 7.4.13 The Owens-Corning site at Wrexham (29ha gross) was not really available, as the company held it for its own long-term expansion.
- 7.4.14 The Bridge Road (formerly Firestone) site at Wrexham had a gross area of 46 hectares, and was owned by the WDA. It was within the Wrexham Industrial Estate, and the Local Plan and the Deposit Draft UDP reserved it

for a single large user. However, the WDA wished to see the site developed as smaller plots. It did not have Assisted Area status, which would be a grave disadvantage in comparison with the application site. Road access was currently poor, but funding had been secured for improvements, commencing in 2001 for a 4-year period.

- 7.4.15 Other sites in North Wales were unsuitable for the reasons given in the schedule at Document WDA3.

Cheshire

- 7.4.16 Two large sites existed at Ince, straddling the boundary between Chester City and Ellesmere Port and Neston Borough Council. Ince Park (140 ha gross) was reserved for development related to the adjacent oil or chemical industries. The site of the former Ince B power station was the subject of a recent planning permission for a major glassworks, and if this proceeded only some 30ha would be left. The timescale of site availability was also uncertain.

- 7.4.17 The large (232 ha gross) site at Warrington known as Omega 600 was the most likely to provide a true alternative to the application site. It had a Section 7 (New Towns Act) permission for B1, B2 and B8 uses, and a large part of the site was reserved by the Cheshire Structure Plan for large-scale uses. Development was dependant upon construction of a new junction on the adjacent M62, with completion expected 2003/4. The site had Tier 2 Assisted Area status. It was likely to become available within a broadly similar timescale to the application site, and for similar uses. It lay within the 30minute drive-time isochrone, but its location meant that its development would bring limited benefits to North Wales and its existence reinforced the case for a similar site in North Wales so as to allow the region to compete for inward investment.

- 7.4.18 Other sites in the County included:

- i) Basford East (Crewe), 102ha with a B8 consent, but in multiple ownership, and dependant upon the A500 road extension (anticipated 2003/4).
- ii) Manor Park, Halton. Phase 3 was under construction for several users (including retail). Phase 4 would provide for B2 and B8 uses but had a relatively small site area (22ha).
- iii) Hooton Park, Eastham (46ha) was close to Deeside, and might be suitable for a single large user. However, its future depended largely upon Vauxhall Motors, who owned part of the site, and might well retain it for their own uses since planning permission had recently been obtained for car storage on a 30ha site.
- iv) Other sites considered are listed at Document WDA3.

Merseyside

- 7.4.19 Large employment sites were in limited supply in Merseyside, and the only genuinely available site exceeding 50 hectares was Estuary Business Park in Speke, Liverpool (formerly known as Liverpool Northern Airport site). Phase 1 was being developed for B1, B2 and B8 uses. Phase 2 would provide 80ha of development land, and work to provide an access was proceeding. However it was likely that Peel Holdings, the owners, would seek to develop it on the pattern of Phase 1, ie as multiple plots. There was, of course, no way of compelling a landowner to retain a site for a longer-term potential strategic use. However, it had to be borne in mind as a possible alternative to the application site.
- 7.4.20 There were two former colliery sites near St Helens, at Parkside (57ha) and Cronton (47ha). Both sites, now cleared, were however in the Green Belt and, in planning policy terms, not available for significant development.

Greater Manchester

- 7.4.21 There were seven sites in excess of 50 hectares gross area, and these were listed at Document WDA3, together with four smaller (20-40ha) sites. However, for the reasons given in the schedule (ie, small net developable area and/or target market, and/or timescale) none of the sites presented a true alternative to the application site.

Conclusions on Alternative Sites

- 7.4.22 In terms of sites in Wales, only Garden City, Queensferry (125ha gross) and Ty MAWf, Anglesey (80 ha gross) approached the application site in scale, and had similar end uses. However, the former site was unlikely to come forward within the next 5 years because of a number of constraints on development. The Anglesey site served a different labour market from the application site, and would be attractive to a very different type of inward investor. It was complementary to the application site, rather than a competitor.
- 7.4.23 Within North West England some 40 sites had been considered in Cheshire, Greater Manchester, and Merseyside. The great majority were clearly not competitors to the application site because either they were too small (ie much less than 62ha developable area), would be developed incrementally, were for B1 uses, or had major constraints that made them unlikely to come forward in the next 5 years.
- 7.4.24 Three potential sites were identified that were of minimum 50ha (gross), available for large B2/B8 uses, and likely to come forward within 2 years. These were: Omega 600; Warrington; the Estuary Business Park, Liverpool (Phase 2); and the Ince B site, Chester/Ellesmere Port. However, for the reasons already given, the two latter sites were not true alternatives to the application site. Only Omega 600 was a genuine

alternative, and its existence simply reinforced the case for a similar site in North Wales, to allow the region to compete for inward investment.

7.5 ADVANTAGES OF THE APPLICATION SITE

7.5.1 Inward investment opportunities came in a wide variety of different shapes and sizes, and site requirements could vary to reflect this variety. Larger site enquiries could come from a wide range of manufacturing uses. However, the large body of research surrounding investment and location factors led to certain conclusions:

- i) All manufacturing inward investors required good road access and reasonable "proximity to markets".
- ii) Larger projects (in employment terms) had to be within a large labour catchment area with low(ish) wage rates but a highly skilled workforce.
- iii) Certain types of higher value added high-technology manufacturing activities might require reasonable proximity to a well-connected international airport and to research facilities within Higher Education Institutions.
- iv) Nearly all manufacturers looked for plot size which provided the opportunity for future on-site expansion if necessary, to avoid future site constraints (a feature particularly true of Japanese and other Far Eastern investment where investment decisions were made for very long-term horizons).
- v) There was a "comfort factor" in locating in an area which had attracted a number of like inward investors in the past (in part explaining the clustering of Japanese inward investment in South Wales, North East Wales, Milton Keynes, Telford and the North East and of USA investment in Scotland's "Silicon Glen" and Milton Keynes).
- vi) Investors generally preferred serviced sites with planning permission, good access and minimal constraints to allow straightforward development.

7.5.2 Site size requirements spanned a continuum, with no absolute cut-off point for what was a truly strategic site for a large-scale inward investor. However:

- i) a company considering a large capital investment in a new manufacturing plant might require a site of 20 plus hectares
- ii) the rarer "mega" projects might require sites of at least 40 or 50 hectares; for instance the Toyota Engine Plant at Deeside was on a

site of 52 hectares of which only a third was, initially, developed, the rest being set aside for long term expansion plans.

7.5.3 On the whole, inward investment enquiries by the very largest investors were relatively rare. There had been, on average, one or two such enquiries per year recorded in the former County area of Clwyd. The WDA received 10 enquiries for sites of 40 hectares or more in 1993/94, 29 in 1994/95 and 24 in 1995/96 and 16 in 1999/00. Thus, whilst larger inward investment projects were relatively rare there was definite evidence of a regular supply of interested investors which, if captured, could have a major impact on the local and regional economies.

7.5.4 The location of the application site was at the prime position for manufacturing investment in North Wales in terms of a wide variety of factors, including:

- i) Accessibility to the national motorway network and so to national markets and suppliers (sites in Wrexham or anywhere further west were poorer in this respect). It was close to the E22 route from Holyhead to Hull.
- ii) Accessibility to a large, skilled workforce in North Wales and Cheshire/Wirral (a working age population of around 530,000 and an economically active population of around 410,000) and access to a wider regional market in North West England of professional, technical and managerial staff. (In this respect Deeside was better placed than any other location in North Wales).
- iii) Access to one of the largest regional consumer and business markets in the UK (and indeed Europe) with a population of around 6 million within an hour's drive time.
- iv) Good access to a major and growing international airport at Manchester Airport (within around 45 minutes drive time). Although not an absolutely primary consideration for many types of manufacturing plant, good access to a well connected international airport was important for manufacturers of high value added machinery and for the import/export of "Just In Time" components. Also, good access to Manchester Airport was helpful in the attraction of R&D facilities and, potentially, European headquarters functions.
- v) Location in an area with a now well established track record for overseas and UK inward investment; North East Wales had been successful in attracting both USA and Japanese investment.
- vi) Close proximity to a major concentration of Higher Education Institutions with their research capabilities and training facilities. (In Manchester, Liverpool and at NEWI in Wrexham).

- vii) Availability of `Tier 2' Assisted Areas support (not now available in Wrexham or in some other parts of Flintshire).

7.5.5 The application site was certainly not unique in every aspect, but in its particular combination of features it was unique in North Wales.

- i) It had all the locational advantages mentioned above
- ii) The two plots together gave an area of 81 hectares with the larger plot a single developable area of 62 hectares. The larger plot on its own was of a significantly larger scale than any other comparable site in North Wales (excluding Ty Mâwr in Anglesey) available immediately or in the medium term.
- iii) It was, subject to gaining planning permission, available for development within 2 years and so could form part of a short/medium term portfolio of sites for investment. Many other larger sites in Wales and North West England had planning, ownership, road access and ground constraints which precluded development at present. The completion of the Deeside Park Interchange (on the A550) had facilitated excellent access to the site. Thus the only current site constraint was the need to raise the surface level of the site.

7.5.6 Clearly, relatively few inward investors required sites over 40 hectares, but there had been a variety of such enquiries in the past. Some had been successful (Toyota, Shotton Paper) and others went to other regions as they could not have been accommodated on any other sites currently available, or to become available in the next 2-3 years, in the wider Deeside labour catchment area.

7.5.7 The application site would reinforce the options in Wales in terms of large industrial sites, in respect of both the smaller and the larger plots. There were sound arguments for ensuring a continued supply of larger sites; the wider the portfolio, the better the chance of having the right site to offer on the right location. The analysis of alternative sites above had demonstrated that none of the site considered was a true alternative to the application site, and that none could offer the same economic benefits to North Wales.

7.6 ECONOMIC BENEFITS FROM THE PROPOSED DEVELOPMENT

7.6.1 The potential longer term benefits consisted primarily of:

- i) direct on-site jobs
- ii) indirect jobs (in suppliers)
- iii) induced jobs (supported by local spend out of earnings)

In addition, large scale inward investment projects could lead to wide economic benefits, such as catalytic effects (as a result of attracting suppliers to locate in the area), and improvements to infrastructure and labour skills.

- 7.6.2 Predictions of actual employment levels on the application site was difficult, as employment densities varied enormously from development to development. Highly capital-intensive industries could occupy significant areas of land, yet have relatively low employment densities, eg Toyota at 6.3 jobs per hectare, and Shotton Paper at 7.6 jobs per hectare. Applying these densities to the application site produced 580 jobs in the first instance, 620 in the second. Taking Deeside Industrial Park (Phase 1) as a more realistic guide, the 33.6 jobs per hectare (full and part time jobs) found there would give 2700 jobs on the application site at a similar density. This was not the maximum possible employment density. It provided, however, a realistic guide. The TIA figure was 3920 jobs, which was probably towards the upper end of potential employment levels.
- 7.6.3 Indirect and induced employment was also subject to similar difficulties of projection, but a multiplier of the order of 1.2 to 1.3 was realistic, ie every 10 jobs on site would support 2 or 3 off site jobs in the Local Impact Area.
- 7.6.4 The total impact was shown in the table below, based on two figures for direct employment: 2,700 and 3,920. These produced total employment impacts of 3,240 and 4,700 respectively (full-time equivalents when the site was fully developed). Such development could take 5 to 10 years to achieve these employment levels, although a single large inward investor could deliver these benefits in a much shorter time-scale.

Estimated Employment Impacts from the Application Site, Deeside		
	Lower	Higher
Direct on-site	2,700	3,920
Indirect and Induced (Employment Multiplier of 0.2)	540	780
Total (Local Impact Area)	3,240	4,700
Note: full-time equivalent jobs		

- 7.6.5 Whilst it was clearly impossible to say where people working in any new development would live, it was likely that, following the general pattern in the DDZ, around 60% of workers would come from North Wales, ie 1,600 to 2,350. These would be primarily from Flintshire and Wrexham, although some would be located in Denbighshire or further west. Indirect benefits would be expected to spread out westward through North Wales.
- 7.6.6 There was a strong economic case for the development proposed. There had been a substantial improvement in the economy of North East Wales over the last 15 years, much of it due to the area's success in attracting inward investment. Although unemployment rates had fallen significantly, this masked several key issues:

- i) compared to the most successful labour markets in the South of England, Flintshire was some considerable way off "full employment". Employment rates of up to 80% or more were common in the most successful areas, suggesting that up to 10% more Flintshire resident would need to be employed before full employment was reached (or a further 6,000 residents of Flintshire in employment compared to the current position).
- ii) although wage rates in North East Wales were higher than much of Wales, they remained well below the UK average and indeed appeared to have fallen in relative terms in recent years.
- iii) although the performance of North East Wales in GDP per capita terms was well above that of Wales as a whole, it still remained well below that of the most successful UK and EU regions. Furthermore, the above (Welsh) average levels of GDP in North East Wales contributed to helping raise overall Welsh per capita GDP levels. The average GDP per capita in Wales excluding Flintshire and Wrexham would be 3% lower (ie 80.5% instead of 83% of the UK average in 1996).
- iv) creation of new jobs and economic activity here would serve a labour market which was much wider than that of Flintshire or North East Wales, where there remain considerable economic needs. Job creation would help both the 2,300 claimants unemployed in Flintshire and the 18,000 claimants unemployed in the wider Local Impact Area. The Local Impact Area overlapped with the North West Wales and Merseyside Objective 1 areas and areas designated as Objective 2 in England.

7.6.7 There was a limited number of very large inward investment projects that could potentially be captured. The WDA had received around 96 enquiries for projects in excess of 40ha over a 5 year period, and in the Clwyd area there were around 1 or 2 such inquiries per year on average. There was no chance of capturing very large internationally mobile inward investors unless a site, or preferably sites, existed of adequate size and in attractive locations. Such sites had to be immediately available, or at least available in a very short time period. They were an essential part of a balanced portfolio. The application site met that need in a way that no other site could match. Without a site of such scale and quality, the WDA would not be in the race to capture certain major inward investment projects.

7.6.8 Objections that there was no need for such a site in North East Wales were misconceived. Flintshire had done comparatively well in recent years but could not afford to rest on its laurels. The fact that part of Flintshire had Assisted Area status was a recognition that problems remained, and the recent Corus restructuring proposals were a reminder that new problems could arise in the future. In the next decade, jobs in manufacturing and craft/skilled manual were expected to decline in numbers.

7.6.9 Nor was it the case that the Flintshire proposals in some way conflicted with an increased policy emphasis on West Wales and the valleys. If the GDP targets for the whole of Wales were to be achieved, then there must be an improvement in GDP in other areas of Wales as well. Inward investment was the quickest acting tool available for this; and the targets set meant a continuing investment even into those parts of Wales that had been relatively successful in the past, including the North East. " 'betterwales.com' " (Core Document 58, p.28) sought 7000 inward investment jobs a year, whereas the average over the last four years was 6,250 jobs per annum. Thus, 7000 jobs was a demanding figure, and Wales must continue to play to its strengths if it was to be achieved.

7.7 PLANNING CONTEXT

The Form of Development

7.7.1 The concept of developing the site was based on the following main principles:

- i) The creation of large development areas, substantially free of constraints, which would be suitable for and attractive to large scale projects.
- ii) The production of site preparation proposals capable of enabling the development areas to be readily accessed, serviced and drained.
- iii) The achievement of a layout which was environmentally acceptable and which, as far as practicable, mitigated the likely impacts of the development.

7.7.2 The Environmental Statement contained a master plan (Figure 16 in Core Document 4) showing how the site would be laid out so as to produce two development areas totalling approximately 81 hectares (200.1 acres), consisting of two plateaux: Plateau A of 62.2 hectares (153.7 acres) and Plateau B of 18.8 hectares (46.4 acres). This configuration allowed the existing 400kV overhead electricity line to be retained, as it would be extremely expensive to divert. Each of the two plateaux was set back from the national/county boundary by 150 metres. On the larger plateau, the WDA had undertaken not to erect any buildings within a further 50m (ie within 200m of the national/county boundary).

7.7.3 Elements of the development proposal included:

- i) raising the levels on the development plateaux to a minimum of 6.5 metres AOD to prevent flooding
- ii) providing for surface water and foul drainage
- iii) accessing the development areas from the Parkway and Toyota roundabouts on Shotwick Road

- iv) diverting certain existing services that crossed the site
- v) providing structural landscape areas around and through the site
- vi) restoring parts of the application site (following the extraction of sand)
- vii) creating a nature reserve on part of Inner Marsh Farm, to complement the existing RSPB reserve on adjoining land, and providing access to it (the nature reserve formed part of the application)
- viii) managing parts of the application site and the remaining part of Inner Marsh Farm (located in England) in such a way as to provide mitigation for the ornithological interest.

7.7.4 The WDA had confirmed that the application was to be considered on the basis that any planning permission granted pursuant to it was to be tied by conditions to the master plan and to the Environmental Statement, and to general conformity with the development brief. The site was to be developed for a raising the levels on the development plateaux to a minimum of 6.5 metres AOD to prevent flooding providing for surface water and foul drainage maximum of three occupiers, and a condition to that effect was acceptable. B1 uses on the site were to be ancillary to B2 and B8 uses.

7.7.5 There were no identified occupiers of the development at the present time, and to that extent the development was speculative. However, the lead time required to bring such a site forward had always to be borne in mind, together with the need to respond positively to any expressions of interest. Thus, development would be put in hand following grant of outline planning permission, and it was estimated that the landfill operation would commence some nine months after the grant of that permission and would take 44 weeks to complete. On that basis, it was estimated that Plateau B could be available for building 13-14 months after the grant of planning permission; and the larger Plateau A within 21 months of that date.

7.7.6 There had been much discussion at Inquiry about the height of the proposed buildings. No height was stated in the original Environmental Statement (May 1997). The Visual Impact Assessment accompanying the additional information (26 April 1999) stated (Core Document 17, paragraph 3.13) that buildings would generally not exceed 7/8 metres in height, but provision was made for one large building 26m high. This was based on the height of the LG building at Newport and should have been 23m, not 26m. Subsequently (in letter of 8 August 1999: see paragraph 1.7 above) a building of 40m height was mentioned, in the light of an interest expressed by a potential investor, but this was withdrawn before the Inquiry opened. The letter of 21 September 2000 dealt (paragraph 5) with the question of building height. It stated that no building on Plateau A should exceed 23m in height over a maximum floor area of 43,848sq.m,

and that elsewhere on Plateau A, and on the whole of Plateau B, no building should exceed 8m in height (measured from a base level of 6.5m AOD). A condition to that effect was invited (paragraph 1.9 above).

- 7.7.7 Cheshire County Council had been consulted on the Planning Brief. If they had considered the way the question of building heights was dealt with in the Brief to be "vague and open to interpretation" (to quote their written objection: in Document INQ3, paragraph 2.2), they could then have asked for something more specific, had they wished it. They did not do so. They had objected to a building height of 23m at the end of August 2000, but at no previous stage. For example, in a letter of 10 August they had expressed their concern at a 40m high building, but had not mentioned any objection to a 23m building.
- 7.7.8 The WDA had confirmed its intention, when developing the site, to ensure conformity with the principles set out in the Development Brief, and had invited a condition to that effect.
- 7.7.9 The application had the support of Flintshire County Council, Connah's Quay Town Council, Sealand Community Council, and Wrexham County Borough Council. There were no objections from any Welsh local authority, the North Wales Economic Forum, the Countryside Council for Wales, English Nature, the Environment Agency, the North Wales Wildlife Trust, RSPB, Clwyd-Powys Archaeological Trust, or Welsh Water. Although Cheshire County Council and Chester City Council had concerns, they did not object in principle to the development.

Development Plan Context

- 7.7.10 The application site did not contain any listed buildings, scheduled ancient monuments, or conservation areas. It was not subject to any nature conservation designation, and CCW had not objected. The site had not been identified for any landscape interest. It did not form part of any Area of Outstanding Natural Beauty or Special Landscape Area, and was not included in the national Register of Landscapes of Outstanding Historic Interest in Wales (1998) prepared by CADW and others. It did not lie within a Green Belt or Green Barrier.
- 7.7.11 The statutory development plan consisted of: a) the County of Flint County Development Plan (approved 1958) and the Connah's Quay-Shotton Town Map (approved 1962); b) the Clwyd County Structure Plan: First Alteration (approved 1991).
- 7.7.12 In the absence of an adopted local plan, the 1958 and 1962 plans remained part of the development plan. Both showed the application site as 'white land' where existing uses were intended, in the main, to remain undisturbed. They did not, of course, reflect the changes that had taken place in the intervening years in the context of the application site. They could not be regarded as up-to-date, and had no practical application in the assessment of the present proposals.

7.7.13 The Clwyd County Structure Plan (Core Document 33) prepared by the former County Council, had a 1996 end date, but remained in force. The strategy of the plan remained reasonably current. It reflected a concern that policies should be more positive, particularly with regard to employment generation, and the need to attract prestige employment developments (page 4, paragraph 1.2.3). It sought to ensure that land availability should not be a constraint on job growth (page 5, paragraph 1.2.6) and required that a range of strategic, high quality and local employment sites be provided, the purpose of which was stated as (page 5, paragraph 1.2.7) being:

"In order to more precisely meet the needs of developers and industrialists and to provide a comprehensive portfolio of employment sites..."

7.7.14 For strategy purposes, the former county of Clwyd was subdivided into three parts: the industrialised areas of Delyn, Alyn & Deeside, and Wrexham-Maelor; the coastal areas of Colwyn and Rhuddlan; and the rural areas. The application site was located in the first of these. Here, the strategy (page 6, paragraph 1.2.12) was to "...provide positive support for the industrial regeneration of north and eastern Clwyd" and intended to "...enhance the continued development of employment opportunities", in part by designating the Deeside Development Zone. Within that Zone, the strategy stated (page 6, paragraph 1.2.12) that:

"The plan does not specify the precise land uses to take place here in order to allow for opportunities for major employment development to be seized when they occur."

7.7.15 The WDA was identified as one of the main providers of resources for the public development of sites (page 10, paragraph 1.4.10) and as a necessary provider of sites, buildings and infrastructure (page 10, paragraph 1.4.12).

Employment policies

7.7.16 Policy A1 (page 22 of Core Document 33) required 805 hectares of employment land to be made available in the former county of Clwyd between 1986 and 1996, 300 hectares of which were to be located in the former district of Alyn & Deeside. Footnote (iv) to the policy noted that:

"...Recent rapid take up within Alyn and Deeside requires further land to be identified as a strategic site."

7.7.17 Policy A2 (pages 22-23) required a range of strategic, high quality and local employment sites in the county, and Alyn & Deeside was identified as a location for both strategic and high quality sites. Footnote (ii) to the policy defined strategic sites as:

"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"

The plan (page 91, paragraph 19 of Core Document 33) noted that strategic site availability was no longer adequate and that:

"...a new strategic site for incoming industry is urgently required within the Deeside Development Zone to provide a five year supply of land."

- 7.7.18 Policy A3 (page 23) stated that employment development should take place on land that satisfied five requirements:
- i) Located in or on the edge of main settlements (although footnote (ii) notes that this may not be possible in the case of strategic sites)
 - ii) Use derelict or under-used land in preference to better quality agricultural land
 - iii) Not increase pollution or hazard to unacceptable effect on the surrounding landscape or environment
 - iv) Good road access and adequate parking and not generate sufficient traffic to cause nuisance or danger levels or have an undue
 - v) Readily developable.
- 7.7.19 In the structure plan, the area to the north of the River Dee and west of the A494/A550 was designated under Policy A10 (page 25 of Core Document 33) as the Deeside Development Zone, the precise boundary of which was to be defined in a local plan. It stated that, within this zone, sites would be allocated for major employment development projects, taking into account other structure plan policies, particularly with regard to nearby settlements, landscape, environment, agricultural land and access. Footnote (i) to the policy stated that the Zone was designed to provide a strategic location for major employment development projects for the sub-region. Footnote (ii) stated that any proposal for development, and the Zone's boundaries, must comply with other structure plan policies.

Environment policies

- 7.7.20 Policy H1 (page 82 of Core Document 33) stated that there would be a strong presumption against the use of agricultural land of grades 1, 2 and 3a for nonagricultural purposes, but added an important rider, which stated "...unless there is no other site suitable for the particular purpose". In that event, it stated that particular care should be taken to avoid impairing the efficiency of established farm units.
- 7.7.21 Policy H2 (page 82) proposed Green Barriers, within which "...there will be a strong presumption against development that would affect their open

character." The policy noted that, whilst the boundaries of Green Barrier were to be defined in local plans, those identified for Alyn & Deeside did not include the application site, and this was confirmed by reference to the Structure Plan Key Diagram.

- 7.7.22 Protection of the landscape and natural environment of the countryside was sought, under Policy H3 (page 83) by minimising the impact of new development through control of scale, siting and design, and by encouraging sensitive landscaping and planting.
- 7.7.23 Policies H4, H5 and H6 (pages 83-84) related to Areas of Outstanding Natural Beauty, Special Landscape Areas and Local Landscape Areas, but none of these impinged on the application site.
- 7.7.24 Policy H9 (page 85) stated that Sites of Special Scientific Interest and other Sites of Nature Conservation Importance would be protected and that there would be a strong presumption against development within or in the vicinity of a site which would have an adverse effect on its nature conservation interest. There was no cogent objection to the application on nature conservation grounds and the proposal to create a nature reserve within the application site derived support from Policy H18 (page 88).
- 7.7.25 Policy H19 (page 88) required that, when considering site allocations and planning applications, account should be taken of land drainage, liability to flooding and ground stability. As noted above, the site was to be raised to avoid flooding and there was no objection by the Environment Agency (Document WDA25).
- 7.7.26 Policy D2 (page 49 of Core Document 33) stated that major new developments would be located with regard to four criteria:
- proximity to primary and main distributor routes; and
 - public transport accessibility; and
 - impact on traffic congestion on the road network; and
 - parking.

Conservation and archaeology policies

- 7.7.27 The application site did not contain any listed buildings, scheduled ancient monuments or conservation areas, but these features were present within Cheshire, where the neighbouring villages of Shotwick, Puddington and Burton were designated Conservation Areas. Policy G4 (page 78 of Core Document 33) stated that development in proximity to a designated conservation area, having a bearing on the setting of the area, would be carefully controlled so as to protect the character and appearance of the area and to ensure that views out of and into the area were preserved. Policy G7 (pages 78-79) stated that any development in close proximity to a listed building and having a bearing on its setting would be carefully controlled.

Development Plan Conclusion

- 7.7.28 It was concluded that the proposal accorded with the strategy and policies of the Clwyd County Structure Plan : First Alteration, which comprised the up-to-date development plan for the area in which the application site was located. The proposal did not comply with the old style development plan, as the application site was identified as 'white land', but that plan was prepared in the early 1950s and could no longer be regarded as up-to-date or appropriate.

Alyn and Deeside Local Plan

- 7.7.29 The Alyn & Deeside Local Plan was a local plan that had been under preparation for ten years, initially by Alyn & Deeside District Council and, since local government reorganisation in Wales (April 1996), by Flintshire County Council as the successor authority. A consultation draft of the plan was published in 1991; an amended plan was on deposit in 1994; a public inquiry was held in 1995-96; and proposed modifications were on deposit in 1997. The plan had not been adopted and did not, therefore, form part of the development plan for the area.
- 7.7.30 In May 1994, prior to deposit, the plan received a Statement of General Conformity from the former Clwyd County Council in respect of the Clwyd County Structure Plan: First Alteration. The accompanying report by Clwyd County Council's Director of Architecture, Planning & Estates expressly supported the Deeside Development Zone and raised no objection to Opportunity Site 2.
- 7.7.31 The application site was allocated for development in the consultation draft of the Alyn & Deeside Local Plan, published in December 1991. On the Proposals Map of that plan, it was shown to lie within the Deeside Development Zone and identified as Opportunity Site 2 by reference to Policy Em15. It was one of three sites so identified, the others being land north-west of Garden City (Opportunity Site 1: Policy Em14) and the former Connah's Quay Power Station site (Opportunity Site 3: Policy Em16).
- 7.7.32 When the deposit version of the local plan was published in March 1994 (Core Document 35), the allocation of Opportunity Site 2 was retained and Policy'. Em15 was amended to include industrial as well as other uses.
- 7.7.33 The supporting text to the policy (paragraph 5.61) recognised the impact on high quality agricultural land.
- 7.7.34 The plan was placed on deposit during July and August 1994. During that time, the WDA made representations on the plan and on Opportunity Site 2 in particular. Whilst strongly supporting the allocation of the site, it wished to see Policy Em15 reworded so as to delete the reference to commercial and leisure uses. In making its representations, the WDA emphasised the importance of the site for major inward investment.

7.7.35 A Local Plan Inquiry was held between October 1995 and January 1996. In his report issued in August 1996, the Inspector recommended that Opportunity Site 2 and Policy Em15 be deleted. He concluded (pages 137-8, paragraph 5.131 of Core Document 36) that:

"The objection site, as highly productive and versatile Grade 2 agricultural land, represents a valuable national resource in the longer term. This point was accepted by the Council. As WOAD raise a strong objection to its development it appears to me that the release of the site could only be justified in the most exceptional circumstances. This point was accepted by **WOAD** and the Council, though not by the Green Party. **Neither WOAD nor the Council** could, perhaps understandably, give me any indication as to what circumstances would be regarded as exceptional. This must, therefore, be a matter of judgement for the decision maker in the light of circumstances prevailing at the time. In the absence of any compelling justification for land release I consider that the land should be retained in productive agricultural use for as long as possible. Its contribution to national farm output should not be put at risk by measures such as land raising or recontouring as part of any speculative site preparation works. Given the availability of other allocated sites and Opportunity Sites 1 & 3, which are available for a wide range of developments I conclude that there is no compelling case for release of the site at this time contrary to the strong objection by WOAD."

7.7.36 It was important to note that the local plan Inspector did not rule out development of the site in principle. He indicated that it should be retained in productive use for as long as possible and should not be put at risk by speculative site preparation works. He may not have been aware of the lead-in time required for such works or of the necessity to have the planning status of the land confirmed prior to land assembly and prior to the WDA being able to offer it to inward investment enquiries with any degree of confidence that it could be delivered. He also stated that, in view of the availability of Opportunity Sites 1 and 3, there was no compelling case for its release at that time and that its release could only be justified in "... the most exceptional of circumstances". This represented a more stringent test than government policy, or Policy H1 of the Structure Plan, or Policy A1 of the Local Plan itself.

7.7.37 Although the Inspector recommended that the employment allocation of the site be deleted, he did not recommend either that the boundary of the Deeside Development Zone should be redrawn so as to omit the site or that the site should be redesignated as part of the Green Barrier. Development Zones were not to be regarded as countryside for the Plan's purposes (Core Document 35, para 5.25).

7.7.38 The document titled Alyn & Deeside Local Plan: Proposed Modifications (Core Document 37) was approved by Flintshire County Council in December 1996 and published in January 1997. The local planning authority resolved not to accept the Inspector's recommendation in this

matter and proposed to adopt the local plan without deleting Opportunity Site 2 and Policy Em15(p14).

7.7.39 The proposed modifications were on deposit early in 1997. At the end of the deposit period, no objections had been received from the Welsh Office Agriculture Department and, on 4 March 1997, the Welsh Office confirmed in writing that:

"The Secretary of State has concluded that he does not wish to intervene to modify or call-in the plan in respect of this Proposed Modification. Your Council may proceed towards adoption of the Local Plan".

7.7.40 It was against this background that, in June 1997, the WDA submitted its planning application. The WDA's approach was, therefore, wholly in accord with the then Secretary of State's advice prevailing at that time, in that:

- i) The site had been promoted through the statutory local plan in accordance with the advice then contained in Planning Guidance (Wales): Planning Policy (paragraph 161 of Core Document 25).
- ii) The planning application was not submitted until the local plan had reached an advanced stage of preparation, when the Council had indicated its intention to retain Policy Em15, and after the Secretary of State had confirmed in writing that the Council could proceed to adopt the plan as proposed for modification.

7.7.41 Subsequently, in October 1997, the then Secretary of State, obviously having changed his mind, issued a direction under section 43(4) of the Act requiring the Council to modify Policy Em15 so that it reflected the Government's current policy framework. The Council's proposals in that respect (Core Document 37a) were not regarded by the Welsh Office as satisfying the Secretary of State's concern and the Council has chosen not to adopt the plan without Policy Em15.

7.7.42 The local plan contained a number of other policies that were relevant to the consideration of the planning application.

- i) Policy G1 (pages 22-4 of Core Document 35 as modified by pages 1-3 of Core Document 37) was a general policy that set out general requirements for development.
- ii) Policy T2 (page 100 of Core Document 35 as modified by page 17 of Core Document 37) listed those road schemes anticipated for construction during the plan period. They included several in the vicinity of the application site such as the A550(T) from Deeside Park to the national boundary, the A494/A550(T) from Deeside Park to Drome Corner and improvements to the A548, Shotwick Road.
- iii) Policy A1 (page 139 of Core Document 35 as modified by page 24 of Core Document 37) stated that proposals for non-agricultural

development on agricultural land of Grades 1, 2 and 3A would only be allowed "in exceptional circumstances" and subject to certain other requirements. It was noted above that this was not the test employed by the local plan Inspector when he recommended that Opportunity Site 2 should not be allocated for development. The policy also introduced the notion that the loss of best and most versatile agricultural land might be mitigated if the proposed use would have "...significant landscape and ecological benefits." The proposals for developing the site would offer such benefits.

- iv) Policy E4 (page 157 of Core Document 35), relating to development near conservation areas, was in similar terms to the relevant structure plan policy referred to above.
- v) Policy E16 (page 168 of Core Document 35 as modified by pages 32-3 of Core Document 37) related to development within Green Barriers, the boundaries of which were designated in the plan. The application site was not located in a Green Barrier.

7.7.43 The contention by some objectors that the Alyn and Deeside Local Plan should be given little weight since it would not now proceed to adoption was not accepted. It was not relevant that the plan was some 10 years old, since there were modifications proposed as recently as 1997/8. The plan could still be adopted, and the UDP was at an early stage. The clear evidence of the County Council at inquiry was that the plan would be adopted once the decision on the present application was known. Except for Policy Em15, the plan had the full weight to be ascribed to a plan that had gone through the statutory stages leading to adoption. The site was within a development zone identified in the Local Plan, and the proposal complied with Policy Em4. It was incorrect to argue that the site had not come forward through the development plan process.

Structure Plan Second Alteration : Flintshire Edition

7.7.44 Prior to local government reorganisation, the former Clwyd County Council had made substantial progress with its second structure plan review. The plan was placed on deposit in April 1995 and, following changes to the plan, it was placed on informal deposit in January 1996. After reorganisation, the new Flintshire County Council in January 1997 produced an amended document, Structure Plan Second Alteration: Flintshire Edition, which it approved for development control purposes and to aid the preparation of the Flintshire Unitary Development Plan.

7.7.45 The plan had three broad aims (pages 5-6, paragraph 8 of Core Document 34), including:

- "i. To reduce unemployment and cater for the employment needs of the growing labour force through the encouragement of existing firms, the attraction of inward investment and economic diversification."

7.7.46 The plan continued the broad strategy for economic development contained in the approved structure plan. The themes of the strategy were described (page 8, paragraph 17) as the:

"... diversification of the economy through provision of a wide range of types and sizes of employment site; accessibility, ensuring such locations are within the reach of people using, wherever possible, public transport; and developability, ensuring that sites are developable at acceptable cost. Although there is a reducing requirement for employment land there is still the need to provide for a range of sites to take different types of employment development, well distributed in relation to main centres of population..."

7.7.47 The plan noted (page 10, paragraph 33) that:

"...A good supply and wide variety of employment sites are an essential prerequisite of 'the strategy's aim of attracting both inward investment and encouraging indigenous employment developments. A new policy in the plan addresses the requirements of new major inward investment, which, if they come to the County, are likely to be located in this area. This is a policy designed to ensure the area can compete with other potential sites in southern and eastern Europe."

7.7.48 Policy EMP1 (page 65 of Core Document 34) identified a requirement for 405 hectares of employment land in Flintshire in the period 1996-2006 and 570 hectares in the period 1996-2011. Policy EMP2 (pages 66-67) required that, within those totals, a range of strategic, high quality and local employment sites should be provided. Policy EMP2 was of obvious relevance although it was not suggested that the application site was required to satisfy the requirements of Policy EMP1.

7.7.49 Policy EMP9 (pages 71-72) stated that major employment development projects requiring the release of large areas of land, other than land either allocated or with planning permission for employment purposes, would only be permitted where:

- i) the proposal could not reasonably be implemented on land provided for in a development plan;
- ii) it complied with policy EMP3; and
- iii) the proposal would bring substantial employment benefits.

7.7.50 Footnote (i) to Policy EMP9 defined large sites as those of 40-60 hectares (100-150 acres) and noted that large firms could provide many job opportunities, and had important catalytic effects on the local economy. Footnote (iv) noted that the only area in the county currently capable of accommodating this scale of development was the Deeside Development Zone, designated under Policy A10 of the approved structure plan.

7.7.51 Policy EMP3 (pages 67-68), referred to in Policy EMP9, stated that land 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 freestanding 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 access and, where possible, rail access, adequate parking and not generate sufficient traffic to cause nuisance or danger.
- G It should be easily accessible by public transport.
- H. It should be readily developable."

The proposal conformed with these criteria and satisfied Policy EMP9.

7.7.52 Other policies of this draft plan were in broadly similar terms to the policies contained in the approved structure plan. Policy CONS6 (pages 39-40 of Core Document 34) proposed a review of existing Green Barriers and stated that where these were to be designated, adequate long term provision would need to be made for a level of development appropriate with structure plan aims.

Flintshire Unitary Development Plan

7.7.53 Flintshire County Council had embarked on the preparation of the Flintshire Unitary Development Plan 2000-2015. When adopted, this plan would replace the Clwyd Structure Plan: First Alteration and the old style development plan and become the statutory development plan for the area. It would also, in due course, supersede the unadopted Alyn & Deeside Local Plan and the draft Structure Plan Second Alteration: Flintshire Edition. The plan was presently at an early stage of preparation, a pre-deposit consultation draft having been published in May 2000 (Core Document 45). This did not contain any specific land designations or policies and set out to present the major strategic issues within each subject area.

7.7.54 The strategy had four themes - sustainable development; biodiversity; integrating land use and transportation; community needs - and eleven strategy aims. The aim for the economy (page 4, paragraph 2.7) was "to

create a thriving and sustainable economy providing a wide range of quality employment opportunities for local people."

- 7.7.55 Chapter 6 of the UDP dealt with the economy and took as its starting point the guidance given in "Planning Guidance (Wales): Planning Policy - First Revision". Paragraph 6.7 (page 23) noted that Flintshire acted as a key focal point for the wider regional economy of North Wales and the North West. Paragraph 6.17 (pages 25-26) stated that the UDP would provide for a range and choice of sites, including those to accommodate strategic investment enquiries. Paragraph 6.18 (page 26) noted that Flintshire was well placed to 'capture' large inward investment projects and referred to the application site in that context.

Dee Estuary Strategy

- 7.7.56 Objectors had referred to this document (Core Document 53). It had no particular weight, was non-statutory, and was advisory or advocative in nature. It was not meant to supersede the statutory planning system. It recognised that there would be a continuation of development within the area covered by the Strategy, which included the application site.

7.8 NATIONAL POLICY GUIDANCE

- 7.8.1 The first edition of "Planning Guidance (Wales): Planning Policy" was published by the Welsh Office in May 1996. It contained a strategy map, which identified 'Areas of Growth' and 'Areas of Restraint.' Under the first heading, the application site was shown to lie in what the map described as a 'Major Growth Area' and the A55(T) was identified as one of a few 'Strategic routes' into Wales, along with the M4 motorway and the A465(T) Heads of the Valleys road. Paragraph 160 noted that:

"The existing urban locations, the valleys. and the heavily populated coastal strips in south Wales and north east Wales will continue to be the principal locations for economic activity, and will accommodate the bulk of new economic development."

Paragraph 161 stated that:

"New sites to support economic development, especially large scale inward investment, should be identified and brought forward in development plans in the Assisted Areas, in particular the Development Areas."

- 7.8.2 In April 1999, the Welsh Office issued a second edition of that document, titled "Planning Guidance (Wales): Planning Policy - First Revision". Although the plan was omitted from the revised document, the Government's strategy for economic development was retained, with a new emphasis on spreading jobs and investment throughout all parts of Wales. Paragraph 10.1.3 stated that:

"Economic development is likely to continue to focus on existing urban locations especially the heavily populated coastal strips in south Wales and north east Wales. However the Government is committed to ensuring a fairer distribution of jobs and investment throughout all part of Wales particularly the south Wales valleys and rural Wales. Local authorities should identify sites and encourage investment into their area through, for example, the creation of Industrial Villages centred around new small and medium-sized technology companies supplying larger factories."

- 7.8.3 The application site was located in the heavily populated coastal strip of North East Wales, where the Government expected economic development to focus, and within an Assisted Area, where it expected sites for large scale inward investment to be provided. The site also lay within the A55 corridor – which was the principal strategic route into and across North Wales - which the Government recognised as a potential focus for new development.
- 7.8.4 Paragraph 10.1.1 of the Guidance stated that the key aims were, among others, to encourage economic development compatible with environmental and transport objectives and to provide a variety of sites. Paragraph 10.1.2 stated that development plans should provide for development to be accommodated within or adjoining the main urban centres. Paragraph 10.1.6 urged local authorities: first, to ensure that there was sufficient land available which was readily capable of development and well served by infrastructure; and second, to ensure that there was a variety of sites available to meet differing needs. It noted that the WDA "...may be able to assist in the process of assembling, preparing and/or delivering such sites." Paragraph 10.1.7 stated that new industrial development should be encouraged in locations which met or had potential to meet the Government's planning policies for transport. The proposal complied in all these respects.
- 7.8.5 Paragraph 3.2.1 of "Planning Guidance (Wales): Planning Policy - First Revision" noted that the Government's vision of sustainable development was based on four broad objectives:
- maintenance of high and stable levels of economic growth and employment
 - social progress which recognises the needs of everyone
 - effective protection of the environment
 - prudent use of natural resources

It noted that a key role of the planning system was to provide homes, investment and jobs in a way which was consistent with the principle of sustainable development.

7.8.6 The proposal contributed to sustainable development in the following ways:

- i) Providing for economic growth and employment
- ii) Providing for social progress
- iii) Access to major transport routes and services
- iv) Proximity to labour markets v) Edge of urban area location vi) Accessibility by a choice of transport mode
- vii) Biodiversity

Regional Policy Guidance

7.8.7 The North Wales Regional Planning Group had produced a consultation draft, "Regional Planning Guidance for North Wales" in January 1999, with a revised edition in January 2000 (Core Document 38). When it was adopted by the North Wales Regional Planning Group, Regional Planning Guidance for North Wales would represent approved strategic planning policy for the constituent authorities for the period 1999-2009. They would be expected to have regard to it in preparing their Unitary Development Plans and it would be a material planning consideration in the determination of planning applications and appeals.

7.8.8 The strategy set out in Regional Planning Guidance for North Wales was built on a series of principles that includes a healthy economy (page 9, paragraph 3.3). Its fundamental aim (page 10) was:

"... to develop the region's assets and to spread economic growth and its benefits throughout the Region within the context of sustainable development."

7.8.9 The strategy was developed around ten building blocks, one of which related directly to large scale employment sites (page 10):

"Identifying Sites for Large Scale Inward Investment and for Regional Employment which recognise the different scales of development in the more urbanised eastern and the more rural western parts of the Region."

7.8.10 Picking-up on the advice given in "Planning Guidance (Wales): Planning Policy - First Revision", the strategy stated that the more important employment sites would be of UK significance and would be suitably located for international access (page 17, paragraph 6.8). These more important sites would be identified as 'regional employment sites', which were the bigger sites available for development by the larger firms and for inward investment (page 17, paragraph 6.9). Paragraph 6.10 (page 17) noted that regional employment sites should exhibit the following characteristics:

"Regional employment 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 capable of being served, by public transport
- preferably be in an Assisted Area."

7.8.11 Map 1, which formed part of Regional Planning Guidance for North Wales, identified existing employment sites, including the Deeside Development Zone (No. 15). Paragraph 6.11 (page 17) stated that future sites:

"...will usually be identified through the development plan process. In exceptional cases, the needs of single large employment generators may be provided on other sites not contained in development plans."

Paragraph 6.12 noted that local authorities and the WDA would work in partnership to ensure the provision of infrastructure where it was lacking.

7.9 GREEN BELTS

7.9.1 On 20 June 1997, the then Minister of State at the Welsh Office wrote to all Council leaders in Wales regarding the potential for Green Belt designation in Wales. There was a follow-up letter on 23 March 1998. Flintshire County Council replied to the Welsh Office on 7 May 1998 (Core Document 47), indicating that the Green Belt was a major strategic issue which would be considered as part of the Flintshire Unitary Development Plan. The letter warned, also, that:

"...experience in recent years clearly demonstrates that existing Green Belt policies in Cheshire are showing signs of having a negative impact in some respects... and may well be encouraging unsustainable transport patterns in and around Chester..."

7.9.2 The pre-deposit consultation draft of the Flintshire Unitary Development Plan concludes (page 15, paragraph 4.19 of Core Document 45) that:

"...green barriers are the more appropriate policy tool for Flintshire because they provide: greater flexibility over the long term; are an appropriate policy response for smaller areas with moderate development pressure and can directly abut settlement boundaries. It is considered

green barriers would constitute an appropriate safeguard through the planned system for open countryside. The complexity involved in the designation of green belts and the implications for staff and financial resources were also considered in this decision.

- 7.9.3 The draft Regional Planning Guidance for North Wales considered the potential designation of Green Belts and concluded (paragraph 5.4 of the Core Document 38):

"The usefulness of Green Wedges/Barriers, where they exist, in meeting these aims should be evaluated and, if they are not proving effective, the use of Green Belts should be considered."

The document did not recommend that Green Belts should be designated in particular locations and did not suggest candidate locations for consideration for such designation.

- 7.9.4 The application site was not a suitable candidate for inclusion within a Green Belt, even if the Local Planning Authority were minded to designate one in their area, which they were not. Development of the site would not lead to coalescence, not least because adjoining land in Cheshire was already designated as Green Belt and was effective in preventing both coalescence and urban sprawl. The site did not protect the setting of an urban area. The assessment of countryside matters could be adequately dealt with through the application of development plan and other policies. Including the site within a Green Belt would not assist urban regeneration in this case, because there was no alternative brownfield site in the area that was suitable for that purpose. Hence Green Belt designation would not fulfil any of the five purposes listed in paragraph 7.1.4 of PGW.

- 7.9.5 When the Local Plan Inspector recommended that Opportunity Site 2 should be deleted from the Alyn & Deeside Local Plan, he did not recommend that the boundary of the Deeside Development Zone should be redrawn so as to omit the site and he did not recommend that the site should be protected by including it within the local plan's Green Barrier. He concluded on this issue (page 135 paragraph 5.126 of Core Document 36):

"Ellesmere Port consider that the site should be included within a Green Barrier in order to relate satisfactorily to the strategic purpose of the West Cheshire Green Belt which lies across the national boundary I do not consider that the site should be included within a Green Barrier merely to secure protection for adjacent settlements in Cheshire. The Green Barrier is intended to serve a strategic function, with similar purposes to the West Cheshire Green Belt. I do not regard this site as fulfilling any of the purposes of the Green Barrier as outlined in the Council's Core Document... The site forms part of the flat, estuarine landscape of the Dee, characterised by the extensive and well established industrial development at Deeside Park and Shotton Steel Works/Paper Mill. The villages in Cheshire are on higher ground, reflecting their historical development

above the former water line and are separated from each other by the current extent of the Cheshire Green Belt. I do not consider that it is necessary to retain the site undeveloped in order to safeguard their separate identities or protect their appearance or character..."

- 7.9.6 The Government had advised also (paragraph 7.1.8 of PGW) that Green Belt boundaries should be drawn after allowing for longer term development land needs. It was part of the WDA's case that the release of the application site was essential in order to provide a sufficient range of employment sites, in accordance with Government advice (paragraphs 10.1.1 and 10.1.6 of PGW). In these circumstances, were the local planning authority minded to designate a Green Belt in this vicinity, its boundaries should be drawn so as to respect that requirement.

7.10 LANDSCAPING

- 7.10.1 The planning application for the development site, submitted in June 1997, was supported by a Development Brief and an Environmental Statement. The purpose of the Development Brief was to set out a framework for the development, in particular the design principles for the achievement of a quality development in an attractive landscape setting. The Environmental Statement included an assessment of the effects of the proposals on the landscape and on visual amenity, and was augmented with more detailed consideration of a number of viewpoint photomontages in the Supplementary Information submitted in December 1999, at the request of the Welsh Office. Further photomontages (Core Document 17a) were submitted at the Inquiry.

- 7.10.2 The site would be prepared for development by the WDA, by the provision of development plateaux and infrastructure, including substantial structure planting. The plateaux would be raised to 6.5m AOD by transferring fill material, primarily from Inner Marsh Farm in the north-west of the site, leaving a substantial lake. Material would also be obtained from the other lakes to be excavated within the site. The plateau areas would be divided into

"cells" for filling, and once raised in level, would be hydro-seeded on a rolling programme so as to minimise wind erosion and provide a green sward.

- 7.10.3 The Master Plan, which was included in the Environment Statement accompanying the application (Figure 16 in Core Document 4) showed the proposed disposition within the application site of the developable areas, the existing and proposed water bodies, the landscape zones, and the area of the proposed nature reserve. The Development Brief (Core Document 2) described the proposed landscape structure for the development, the restoration of Inner Marsh Farm, and the public realm design and "on-plot landscaping" which would be the responsibility of incoming developers.

7.10.4 The aims of the landscape proposals for the site were to:

- i) reconcile the aims of accommodating a large development while minimising the visual and other environmental impacts
- ii) provide a range of appropriate wildlife habitats within an attractive and sustainable development.

7.10.5 The main features of the landscape design concept for the site (illustrated on Figures 16 and 17 of Core Document 4) were:

- i) a 150-200 metres wide landscape zone along the north-eastern boundary of the application site, incorporating substantial planting and mounding for screening, and to help integrate the development into the wider landscape
- ii) a variety of wildlife habitats within the landscape zone, in particular wetland areas
- iii) a substantial lake, following the extraction of fill material, on the land between the Inner Marsh Farm Nature Reserve and Shotwick Lake
- iv) roadside structure planting in a 50m wide landscape zone along the whole of the Shotwick Road frontage
- v) balancing ponds in the central region of the site, extending through the site to link-up with wetland areas within the landscape zone
- vi) screen planting around buildings and structures, so integrate those features into the landscape proposals for the site
- vii) screen mounding on the north-eastern edges of the development plateaux.

7.10.6 The intended form of the 150m wide landscape zone (illustrated in the site sections on Figures 21 and 22 in Core Document 4) was designed to integrate the site with the traditional agricultural landscape of areas lying to its north-east, particularly at the point of change in character where the site adjoined the Cheshire border. Tree planting, copses and hedgerows would be established on gently undulating mounds, formed in reused topsoil. It would not be a continuous area of mass planting, but there would be open areas at a lower level, which would be allowed to flood and become seasonal wetland. They would also function as flood storage to attenuate run-off from the site in times of high rainfall.

7.10.7 The new lake to the north-west would be designed specifically to enhance the site's wildlife potential, and provide a buffer to protect valuable existing ornithological habitats. (Some indicative details of the treatment of the lake edges were shown in Core Document 4, Figures 36 and 37). The margins would be sculpted to provide sheltered bays for birds feeding and nesting.

The lake edge would be surrounded by a screening bund, formed in topsoil, to protect the lake from disturbance. It would be surrounded by grassland and some arable cropping and seasonal wetland, and would be managed specifically for the benefit of declining bird species of agricultural land.

7.10.8 Planting along the frontage of Shotwick Road would provide strong visual links with the existing development within Deeside Industrial Park. This effect would be emphasised by the north-south extension of the landscape zone along the line of the existing embankment, within which the attenuation ponds were located, similar to those within the Deeside Industrial Park to the south of Shotwick Road.

7.10.9 Future management of the landscape would involve:

- i) controlled grazing or mowing, and arable cropping to create a variety of habitats
- ii) coppicing, selective thinning and replanting of woodland and trimming of hedgerows
- iii) dredging of the balancing ponds about every 10 years
- iv) regular grass cutting, maintenance of trees and shrubs, and replacement planting.

Landscape Assessment

7.10.10 The landscape of the Dee Estuary, in which the site was located, was generally open, the topography was flat, and there was little tree cover. It had a linear character, with a strong sense of exposure, and was an intensively farmed area of land set in an industrial context. The land rose gently to the north-east, to the villages of Burton, Puddington and Shotwick.

7.10.11 The site lay in the transition zone between the industrial area of Deeside Industrial Park to the south-west of Shotwick Road and the rural landscape and villages to the north-east. Shotwick Lake and the embankment and hedgerow crossing the site were its most prominent features. Vegetation within the site reflected the intensive farming regime: large open fields, generally bounded by drainage ditches, except for the embankment hedgerow, and hedges along Green Lane in the east of the site. It had few features of landscape importance.

7.10.12 The visual character of the site could be distinguished from that of the land in the Cheshire Green Belt. It was more related to that of the DDZ, as being part of the flat estuarial zone. The site did not "merge naturally" with the land in the Green Belt, as objectors alleged. The latter was rising land, with small fields and woods, contrasting with the flat, open, exposed character of the application site. The Local Plan Inspector (Core Document

36, page 135, paragraph 5.126) referred to the application site as part of the flat, estuarine landscape characterised by industry. The flat and open character of the site was distinguished (‘2’ on Figure 25 of Core Document 4) both from the gently rising land to the north (‘1’ on Figure 25), the industrial area to the south (‘3’ on Figure 25), and the open rough ground of the estuary to the west (‘4’ on Figure 25).

- 7.10.13 The visual envelope of the site was limited by the low-lying and flat nature of the land. Views over the site were available from the rising land to the northeast and the south-east and the south-west. From the south-west, the site was viewed in an urban context with extensive industrial development, and therefore the sensitivity of these views to change was low. From the north-east, including Burton, Puddington and Shotwick, the views were sensitive to change, because of their proximity to the site, and because they were from within conservation areas. There were also views from the Deeside Link Road, the Dee Crossing and Shotwick Road itself.
- 7.10.14 The development proposals would change the site to an industrial area, with substantial new landscape features. The potential impacts from the development on the wider landscape would be on the visual amenity of the area.
- 7.10.15 The photomontages modelled buildings with a general height of 7-8m with one larger building of 23m height located on Plateau A. Photomontages were submitted as part of the supplementary information requested by the Welsh Office (Core Document 17), and better quality photomontages were presented at the Inquiry (in Core Document 17a). The detailed visual impact would, of course, be different if the 23m building was located elsewhere on the site. If the final proposals in a detailed application departed materially from the terms of the Environmental Statement, then reconsideration would (as a matter of law) be necessary. The WDA had proposed that any outline permission should be conditioned to tie it to the material submitted as part of the Environmental Statement.
- 7.10.16 The landscaping scheme proposed would provide mitigation of the impact of the application scheme. In terms of mitigation, the landscape proposals would:
- (i) create a sense of arrival at an important site, at a gateway to Wales
 - (ii) provide a coherent landscape structure to Shotwick Road, and a unified identity along its length
 - (iii) integrate the development along the site's north-eastern boundary and within the wider landscape
 - (iv) provide a stand-off and buffer zone to the villages of Shotwick, Puddington and Burton, and screening to mitigate potential visual impact

- (v) incorporate suitable habitats for existing wildlife and create new habitats to increase the overall ecological value of the site.

- 7.10.17 From Connah's Quay or from within the Deeside Industrial Park, the development would be seen against a backdrop of rising ground and traditional farmland. The landscape zone would help to set the site into the wider landscape, and planting along the southern boundary of the site would improve the image of this part of Deeside Industrial Park.
- 7.10.18 The landscape zone would screen most views from the north of the site and of most of the buildings upon it. These would be seen against the existing backdrop of Deeside Industrial Park and, in particular, Toyota, Umbro, Shotton Paper, the gas-fired power station and the new Dee Crossing. The photomontages (from viewpoints near the villages of Burton, Puddington and Shotwick) demonstrated that the landscaping proposed would provide screening and an effective transition zone between DIP and the more elevated rural area within which the villages of Burton, Puddington and Shotwick were set. From three of the viewpoints the visual impact of the proposed development would be slight or moderate. The greatest impact would be on the view from near Home Farm to the east of Puddington. The large building illustrated would result in a great change in the view with correspondingly great visual impact. The landscape zone would contribute to screening the existing DIP as well as enhancing the quality of the landscape, resulting overall in a moderate benefit to visual amenity in that view.
- 7.10.19 It was concluded that the overall effect of the proposals on visual amenity was moderately beneficial from three of the viewpoints, and greatly beneficial from the fourth (from Puddington Lane).

7.11 AGRICULTURAL CONSIDERATIONS

Agricultural Land Quality

- 7.11.1 The application site had a total area of 208.6 hectares and comprised predominantly agricultural land with about 12% of the site being in non-agricultural use, including tracks and a reservoir. The 183.6 hectare (approximately) of agricultural land was all in Grade 2. Some of the land had only been included within Grade 2 in recent times (formerly Grade 4) when the Welsh Water Authority had implemented a land drainage scheme in the late 1980's to alleviate the risk of surface water flooding. The use of the site remained limited by slight soil wetness and exposure to westerly winds. High levels of sodium from salt-laden winds might also depress yields.
- 7.11.2 To set the site in a wider context, it could be compared with the proportions of land in the ALC grades for England and Wales as follows:

TABLE 1

ALC Grade	England	Wales
1	2.6	0.2
2	13.5	1.9
3a	14.5	4.9
3b	29.1	9.7
4	12.7	36.8
5	8.3	29.8
Urban/Non Agriculture	19.3	16.7
TOTAL	100.00	100.00

Given the site's location on the border, it was relevant to consider the English context as well as the Welsh one.

- 7.11.3 To see the local context, the ALC grade of land within a 10km radius of the application site (excluding sea) had been analysed. There were 3318 hectares of Grade 2 land (no Grade 1), 12,649 hectares of Grade 3, 3184 hectares of Grades 4 and 5 and 8,949 hectares of urban or non-agricultural land. In percentage terms, this was:

TABLE 2

ALC Grade	10 km Radius of Site (excluding Sea)
1	-
2	11.8
3a	15.0
3b	30.0
4	11.3
5	
Urban/Non Agriculture	31.9
TOTAL	100.00

- 7.11.4 Grade 2 land was accorded considerable weight in the planning balance and its loss would be regrettable. However, the planning policy framework did allow for its development in certain circumstances. The counter balancing considerations of economic development and social progress had been considered by the local planning authority to override land quality. In addition, about half of the land had only been Grade 2 for just over 10 years as a result of improved drainage and so its loss might not be considered as a long-term disbenefit of the proposals.
- 7.11.5 Tables 1 and 2 above indicated that the site had more in common with England than with Wales in terms of the grading. Wales had 7% of total land area in the best and most versatile grades (1, 2 and 3a); England had 30.6% in these grades and the land in a 10km area had 26.8%. It was clear that the application site was not unique in land quality terms in its immediate vicinity, or within an administrative boundary context. The

application scheme also sought to protect some of the soil resources on the site through the landscaping proposals.

Farming Circumstances: W T Banks

- 7.11.6 WT Banks was a substantial farming business occupying around 926 ha of land for farming purposes, as well as assisting on other family-owned farms. The cropping undertaken by the business included a considerable area of high value produce, grown on contract for wholesale and retail use.
- 7.11.7 In order to assess the impact of the loss of some 213 ha of cropland (183.6ha on the application site plus Inner Marsh Farm) on the farm business a viability exercise had been carried out. Based on a holding of 821 hectares (an earlier and incorrect figure supplied by the landowners) and based on figures produced annually by MAFF for the purposes of assessing the productive capacity of a unit of agricultural land under the Agricultural Holdings Act 1986, a theoretical net annual income of £514,154 was produced. A reduction of 213ha (to 608ha) produced a net annual income of £356,869. These figures were now too low, in view of the later disclosure that the land holding was 926ha, not 821ha, but they did demonstrate that the business would not become unviable as a result of loss of land. A substantial and profitable farming business would continue (even if no replacement land was sought) a fact that was not now denied by the objectors.
- 7.11.8 In fact, the size of the farming unit was not static, and land had been acquired in recent years, eg 57ha acquired at Bank Farm, Sealand in 1999, and a 10 year Farm Business Tenancy taken on 119ha at Monument Farm, Farndon in 1998. Conversely, land had also been disposed of, eg West Cranton Farm, Southport, (149ha), which used to be part of the business and farmed as such, had been let on a 10 year Farm Business Tenancy to be run as a separate business by other family members. This was at a time when the application proposals were known about, and was done without any anxiety about the health of the remaining business.
- 7.11.9 The business also relied heavily for the fulfilment of its contracts with major retailers for the supply of potatoes on seasonal land held on (in some cases) 12-month tenancies. Currently 213ha was held on this basis. The business was sufficiently confident to enter into major long-term contracts on the basis that such land would be available, which showed that land additional to the `core' holdings (ie land owned, or held on a Farm Business Tenancy) was readily available. Capital investment in owned land had continued in the knowledge of the present proposals, which again demonstrated confidence in the future. When assessing the impact of the proposed development on WTB it was necessary to look at all the land available to them, and not just at the 594ha `core' holdings, since the business was clearly run on the basis that seasonal land was readily available as well.

- 7.11.10 WTB clearly did not see the loss of the land on the application site as a threat to the continuation of their farm business. WTB had indicated that it would continue to farm Home Farm, Puddington should the development at Deeside proceed. Indeed, the business had taken steps to set up the farm as a freestanding unit, with new grain storage and its own farm dwelling. It was agreed that such farm buildings as occurred on the application site were in poor repair or redundant, and their loss would be inconsequential for the farm business. There would be no adverse implications, arising from the development proposal, in respect of farm labour at WTB. Access to Home Farm, via public roads, would remain unaltered.
- 7.11.11 Taken overall, there would, of course, be an effect on the business of WT Banks, as a result of the reduced land area available for cropping. However, the business unit would remain economically viable; its centre of operations and labour force unaffected, and its land area substantial.

Farming Circumstances: JSR

- 7.11.12 The JSR Farming Group occupied land and buildings to the north of the application site. There would be no direct impact on the business as a result of the development of the application site. However, the change of use of the application site would reduce the land area currently available for the disposal of pig slurry, pursuant to a legal agreement between JSR and W T Banks (25 years from 1989). JSR Farming was a substantial group, farming over 6000 ha of land and with over 200 employees. Turnover of the group was some £20 million per year.
- 7.11.13 The primary business undertaken on the unit north of the application site (Chapel House and Gun Park) was pig breeding for JSR Healthbred, through a 1,000 sow breeding unit at Chapel House. In order to comply with EC animal welfare regulations, this unit had recently been refitted with straw yards, and the animal waste arising was now largely straw based. This was trailed from the midden onto Home Farm (WTB) and incorporated into this land at an appropriate season. The land area required for this spreading, together with waste arising from associated boars, gilts and sucklers, was 90.6 ha. This could be accommodated within Home Farm (86 ha) i.e. off the application site, with a very small area of additional land (4.6 ha). JSR itself owned 8 ha of land. Thus it seemed that the primary enterprise at Chapel House could continue largely unaffected by the development proposals on land to the north of Shotwick Road.
- 7.11.14 The main difficulty experienced at this unit appeared to arise because of the pig fattening operations carried out at Gun Park. The unit had almost no land of its own on which to spread liquid pig waste from the fattening unit. In order to overcome this deficiency (which would be considered fatal were a new pig unit to be proposed) JSR had continued with a piped system installed under former management in about 1970, whereby slurry

was spread on the application site, Inner Marsh Farm and part of Home Farm. Any surplus was taken by tanker to other land.

- 7.11.15 JSR increased the slurry output from this unit by importing some 8000 finishers per year from other units elsewhere. Slurry was spread by Banks on other land they owned at Wood Farm and Deeside Farm by "gentlemen's agreement", ie outside the terms of the legal agreement between Banks and JSR, since that legal agreement did not provide sufficient land for slurry disposal. Over 40% of slurry had to be taken by tanker to other land not covered by the legal agreement. The shortfall in land required for slurry disposal was of the order of 230ha; and that had to be made up by using land not covered by the legal agreement. JSR did not, therefore, have a secure source for disposal of their slurry under existing arrangements.
- 7.11.16 Under the terms of the Integrated Pollution Prevention and Control Regulations 2000, the unit's current exemption from the 1990 regulations would end in 2006/7. The question of slurry disposal would therefore have to be addressed by JSR quite independently of the outcome of the present application. Possible action would include not importing finishers; acquiring further land; or installing a mechanical system of disposal (eg Funki Manura). JSR had made major investments in the knowledge of the present proposals, and clearly did not regard the overcoming of the present deficiencies (where over 40% of the slurry had to be tankered off-site to land not secured by any legal agreement) as urgent. However, the whole matter of slurry disposal was one that they would need to address in any event in a few years.
- 7.11.17 Nor was the present system of disposal on the application site in itself satisfactory in any event, since breaches of the Water Code (MAFF 1998) were currently occurring on site (Documents WDA20 and WDA30). For example, slurry take-off points from the slurry main were, in places, located immediately adjacent to the reens. Some land areas in close proximity to reens were being used as sacrifice areas, receiving in excess of recommended amounts of slurry, and some joints in the pipes leaked slurry in and around banksides of the reens. Given the proximity of the important Dee Estuary SPA site such breaches of the Code were potentially very serious and should be addressed regardless of the present proposals.

Conclusions

- 7.11.18 Overall, it was recognised that the development would give rise to the use of 183.6 ha of Grade 2 agricultural land for non-agricultural purposes. There were however, no other agricultural impacts arising from the development which were significant for the national agricultural interest. Both farm businesses affected could continue in a viable and commercial manner; both were substantial farming concerns capable of reorganisation to accommodate the land lost. Indeed WT Banks had already taken steps to reorganise, in order to mitigate the disturbance caused. In some

respects, the need to readdress the slurry handling and disposal systems from JSR would itself be beneficial by reducing the potential for pollution incidents to occur, and in meeting current pollution control regulations that would require remedial action in a few years in any event.

7.12 ECOLOGY

Surveys

- 7.12.1 A series of ecological studies were carried out over the period 1992-2000. Additional data were obtained from the Royal Society for the Protection of Birds (RSPB). Throughout the ecological assessment process, detailed consultation and discussions took place with the Countryside Council for Wales (CCW), the RSPB and several other relevant organisations. Those consultations and discussions guided the development of the proposals and played a significant role in the design of the mitigation measures.

Policies

- 7.12.2 The European Community's Directive on the Conservation of Wild Birds (79/409/EEC - "the Birds Directive") and Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (92/43/EEC - "the Habitats Directive") were the primary international nature conservation policies that needed to be considered. In particular, the Birds Directive made provision for the designation as a Special Protection Area (SPA) of any site which was considered to be of international importance to bird populations. The Dee Estuary to the west of the site was an SPA (see Plan at Document WDA6). However, CCW had expressed the view that the development would not have an adverse impact on this SPA.
- 7.12.3 National policy guidance was provided in "Planning Guidance (Wales): Planning Policy" and "Technical Advice Note (Wales) 5: Nature Conservation". The first of these documents, at Paragraph 5.3.1, stated that the Government's policy was to protect the nature conservation interest of statutorily designated sites and sustain or enhance the biodiversity in the wider countryside. Development was not unduly constrained if effects on biodiversity could be limited by the provision of new habitats and by planning conditions. The second of the documents provided guidance on nature conservation outside statutorily designated sites. It was stated (at Paragraph 28) that, "Sensitive landscaping and planting, the creation, maintenance and management of landscape features important to wildlife, and the skilled adaptation of derelict areas can provide extended habitats."
- 7.12.4 The Clwyd Structure Plan Second Alteration: Flintshire Edition (Core Document 34) set out the County Council's policies for protecting the countryside. Relevant policies were CONS 9 concerning Sites of Special Scientific Interest (SSSIs); and CONS 10 on Wildlife Sites and Regionally Important Geological Sites (RIGS). The RSPB had not expressed a

concern that the Inner Marsh Farm SSSI would be adversely affected by the proposals. Further, the proposed development was not considered likely to affect any Wildlife Sites or RIGS within the vicinity.

- 7.12.5 Similar policies were contained in the Alyn and Deeside Local Plan - Deposit Version (Core Document 35) and Proposed Modifications 1997 (Core Document 37). However, Policy E21 included a requirement for a detailed site survey of features of local wildlife importance and for appropriate protection measures to be taken in the event of the development proceeding. Due consideration of the natural features of the site had been given and every reasonable effort would be made to mitigate losses of natural features through habitat creation.

Existing Flora and Fauna

- 7.12.6 The results of the first habitat survey, carried out in 1992, were reported in Volume 3C of the Environmental Statement (Core Document 7). A further survey of the application site was carried out in July 2000 (Document WDA6). The habitats and plant species recorded were common and widespread in agricultural areas both within Deeside and throughout the lowlands of Wales and England. The habitats of the application site were not of particular interest for their flora.
- 7.12.7 A survey of amphibians was carried out in 1993; also in 2000 (Document WDA6). Particular emphasis was given to great crested newts given that they were afforded statutory protection through their inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and more recently through inclusion on Schedule 2 of the Conservation (Natural Habitats, &c.) Regulations 1994. No great crested newts were found on the site and it was unlikely that they would occur. The quality of the ditches was considered to be sub-optimal for this species.
- 7.12.8 With regard to wintering birds, the results of the surveys and consultation were reported in Volume 3C of the Environmental Statement (Core Document 7), the Breeding Birds Survey 1999 (Core Document 23) and the Supplementary Ecological Findings 2000 (Core Document 7a). The application site and the wider area of the reclaimed Dee marshes were identified as of Welsh importance for a number of common, but declining, farmland bird species. A number of these were UK Biodiversity Action Plan (BAP) priority species selected due to declines in their UK population or range of more than 50% in the last 25 years. These were corn bunting, grey partridge, skylark, linnet, tree sparrow and reed bunting.
- 7.12.9 The 1993 survey of corn bunting recorded 18 territories in Wales of which seven were on the application site (see Figures 4 & 5 in Core Document 7). A maximum of four territories, two of which were on the application site, were recorded in 1999 (Core Document 23, Figure 4). In 2000, the one known remaining Welsh territory was on the application site in the area proposed for nature conservation enhancement to the north of Shotwick Lake (Core Document 7a, Paragraph 2.2). Numbers were also declining

throughout northern Europe. A number of changes in agricultural practices were implicated in the decline of the corn bunting in the UK. None of these changes applied to the application site farmland. It was assumed that habitat deterioration in the birds' unknown wintering area could be responsible for the decline. The species was more likely to become extinct if that regime continued.

- 7.12.10 Other BAP priority species that bred on the application site were grey partridge, skylark, linnet, tree sparrow and reed bunting. They were more widely distributed in lowland Wales. In 1999 and 2000, the only years for which quantitative information relating to the application site was available, their populations had been stable. The application site held less than 1% of the Welsh populations of these species. With regard to yellowhammers, the breeding population was not considered to be of conservation importance in a Welsh or Cheshire context (Core Document 23).
- 7.12.11 A number of common species had experienced moderate declines in their populations or ranges in the UK and were classified as of "medium conservation concern". Those species associated with lowland farmland tended to be proportionately less common in Wales as the Principality was dominated by uplands. Species in this category that bred in significant numbers on the application site were yellow wagtail and lapwing. In addition, a number of species of "low conservation concern", but which were infrequent in Wales or Flintshire, were known to breed on the application site. These included gadwall, tufted duck and common sandpiper.
- 7.12.12 Approximately 20% of the Welsh population of yellow wagtails bred on the reclaimed Dee Marshes where they were particularly associated with fields of vegetables. A high proportion of the Dee Marshes population occurred on the application site. Thirty-three pairs bred on the application site in 1994. There was a reduction in the numbers in 1999 but a return to the 1994 numbers in 2000. Numbers on the site fluctuated in the survey years approximately in proportion to the areas of farmland planted with potatoes. The reason for the special attractiveness of the application site for this species was not known.
- 7.12.13 Lapwing reached its highest densities where there were mosaics of short, spring-sown arable and taller, often damp, grassland. Such mosaics, and consequently the species' population, had declined more rapidly in Wales than in the remainder of the UK. The application site held 10 pairs in 1994. As the vegetation on the Inner Marsh Farm RSPB reserve became too tall for nesting lapwings, birds from this large population moved onto the application site. In 1999, 63 pairs (about 6% of the Welsh population) bred on fields to either side of the reservoir. Numbers were smaller in 2000 (38 pairs).
- 7.12.14 Scheduled protected species that had been recorded on the site but which were not believed to breed there were barn owl, quail, little ringed plover and kingfisher. In addition, garganey had been seen on the site and were

believed to have nested on the adjacent set-aside land at Inner Marsh Farm. Quail were not dependent upon the available habitat and the population would be unaffected.

- 7.12.15 Data on wintering birds were presented in Volume 3C of the Environmental Statement (Core Document 7) and in the Wintering Birds Survey 1998-99 (Core Document 21). The fields north of Shotwick Lake attracted feeding waterfowl that included Bewick's swan, lapwing and golden plover as well as curlew and snipe. The distribution of birds on the application site appeared to be dependent on both the amount of shallow standing water on the fields and the previous season's land use. As a consequence, numbers varied significantly from year to year. For example, a peak count of 109 Bewick's swans was made in the application area in the winter of 1998/99. The equivalent number in 1999/2000 was 51 individuals.
- 7.12.16 Of other wintering birds, green sandpiper occurred in ditches in small numbers. In the area of the reservoir, pochard and gadwall occurred in numbers noteworthy in the context of Flintshire. Large numbers of lapwing and golden plover were on occasion recorded in the field to the north of the reservoir. Maxima in the winter of 1992/93 were 3,000 lapwing and 280 golden plover. Lapwing usually fed for some part of their stay on the arable fields of the application site. Small numbers of pink-footed geese wintered in the Dee estuary in most winters and whooper swan occurred more irregularly. If stubble was available, there could be large concentrations of seed-eating birds. Of conservation interest were flocks of the BAP priority species skylark, linnet and reed bunting. Of these, only wintering skylark occurred on occasion in numbers significantly larger than the breeding population on the application site.
- 7.12.17 With regard to mammals, there was an active badger sett approximately 100m north of the application site and a subsidiary active sett within the site. Badgers and their active setts were protected through the provisions of the Protection of Badgers Act 1992. This Act made it an offence to damage a sett, obstruct access to a sett or disturb a badger whilst in a sett. The legislation was driven by concerns over animal welfare rather than conservation concerns.
- 7.12.18 Water vole surveys were carried out in 1999 (Core Document 22) and 2000 (Core Document 7a). The water vole had obtained legal protection since its inclusion, in April 1998, on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In the 1999 survey, no conclusive evidence of water vole within the application site was recorded. However, habitats with good potential for water voles were identified. In the 2000 survey, confirmation of water voles was recorded in two locations in the southeast of the application site. .
- 7.12.19 Brown hare was not a specially protected species. Its presence was not a material consideration in the assessment of the effects of a proposed development. However, the species was of conservation concern through

its inclusion in the list of UK BAP priority species. Brown hares had been seen on and around the site. No detailed assessment was made of the population size or spatial distribution. A decline in the frequency of sightings, thought to be as a result of poaching, had been reported.

7.12.20 There was no evidence of the presence of otters on the application site.

Impact Assessment

7.12.21 Of the 208.6 ha of the application site, 81 ha would form the two plateaux on which buildings and ancillary development would be placed. The plateaux would require sand and gravel fill that would be extracted primarily from a 32 ha area to the north of the reservoir. Fingerpost Gutter would be diverted along approximately half of its length. Two ditches and an irrigation pond would be lost under the plateaux. 105 ha of land would be available for landscaping that would include additional lakes and ditches. 20 ha of Inner Marsh Farm, adjacent to the development, would be available for off-site mitigation.

7.12.22 In terms of protected species, existing water vole habitats in the southeast of the site would be lost; and construction activity would take place within the distance at which licensing would normally be required to avoid potential disturbance to an active badger sett.

7.12.23 With regard to impacts on priority species and habitats, the development would remove field margins that were of potential benefit to some BAP priority bird species. There would be permanent loss of existing habitat occupied by the one remaining corn bunting territory and the majority of territories of skylark and grey partridge. The majority of the foraging areas of tree sparrow and linnet, nesting in Cheshire, would be lost. There would be a loss of three territories of reed bunting. There would be a loss of occasional feeding habitat for wintering waterfowl in the area between Shotwick Lake and the Inner Marsh Farm RSPB reserve. Of the species of moderate conservation concern, there would be loss of habitat for yellow wagtail and lapwing. It was likely that wintering lapwing would be forced to make greater use of other areas including Inner Marsh Farm and other parts of the estuary and its surrounding area. Intermittent use of the application site suggested that such use already occurred. The local wintering population would be unlikely to decline (Core Document 21).

7.12.24 There would be a loss of some of the land over which the small population of brown hares ranged and a temporary reduction in the length of ditches with tall marginal vegetation likely to be of some benefit for foraging pipistrelle bats.

7.12.25 Of the features of Welsh and Flintshire interest, there would be a loss of habitats currently used for nesting by the majority of the application site's population of yellow wagtail. The diversion of Finger Post Gutter would result in the temporary loss of habitat of a number of marginal swamp and aquatic plant species that were infrequent in Flintshire.

Site Proposals

- 7.12.26 An extensive part of the site would be set aside for nature conservation measures in order to accommodate impacts and improve the nature conservation value of the application area. This would accord with the WDA's overall approach to sustainable development. These objectives would be achieved through habitat creation as well as by ensuring the future maintenance and enhancement of biodiversity in the area. The key measures, as summarised below, had been discussed at length with the appropriate nature conservation organisations, most specifically the RSPB. The RSPB had indicated that the mitigation proposals should increase the overall ornithological value substantially for waterfowl species for which the Dee was internationally important.
- 7.12.27 A new lake, designed to enhance the site's wildlife potential, would be created in the northwestern end of the application site. The lake would provide an extension to the habitats of the adjoining RSPB nature reserve. Floating islands, that would be useful for breeding waterfowl and resting areas during storms, would be provided. The margins of the lake, up to a depth of about 2m, would be of feeding value. Birds such as tufted duck, coot, gadwall, mallard and geese would all be assisted.
- 7.12.28 The land surrounding the lake would be managed as seasonally wet arable land. It would provide winter feeding habitat for waterfowl and breeding habitat for priority BAP breeding birds. The measures were described in the Development Brief (Core Document 2, Section 4.2) and in Volume 3C of the Environmental Statement (Core Document 7).
- 7.12.29 Extensive areas of nature conservation interest would be created in the border landscape zone around the northern perimeter of the site. High quality habitat features would be included. These would be of value to a wide range of flora and fauna.
- 7.12.30 The agricultural land within Cheshire would be managed for nature conservation by the RSPB. This would include the maintenance of set-aside land as seasonal wetland for the benefit of breeding, overwintering and migrating waterfowl; also implementation of appropriate farming practices in the remaining area for the benefit of farmland birds including yellow wagtails. Several new territories would be supported although numbers recently recorded could not be sustained (Core Document 7). The management of the larger part of this area as a seasonal wetland would be aimed at attracting wintering waterfowl and waders as well as providing a valuable breeding site for declining species such as lapwing and corn bunting.
- 7.12.31 There would be positive benefits for the corn bunting. The managed agricultural land, amounting to some 25 ha, would support some seven corn bunting territories (Core Document 7). The RSPB had considered the proposals and had not raised any objections. Bearing in mind that the

species has declined under current management, and would be more likely to become extinct if that regime continued, the position had moved on considerably since the Local Plan Inspector registered concern. With regard to lapwing, account needed to be taken of the increased carrying capacity of the site that would be managed for ecological purposes. It was not just a question of comparing the area of land available. The ability of that land to accommodate a greater number of species and birds was relevant.

- 7.12.32 The re-aligned section of Fingerpost Gutter would incorporate ecological enhancement measures designed to ensure that a watercourse providing suitable water vole habitat would be created. In addition, suitable conditions for emergent vegetation would attract dragonflies and other aquatic invertebrates.
- 7.12.33 In view of the presence of water vole in Shotwick Brook East and the Irrigation Reservoir Pond, similar treatments would be applied to the re-profiled Boundary Drain, Shotwick. Any measures involving the translocation of habitat and individuals would be agreed with the competent authorities prior to development.
- 7.12.34 Ecological best practices and other mitigation measures designed to avoid construction impacts would be followed. These were described in Volume 3C of the Environmental Statement (Core Document 7). Licensing requirements would be identified in consultation with CCW. A comprehensive and detailed management plan would be designed and implemented in consultation with the RSPB and CCW. A key objective would be the long-term enhancement of the nature conservation value of the application site.

Conclusions

- 7.12.35 The various ecological studies had provided an unusually long time base against which to evaluate the application site. During that time, the number of breeding corn buntings had declined significantly, yellow wagtails had declined marginally and the lapwing population had increased.
- 7.12.36 The botanical habitats of the site were largely unremarkable. However, the area supported a number of animal species that were of UK nature conservation , importance. Within the context of Wales, there was a comparatively uncommon assemblage of fauna due to the relative scarcity of reclaimed floodplain farmland.
- 7.12.37 The broad impacts of the development would be the loss of habitat for some of the species, particularly water voles and common but declining bird species. No significant impacts that could not be mitigated were anticipated. The proposed measures would ensure the long-term security of the nature conservation interests of the area and would be complimentary to the nature conservation interests of the Dee Estuary SPA. The Countryside Council for Wales had concluded that it was not

likely that ecological features of interest of the SPA would be affected by the proposed scheme. The RSPB was satisfied with the proposals.

- 7.12.38 Suitable habitat for a high proportion of the existing animal populations would be provided. In addition, the variety of habitats on the application site would increase. In this regard, it was the effect on the number of species that was important, not the number of individuals within those species. The range and complexity of the proposed habitats had not been challenged. The proposals would result in an increase in the number of species of conservation concern within the area and a probable gain in biodiversity.
- 7.12.39 The proposals would achieve the national policy of protecting the interests of statutory designated sites and sustaining or enhancing biodiversity in the wider countryside. They were proposals that had the support of the RSPB. There were no objections from bodies such as CCW. Indeed, the quality of the scheme now proposed and its widespread beneficial effects had resulted in a significant lack of objection other than from those who had other interests to protect. This should be eloquent as to the overall long-term benefits of the scheme in the context of national policy.

7.13 HIGHWAYS AND TRANSPORTATION

Policy and Advice

- 7.13.1 The Government's policy on transport was set out in Section 8 of "Planning Guidance (Wales): Planning Policy" and in "Technical Advice Note (Wales) 18: Transport". However, such guidance needed to be seen in the context of the policies for economic development in Section 10 of PGW. In particular, economic development was likely to continue to focus on urban locations that included north east Wales notwithstanding conditions on the A55(T). Paragraphs 10.1.1 to 10.1.3, 10.1.7 and 10.1.13 were of notable relevance.
- 7.13.2 In terms of transport, Paragraph 8.1.1 identified four ways in which the Government aimed to extend choice in transport and secure mobility in a way which supported sustainable development by encouraging the development of an integrated transport system which was safe, efficient, clean and fair:
- Reducing the level of road traffic, or reducing the rate of growth.
 - Encouraging alternative means of travel and transport which had less environmental impact, eg public transport, cycling and walking.
 - Reducing reliance on the motor car.
 - Seeking to ensure the more effective use of the transport network and targeting resources to best effect.

- 7.13.3 Other important considerations were set out in Paragraph 8.3.2, 8.3.4 and 8.5.1 of PGW.

Conditions on the Existing Highway Network

- 7.13.4 Present day (1999) traffic flows were shown on Figure 5.2 in Document WDA9. 1998 peak hour flows were shown on Figures 5.3 and 5.4 and were detailed in Core Document 20a. Flows along the A550(T)/A494(T) between Woodbank Junction and Queensferry Interchange varied between 55,100 and 57,400 vehicles per day Annual Average Daily Total (AADT). North of Woodbank Junction, the A550(T) carried 20,300 AADT. The A5117(T) east of Woodbank Junction carried an AADT of 34,400 vehicles. The highest peak hour flows were along the A494(T) and A550(T) between the Queensferry and Deeside Park interchanges. The flows showed some seasonal variation. The weekday daily flow was highest in the summer months (Figure 5.5, Document WDA9).
- 7.13.5 Generally, traffic flowed freely along this section of the trunk road with fairly high speeds (Appendix B, Document WDA8). Speeds averaged between 49 and 56 mph. However, some traffic queuing was experienced at peak times. The main sources of the queues were Woodbank Junction and Little Chef Roundabout with queues of greater than 30 vehicles during the peak hours (Appendix C, Document WDA8). The worst queuing was at Woodbank Junction where queues occurred in both the am and pm peaks on the A550(T)(south) approach towards the traffic signals. The pin peak queues often tailed back to Deeside Park Interchange and its roundabout.
- 7.13.6 In Wales, the trunk road was grade-separated. Apart from traffic tailing back from Woodbank Junction, there was no regular queuing which affected through traffic. Queuing occurred along the B5129 through Shotton, Connah's Quay and Queensferry for much of the day. Occasionally, this interrupted the operation of the roundabout at Queensferry Interchange with queuing on the north-bound off slip from the trunk road. However, the impact was limited (see Document WDA8, Appendix C).
- 7.13.7 The trunk roads in the area had a comparatively poor accident record. In Wales, traffic in the vicinity of Drome Corner was particularly vulnerable. The speed of the main line traffic was high in circumstances where a hump back bridge limited visibility. The number of personal injury accidents in this area was up to four times that which could otherwise be expected. Implementation of the Western Access Road scheme, currently under construction, would remove the merge and overcome the problem. On the A5117(T) in England, there were a high number of nose-to-tail collisions. These were connected with queuing at junctions and the generally high speed of traffic. The accidents occurred at double the estimated rate for such links.

Future Transport-Related Proposals

- 7.13.8 There were a number of initiatives that could have an impact on future traffic levels in the area.
- 7.13.9 The **Deeside Integrated Transport Strategy** (Core Document 43) consisted of a 10-year package of schemes designed to reduce dependency on use of the private car. This would be achieved by improving bus services and infrastructure; improving the infrastructure of existing rail stations; providing a new railway station in the Deeside Development Zone with feeder buses to serve the Zone; providing cycle routes; and implementing area-wide environmental traffic management measures.
- 7.13.10 One important component study was a Feasibility Study for A New Railway Station and Other Possible Public Transport Options (Core Document 44). In respect of this, the Flintshire County Council Local Transport Plan of August 2000 (Core Document 40a) noted the statement that, in the short term, the provision of a new station was not viable and that other transport improvements such as 'superlative' bus services and the implementation of travel plans should be pursued. New rail stations and infrastructure improvements were considered to be viable proposals for the long term once a more sustainable travel culture had been engendered in the DDZ (Core Document 40, Paragraph 5.93).
- 7.13.11 A further study, the B5129 Deeside Traffic and Transportation Study, had the brief of generating a realistic three to five year programme of works to mitigate problems, improve transportation, restrain traffic growth and enhance the built environment.
- 7.13.12 The AIDA was seeking to minimise traffic generation at the DDZ by promoting a Travel Plan for Deeside Park and appointing a Travel Plan Officer (draft job specification at Document WDA8, Appendix J). The aim was to make the best use of public transport and cycling facilities; integrate with other transport proposals; and explore and identify opportunities for minimising driving to work. At present, only 1.2% at best of day workers at the Deeside Development Zone used bus or high occupancy vehicles (Core Document 44). Taking into account the results of research elsewhere (Document WDA8, Appendix I), a target of 15% of employees using non-car modes was considered to be reasonable; also a significant increase in car sharing. This initiative was not dependent upon the application proposal and would take place in any event.
- 7.13.13 Two trunk road schemes, known as the A494/A550 Deeside Park-Ewloe and the A55/A494 Ewloe Interchange, were awaiting further consideration by the National Assembly. A third scheme, the Western Access Road, was under construction (see Paragraph 7.13.7 above).
- 7.13.14 The Chester Deeside Transport System was a scheme to construct a network of busways into Chester City Centre. A link to Deeside via a

disused railway line was being considered. Details of the scheme and its programming had not yet been determined.

- 7.13.15 Finally, there were a number of other relevant studies. The report into the Queensferry Transportation Study (brief at Document WDA8, Appendix E), implied that no options had been identified which would significantly reduce traffic demands on the A494(T)/A550(T) or reduce the need for road schemes. The Making Better Use of the A55 Study (extract at Document WDA8, Appendix F) demonstrated that there were opportunities for improving the capacity and operation of the route in Wales. The overall aim of the Deeside Park Junctions Road Based Study, commissioned by the Highways Agency (brief at Document WDA8, Appendix G), was to make recommendations for a long-term strategy to address congestion and safety problems at Woodbank Junction, the Little Chef Roundabout and the M56 Roundabout.

Traffic Forecasts

- 7.13.16 Traffic forecast had been prepared for 2004, the year assumed for the first opening of the site, and 2019 when the site could be fully occupied. For growth of existing traffic NRTF national growth factors had been assumed. To estimate the traffic that would be generated by major committed developments, advice had been taken from officers of Flintshire County Council. By 2004, a 20% intensification of development in DDZ Zone 2 (see Figure 6.1 in Document WDA9) and full development of DDZ Zone 3 had been assumed. By 2019, it had been assumed that there would be a 37.5% intensification of development in DDZ Zone 2, full development of DDZ Zone 3 and a 50% intensification of DDZ Zone 4.
- 7.13.17 The resulting traffic forecasts for the 2004 and 2019 am and pm peaks were shown in Figures 7.2 to 7.5 in Document WDA9. The forecast flows for 2004 were within the present link capacity of the roads with one possible exception. For the southbound section of the A494(T) between Drome Corner and Queensferry, the forecast pm peak hour flow was 3,830 vehicles. The estimated capacity of this link was between 3,600 and 4,000 vph. The flow could therefore be close to or even in excess of the capacity of this section of highway.
- 7.13.18 The 2019 forecasts showed hourly flows on sections of the trunk road that were in excess of their present capacity. Those sections where flows would exceed 3,600 vph in the am peak were:

Aston Hill	Northbound	(4,286 vph)
Queensferry to Drome Corner	Northbound	(4,344 vph)
Drome Corner to Deeside Park	Northbound	(3,868 vph)
Woodbank to Deeside Park	Southbound	(3,700 vph)

7.13.19 In the pm peak, the equivalent figures were:

Deeside Park to Woodbank	Northbound	(3,915 vph)
Deeside Park to Drome Corner	Southbound	(3,899 vph)
Drome Corner to Queensferry	Southbound	(4,738 vph)
Aston Hill	Southbound	(4,125 vph)

Development-Related Traffic

7.13.20 In terms of traffic serving completed development, it was assumed that 25% of the site would be occupied by 2004 with full occupation in 2019. An estimate of employment, and trip generation calculations, were set out in Appendix C of the Traffic Impact Assessment (Core Document 20). The work was based on a methodology for assessing industrial and commercial estate traffic generation (Document WDA8, Appendix H).

7.13.21 For the purposes of examining traffic generation, it had been calculated that, by 2019, the number of employees on the application site would be 3,916. This figure could be compared with an estimate of 2,700 jobs arrived at by applying the employment density on Phase 1 of the Deeside Industrial Park. The robustness of the estimates had been considered in a detailed note (Document WDA8, Appendix H). It was concluded that 2,700 to 3,900 was a reasonable range including the most likely employment levels. The likelihood of a high incidence of shift working was also noted. This would reduce peak hour traffic flows.

7.13.22 It was estimated that, in 2004, 195 vehicles would enter the application site in the morning peak hour. The number leaving the site would be 49. The position would be reversed in the evening peak hour. In 2019, the respective figures would be 781 and 196 vehicles. Figures 8.1 to 8.4 in Document WDA9 showed the distribution of development link flows on the highway network. These flows had been agreed with the highway authorities. Figures 8.5 to 8.8 showed the overall "base plus development" flows for the 2004 and 2019 am and pm peak hours. Traffic during the construction period was not expected to be significant.

Traffic Effects of the Development

7.13.23 A more detailed assessment of the traffic effects of the development, comprising part of the WDA's evidence to the Inquiry, forms Document WDA10.

Link Flows

7.13.24 The forecast peak hour link flows for 2004, both with and without the development, were generally within the capacity of the road network. As noted above, a possible exception was the section of the A494(T)

southbound between Drome Corner and Queensferry. The "without development flow" would be 3,830 vph. The development would add 76 vehicles to this flow, less than 2%. The increase would not be material.

- 7.13.25 Looking at 2019, the "with development flows" for the am and pm peak hours were shown respectively on Figures S18 and S20 in Core Document 20a. The links where capacity would be exceeded were the same links the capacity of which would be exceeded without the development (Paragraphs 7.13.187.13.19 above). The southbound flow, Woodbank to Deeside Park, would be 4,022 vph in the morning peak hour. The equivalent northbound figure in the afternoon peak hour would be 4,229 vph. The busiest section of road would be the A494(T) between Drome Corner and Queensferry. Flows would rise from 4,738 to 5,044 as a result of the development, an increase of 6%. This would equate to approximately three years of the traffic growth experienced recently on this section of road.
- 7.13.26 Outside the peak hours, the trunk road would be able to accommodate the forecast "with development" flows. In addition, the "peaky" nature of the traffic flow would allow the opportunity for those travellers who had a choice to shift their travel time to less busy periods.

Merge and Diverge Traffic

- 7.13.27 In terms of merging and diverging traffic, there were two instances, both in Wales, where the 2019 forecasts indicated a change in standard as a result of the additional traffic. These were the Drome Corner southbound merge and the Queensferry southbound diverge. Major road widening would be required to meet the recommended standards.

Junctions

- 7.13.28 By 2019, without the development traffic, Queensferry Roundabout would experience queuing on the two trunk road off-slips in the afternoon peak hour. The addition of development traffic would slightly aggravate the situation but queuing would not be severe. This suggested that the development would have limited impact on the operation of the junction. However, traffic queuing on the B5129 occasionally tailed back into Queensferry Roundabout. Traffic growth could worsen this, regardless of the development, but the additional development traffic would add to the problem. One of the likely outcomes of the Deeside Traffic and Transportation Study (Paragraph 7.13.11 above) would be the relief of queuing on the B5129.
- 7.13.29 With regard to the Drome Corner East and West roundabouts, the additional traffic flows at these junctions would be no more than 50 vph, even in 2019. The impact on traffic queues would be insignificant.
- 7.13.30 At Deeside Park Interchange, even without the additional development traffic, the Drome Road approach would be over capacity in 2004. Queues

would occur in the morning peak hour. By 2019, queues on Drome Road would be longer. In addition, the A550(T)(south) approach to the roundabout would be over capacity in the morning peak hour. Queuing would be experienced. The addition of traffic generated by the development would increase flows throughout the junction. The severity of queues on Drome Road and the A550(T)(south) would increase. Queues would be introduced on the A550(T)(north).

- 7.13.31 Woodbank Junction was already close to capacity in the peak periods and was the source of some queuing. Traffic growth would increase the extent of the queuing. The addition of traffic generated by the development would exacerbate the problem. Little Chef Roundabout would be overloaded by 2004 and seriously overloaded by 2019 even without development traffic. The M56 Roundabout would adequately cope with the additional traffic generated by the development.

Mitigation Measures and their Effects

Measures to Improve Highway Capacity in England

- 7.13.32 Improvements to the trunk road in England had been agreed with the Highways Agency (Document WDA22). Woodbank Junction, including the link to Deeside Interchange, would be improved as illustrated on Drawing No W19101/P/127 (at Document WDA33). The capacity of all approaches to the junction would be increased and the severity of queuing reduced such that the situation would be no worse with the implementation of the development.
- 7.13.33 The Little Chef Roundabout would be converted to a signal-controlled junction (Drawing No W19101/P/125, at Document WDA33). With the application development in place, the junction would be no worse off. Indeed, queues would be less than they would be with a roundabout.

Measures to Improve Highway Capacity in Wales

- 7.13.34 Improvements to Parkway Roundabout on Shotwick Road were proposed (Figure 10.4,'Document WDA9). The scheme would provide access to the site and would be provided as soon as construction took place. It would not require land other than that in the control of the highway authority, Flintshire County Council, or the WDA.
- 7.13.35 The roundabout at Deeside Park Interchange would be improved by the introduction of traffic signals as illustrated on Figure 10.5 (Document WDA9). The scheme was acceptable to the highway authority, Flintshire County Council. With respect to capacity and traffic queues, some of the queuing which was expected to occur in any event would be overcome and the junction would perform substantially better than it would otherwise. Long traffic queues on the A550(T)(south) and Drome Road would be significantly reduced.

Measures to Improve Highway Safety

- 7.13.36 Proposed safety improvements, principally between Woodbank Junction and the M56, were shown on Drawings Nos W19101/P/200 and 201 (at Document WDA33). The scheme would include a 50 mph speed limit, enforced by speed cameras, and improved road markings. Within Wales, Toucan crossings would be provided adjacent to the Parkway and Toyota roundabouts (Figure 10.2, Document WDA9).

The Trunk Road in Wales

- 7.13.37 The scale and nature of the problem in Wales was such that it had not been possible to reach an agreement that would allow the Transport Directorate to withdraw its objection.
- 7.13.38 The design capacity of the A494(T) and A550(T) between Deeside Park and Ewloe was below that which would be required to accommodate the peak hour base and development traffic. However, the capacity would be below standard irrespective of any development traffic. With or without the WDA development, a major highway widening scheme would be required. Implementation of the A494(T)/A550(T) Deeside Park-Ewloe scheme (Paragraph 7.13.13 above) would provide the necessary capacity. However, there was no commitment to any such scheme. Major widening works would not be justified by the scale of the proposed development and its likely impact bearing in mind also that the cost of the scheme envisaged by the Transport Directorate would be some £45 million. In addition, the widening would not necessarily be desirable for providing peak period capacity which would be used by commuters particularly when measures were being proposed to reduce the use of the private car for journeys to work.
- 7.13.39 Should the trunk road improvement not proceed, then the forecast 2019 peak hour flows could not be accommodated. The likely result would be that, during the peak hours, some travellers would divert to an alternative route; choose an alternative mode of transport; not travel at all or travel less frequently; travel to a different destination; and/or travel at a time of day when there was spare capacity.

Agricultural Access

- 7.13.40 Access would be maintained across the site for vehicles of W T Banks & Co (Farming) Ltd based at Home Farm. However, this access would not be available for use by the JSR Farming Group.

The Encouragement of Non-Car Modes of Travel

- 7.13.41 The promotion of a Travel Plan for Deeside Park and the appointment of a Travel Plan Officer have been referred to above. In addition, the WDA was proposing a number of measures that would encourage the use of public transport, walking and cycling. Such measures would be particularly

directed at employees who were residents of the nearby areas of Connah's Quay, Shotton, Queensferry and Garden City and would be secured through a Section 106 obligation (Document INQ6). The most likely effect would be to reduce the traffic impact of the development on roads in Wales, notably the A494(T)/A550(T) between Deeside Interchange and Queensferry as well as on the B5129 between Queensferry and Kelsterton. However, in order to present a robust case, no reductions in traffic flows had actually been assumed.

- 7.13.42 Proposed measures aimed at assisting travel by bus were summarised on Figure 10.1 in Document WDA9. Funding for various initiatives would be provided by the WDA. A bus service between the site and Queensferry, Connah's Quay and Shotton was envisaged. This would run every 20 minutes throughout the day. Further, there would be bus lanes on the B5129 at Station Road, Queensferry and Shotton Lane, Shotton; bus stop "build-outs" on the B5129; eight new bus stops with high quality shelters and information booths; and funding and other assistance directed at providing a bus and cycle link from Drome Road into Deeside Park.
- 7.13.43 Additional measures to assist cyclists were illustrated on Figure 10.2 (Document WDA9). A new cycle route would be established through Deeside Park. This would link Shotwick Road with the existing Millennium cycleway. The network would be extended through the site as development progressed. A link to Cheshire and the Wirral would also be provided.

Comments on the Case for the Transport Directorate

- 7.13.44 Many of the criticisms of the Transport Directorate were not well founded. In particular:
- The evidence was long on assertion and short on supporting empirical evidence.
 - The suggestion of an absolute maximum link capacity of 3,600 vph was contradicted by recent evidence on actual flows and certain sections of TA 79/99.
 - There was no evidence to support the assertion that the applicant's forecasts were "at the lower end of the range of possible forecasts".
 - National policy advice (PGW, Paragraph 10.1.3) on the location of new development had been ignored.
 - No objection had been raised to other traffic generators close to the A55(T).
- 7.13.45 The extension of the Directorate's stance was that there should be no major development that might place even a small amount of additional traffic on the A550(T)/A494(T). Indeed, given that many other parts of the

trunk road network in England and Wales were suffering regular congestion, future development across large swathes of the country would have to be refused.

Concluding Comments

7.13.46 In conclusion, it could be noted that:

- The site was very well located for access to the strategic road network and to the north Wales coast; also to the employment catchment areas of Shotton, Connah's Quay and Queensferry.
- The WDA was making every reasonable effort to minimise road traffic demand. The proposals complied well with the Government's related transport policies.
- The proposed development would result in modest proportional increases in traffic flows. Congestion already occurred in peak periods and the contribution that the development would make to future congestion would be small.
- The need for any major improvements on the trunk road network arose out of traffic growth. Improvements justified by the development would be secured by the WDA. These would provide positive benefits. However, a major widening scheme provided by the applicant would be unreasonable and inappropriate.
- The trunk roads through Deeside were part of the strategic highway network serving most of north Wales and north Cheshire. The implication of rejecting the application proposal on highway grounds was that there should be no major development in that area which could place even a small amount of additional traffic on the A550(T)/A494(T); similarly on other parts of the trunk road and motorway network in England and Wales with comparable or worse congestion.
- The proposals had the support of the Highways Agency and Flintshire County Council as local highway authority. Many of the criticisms of the Transport Directorate were not well founded.

7.14 PLANNING ASSESSMENT

7.14.1 The provision of suitable sites had been an important part of the WDA's success in attracting investment to Wales and was an obvious pre-condition of future success in a competitive international market. The Government's national planning policy for Wales encouraged local authorities to ensure that they had sufficient readily developable and serviced land for industrial development and to ensure that there was a variety of sites to meet differing needs (paragraph 10.1.6 of PGW). This expressly included sites for large scale inward investment (paragraph

10.1.4 of PGW). The WDA was charged with assisting in assembling, preparing and delivering an adequate supply of sites (page 24, paragraph 5.27 of Core Document 55). It had been active in this for over 20 years and had traditionally played a leading role in delivering sites for large scale investment projects.

- 7.14.2 Whilst national planning policy sought to ensure a widespread distribution of jobs and investment throughout Wales, it had acknowledged that economic development would continue to focus on certain parts of Wales, including the coastal strip of north-east Wales, where the application site was located (paragraph 10.1.3 of PGW). National planning policy urged local authorities to identify sites for large scale inward investment in the Assisted Areas, in one of which the application site was located. In North Wales, the Government had identified the A55 corridor in which the application site was located as a particular focus for development (paragraph 10.1.3 of PGW).
- 7.14.3 The Deeside area had been successful in attracting inward investment and the application site had long been identified as one that was suitable for, and potentially attractive to, large scale inward investment enquiries. In recognition of this - and of the need for such a site in the area's portfolio of sites - the local planning authorities for this part of North Wales had made consistent efforts, over a long period of time, to allocate the application site for economic development. Moreover, as recently as March 1997, just prior to the WDA submitting its planning application, the allocation of the application site for this purpose was explicitly supported by the Government.
- 7.14.4 The site was included in the Deeside Development Zone established under Policy A10 (page 25 of Core Document 33) of the *Clwyd County Structure Plan: First Alteration* (1991), which noted the urgent requirement for a new strategic employment site in the Zone (page 91, paragraph 19 of Core Document 33). That plan, which was approved by the Secretary of State for Wales, formed part of the statutory development plan for the area. The proposal accorded with the strategy and policies of the structure plan, which comprised the up-to-date development plan for the area in which the application site was located. Although the proposal did not comply with the old style development plan (on which the application site was identified as 'white land'), that plan was prepared in the early 1950s and could no longer be regarded as up-to-date or appropriate.
- 7.14.5 The fact that the Secretary of State had approved the Structure Plan including A10 was of importance. The letter of approval (31 October 1991: Core Document 33, page 113) specifically referred to Policy A10, and to representations on local amenity, conservation issues and the definition of the DDZ boundary. However, he did not delete the policy. Since the whole of the area north of Shotwick Road was best and most versatile agricultural land, the taking of such land for development was implicit in the policy. It was also important that Policy A10 was (unlike A8 and A9) not made subject to the requirements of Policy A3 (including A3B). Since it

had been shown that no other land was available, Policy H1 was satisfied in any event.

- 7.14.6 The site was included within the precisely drawn boundary of the Deeside Development Zone in the consultation draft (1991) and deposit (1994) Alyn & Deeside Local Plan and identified as Opportunity Site 2 (page 84 of Core Document 35). At deposit stage (1994), that plan was certified by Clwyd County Council to be in general conformity with the structure plan that had been approved by the Secretary of State for Wales in 1991 .
- 7.14.7 The Inspector who heard objections to the *Alyn & Deeside Local Plan* was satisfied that the application site should not be deleted from the Deeside Development Zone and that it should not form part of the local plan's Green Barrier (page 135, paragraph 5.126 of Core Document 36). Although recommending that Opportunity Site 2 should be deleted from the plan, he did not rule out development of the site in principle, but said that, in view of Opportunity Sites 1 and 3, there was no compelling case for its release at that time (1996) (pages 137-8, paragraph 5.131 of Core Document 36). Even if that were true then, it was not the case today. Moreover, in reaching that conclusion, the local plan Inspector appeared not to have recognised two factors: first, the lead-in time required for site preparation works in creating the development plateaux; and second, the necessity of having the site's planning status confirmed prior to both land assembly and the site being realistically offered to an inward investment enquiry. These were important considerations.
- 7.14.8 Notwithstanding the local plan Inspector's recommendation, the local planning authority resolved to retain the allocation of Opportunity Site 2 (Core Document 37). This resolution was made in full knowledge of the site's characteristics, including its classification as best and most versatile agricultural land, and on the basis that the overriding need for the site justified a departure from those planning policies that generally sought to protect such land from development. The Council's position was expressly supported by the Secretary of State for Wales in the Welsh Office letter of 4 March 1997. Although he changed his mind shortly thereafter, it was not apparent why this was done and there was no intervening change in national planning policy to support it.
- 7.14.9 More recent plans sought to maintain the allocation of the site for large scale employment development. The *Structure Plan Second Alteration: Flintshire Edition* (1997) noted that the Deeside Development Zone was the only existing employment designation capable of accommodating a large scale development (pages 71-2 of Core Document 34). Emerging *Regional Policy Guidance for North Wales* (2000) established the requirement for sites for large scale inward investment ('regional employment sites') and identified the Deeside Development Zone in that role (Map 1 of Core Document 38). The pre-deposit consultation draft *Flintshire Unitary Development Plan* (2000) did not contain site allocations but referred to the application site in the context of providing a large scale

site for inward investment as part of a range and choice of sites (page 26, paragraph 6.18 of Core Document 45).

- 7.14.10 The site was strategically located, in an Assisted Area, and benefited from proximity to motorway, trunk and principal roads and easy access to ports and airports. From the planning viewpoint, the site offered significant advantages in terms of strategic location and sustainable development. The approach taken to this application by the Transport Directorate of the National Assembly for Wales (Core Document 50) seemed to diverge markedly from both Government planning policy and the policies set out in the structure and local plans. The effect of the Directorate's objection was to cast doubt on whether *any* further substantial development should be allowed which would be served by the trunk road network in this part of Wales. That approach was untenable and unacceptable and clearly contrary to Government policy for the location of economic development.
- 7.14.11 The site was capable of being developed in such a way as to create large development areas, substantially free of constraints, in a way that was environmentally acceptable and which, as far as practicable, mitigated the likely impacts of the development. The master plan allowed for substantial landscaped areas, which would act as a 'buffer' to neighbouring communities in Cheshire, and for the creation of a nature reserve (Figure 16 of Core Document 4). Conservation interests in Cheshire would be protected by the wide landscape zone running the entire length of the site along the national/county boundary. The site had not been identified in any document as a Green Barrier and an objector's proposal to that effect was categorically rejected by the local plan Inspector. The site would not qualify for inclusion within a Green Belt even if the local planning authority were minded to designate one, which it was not (page 15, paragraph 4.19 of Core Document 45).
- 7.14.12 The application site had not been identified for its landscape quality or interest and had few features of landscape importance. It did not contain any listed buildings, scheduled ancient monuments or designated conservation areas. It was not visible over a wide area, although Burton, Puddington and Shotwick, with their Conservation Areas, overlooked the site. The proposed landscape scheme was appropriate in scale and character to the proposed development, would off-set potential adverse effects on visual amenity, took account of the importance of the setting of the conservation areas and included measures to enhance landscape quality and biodiversity.
- 7.14.13 The site was not protected for any conservation interest. The Countryside Council for Wales did not object to the application and has confirmed that the Dee Estuary SSSI/SPA/Ramsar site would be unlikely to be affected by the proposed development. The site contained statutorily protected species but the impact on these could be satisfactorily mitigated. The incorporation of nature conservation measures and principles had been at the forefront of the site's design process and extensive consultations had been held with the RSPB, which owned the adjoining Inner Marsh Farm

nature reserve. Mitigation was proposed in respect of other ecological interests of the site and the proposal included for the creation of a wetland nature reserve. The RSPB was satisfied with the proposal and considered that it "...should increase the overall ornithological value substantially for the waterfowl species for which the Dee Estuary is internationally important". The proposals would result in a probable gain in biodiversity and an increase in the number of species of conservation concern present in the area.

- 7.14.14 The site contained best and most versatile agricultural land and it was acknowledged that planning policy generally sought to protect such land from development. However, planning policy did not rule out the development of such land; it allowed for it to be developed "*exceptionally*" (paragraph 5.2.1 of PGW). This was recognised by the local plan Inspector, although the test that he employed - "...the *most exceptional of circumstances...*" (Page 137, paragraph 5.131 of Core Document 36) - was more stringent and more onerous than it should have been.
- 7.14.15 Many planning decisions involved striking a balance between competing interests; this was recognised in national planning policy (paragraph 3.1.1 of PGW). The evidence showed that there was an overriding need for the site to be developed and that the need could not be met satisfactorily elsewhere in the area, either on brownfield or greenfield sites. In these circumstances, whilst the loss of the agricultural land was regretted, it was justified. Apart from the loss of land, there were no other significant agricultural impacts arising from the development.
- 7.14.16 Objectors and NAWAD had made much of the fact that some 184ha of good agricultural land had to be taken to produce 81ha of employment land. The point could only carry weight if an alternative, strategically-located employment site of similar size could be identified: but no such site had been located. Also the economic and social benefits to be derived from employment use clearly far outweighed those from continued agricultural use, and the number of jobs generated would far exceed those currently employed there in farming.
- 7.14.17 The proposal was such that it might properly be granted planning permission having regard to relevant development plan, national and local planning policies and to the overriding need to make the site available for the proposed development.

8.0 THE CASE FOR FLINTSHIRE COUNTY COUNCIL

The material points were:

- 8.1. The County Council was strongly supportive of the application made by the WDA, and associated itself with the evidence presented by the WDA. In order not to waste Inquiry time by duplicating evidence, FCC had limited itself to evidence on two topics only: i) evolution of planning policy: ii) consideration of the application by the County Council.

Clwyd Structure Plan First Alteration

- 8.2. This was the only statutory development plan for the area (other than the old town maps which had little or no relevance) and was approved by the Secretary of State in 1991. At that time, there was no regional guidance, and no Welsh national guidance as to employment location. However, the Secretary of State, in approving the plan, did not question in any way the overall strategy of the plan, including Policy A10.
- 8.3. The CSPFA employment strategy was drawn up in the context of a significantly improved, and improving, local economic situation. It was thus incorrect to suggest that its strategy was outdated by subsequent economic advances in the area. It was explicitly recognised in the plan that strategic sites were a crucial element to the further economic welfare of the County (Core Document 33, paragraph 1.2.7, and Policy A2). Policy A2 referred to the need for the area of the former Alyn and Deeside District to provide a strategic site close to primary and main distributor roads, developed to a good standard, and capable of attracting a range of firms, particularly larger firms.
- 8.4. Strategic sites were to be provided in four of the six districts. However, it was the DDZ that was identified as not just providing for such sites but also as providing a location for major employment opportunities. Policy A10 was the only policy within the entire employment chapter of the plan to be specific to a part of a district, and it directed the local plan to define the boundaries of the DDZ. There could be no doubt that the provision of a strategic site there was a central element of the strategy of the approved Structure Plan.
- 8.5. Whilst CSPFA did not specifically identify land to the north of Shotwick Road, the application site lay within the geographical parameters of Policy A10. The Secretary of State could, in approving the plan, have restricted the policy to land to the south of Shotwick Road, or excluded land of high agricultural quality. He did neither. It was not correct to suggest that Policy A10 conflicted with Policy A3. If no alternative land of lower agricultural grading existed, then Policies A3B and HI were not contravened.

Alyn and Deeside Local Plan

8.6. The ADLP was placed on deposit in the summer of 1994. A public inquiry into objections was held between October 1995 and January 1996, and the Inspector's report was issued in July 1996. The Inspector's recommendations were considered by Planning Committee on 28 November 1996 and certain modifications proposed, although the Inspector's recommendation to delete Policy Em15 and Opportunity Site 2 was not accepted.

8.7. From the Welsh Office letter dated 4 March, 1997 there could be no doubt whatsoever that the Council's position on Policy Em15 and its reasons for coming to that conclusion were fully accepted. The letter stated that "consideration has been given to proposed modification number 5.133 on page 14, relating to policy EM15, opportunity site 2 which was the subject of an objection by the Welsh Office Agricultural Division.

The Secretary of State has concluded that he does not wish to intervene to modify or call in the plan in respect of this proposed modification.

Your Council may proceed towards adoption of the Local Plan".

8.8. There could be no misinterpretation as to the support of the Welsh Office at that particular time. The Secretary of State agreed with the Council and effectively over-ruled the Inspector's recommendation and the objection by WOAD based on the agricultural quality of the land. It was also important to note that there was no mention of any transport or highways objection at that time. The Council considered that this clear statement of the Welsh Office position should ordinarily have allowed the Local Plan to proceed to adoption thereby providing a basis for the determination of the present application.

8.9. In the light of the Secretary of State's letter, there seemed no impediment to the adoption of ADLP, with Policy Em15. The plan had received a Certificate of General Conformity with the Structure Plan and it was the view of Flintshire County Council that the local plan would not have complied with the Structure Plan without Policy Em15. ADLP would then have been adopted had it not been for a High Court challenge in relation to a retail matter entirely unconnected with the application site. It was at this time (5. June 1997) that the present planning application was made to the Council. By letter dated 9 October 1997, that application was called-in by the Secretary of State for his own decision.

8.10. On the morning of 15 October, the Council met to resolve to adopt the local plan including Em15. In the light of the letter of 4 March, the Council was surprised to receive (by FAX) the Welsh Office letter dated 15 October, 1997 directing the Council to modify the local plan proposals so that Policy Em15 reflected the Government current policy framework. The reasons given for this direction were brief. It stated: "in addition to consideration of the Government's policies with regard to economic

development; the protection of agricultural land; and the implications of the review of trunk roads; policy EM15 should also be reconsidered having regard to Win Griffiths MP's letter of 20 June 1997 to all local planning authorities in Wales concerning green belts".

- 8.11. The Council was concerned that such a significant change of position should occur within a six month period during which there had been no apparent changes in Government planning policy, although there had been a change of Government. It was also of concern that there had been no further clarification from the Assembly on these issues despite representations to senior planning officials and ministers of both the Welsh Office and the National Assembly. On 16 October, 1997 the Leader of Flintshire County Council wrote to the Secretary of State for Wales expressing the Council's great concern, and their difficulty in understanding the reasons for the modification direction. Neither the Welsh Office nor the Assembly had provided further clarification on the four issues raised where it was stated that the Council's policy position was at odds with Government policy, nor had there been any reference to an actual change in policy.
- 8.12. The nearest was a letter dated 16 October 1997 from the Welsh Office Head of Planning Division in response to the Council's letter of 10 October 1997 (Document FCC1, App10). The Welsh Office letter stated that "there have been certain changes to the planning policy context since then (14 March 1997) such as the strategic review of Welsh trunk roads with its possible implications for proposed improvements to roads in the vicinity of Shotwick Road, and the Minister's letter of 20 June asking that serious consideration be given to the designation of green belts in North-East Wales amongst other areas. These considerations led to the decision to call-in the planning application submitted by the WDA for the Shotwick Road site. Had the Local Plan gone to final adoption with policy EM15, opportunity site 2, retained within it, it could have been viewed as prejudicing the outcome of the anticipated call-in inquiry".
- 8.13. There was no indication that there had been any changes in policy relating to agricultural land since 4 March 1997. The Council did not view the Minister's letter: regarding Green Belts as having any impact in actually changing Green Belt policy as contained in "Planning Guidance (Wales): Planning Policy" (1996). The only materially significant issue was that of the impact of the development on the trunk road system, the other reasons being make-weight. It was to be noted also that the direction then was to modify, not delete, Policy Em15. Only subsequently, in May 1998, was it indicated that the policy should be deleted if the plan was to proceed to adoption.
- 8.14. On 20 November 1997 the Leader of the Council and the Chairman of Planningtogether with the Chief Executive and the Director of Planning and Development met the Parliamentary Under Secretary of State at the Welsh Office to express their concern at the decision to call-in the

application and at the direction to modify Policy Em15 of the Local Plan. (Document FCC1, App12)

- 8.15. On 24 February 1998 the County Council's Planning Committee resolved to make modifications to Policy Em15 which would reflect and clarify the role and function of the site as a strategic employment site. (Document FCC1, App13.)
- 8.16. Following consideration of representations received to this proposed further modification a report was submitted to the Council's Planning Committee on 22 September 1998. (Document FCC1, App14) The Welsh Office response merely indicated that the proposed modification did not satisfy the direction of 15 October 1997 and again no further clarification was offered.
- 8.17. For the National Assembly's objection to be logical it would need to be established that there had been a material policy change within the period from March 1997 to October 1997 and that similarly there had been changes between October 1997 and the present day. The Council had already established that there had been no change in policy regarding agricultural land. Neither had there been any change in policy regarding Green Belts. The Minister's letters did not change policy but merely reminded local authorities of the need to address the Green Belt issue. The policy remained unchanged as did the criteria for establishing and identifying Green Belts. The Council considered it to be unfortunate if Minister's letters such as these were to be seen to alter policy, as it undermined both consistency and certainty in the planning system.
- 8.18. If the Council were to assume that in the period between March and November 1997 there were seeds of change being sown in emerging revised guidance, then it could be reasonably expected that such changes would be reflected in the first revision of PGW issued in April 1999, seventeen months after the October 1997 letters of call-in and modification. Clearly there was ample time to reflect any changes in the revised guidance and the Council's case revolved around the fact that there had not been any material changes in guidance which impacted on the Shotwick Road case.
- 8.19. In the light of the prevailing situation, Planning Committee resolved on 22 September 1998 that no further action be taken on making progress towards adoption of the ADLP until such time as a decision had been made in respect of the present planning application, whereupon a further report would be submitted for consideration.
- 8.20. It was the clearly stated view of the Council's policy witness that it was likely that ADLP would be adopted once the outcome of the present application was known. Adoption could happen quite quickly and, since the UDP was at an early stage, it made sense to do so. The plan had certainly not been abandoned and hence its policies (with the exception of Em15)

should be accorded significant weight. Such weight had been given to the plan by Inspectors in the past.

- 8.21. The Council's position was that Em15 was still material, although less weighty than, say, its correlate Em3. However, FCC agreed with the WDA that Policy Em4 would then apply, which created a presumption favourable to the development.
- 8.22. Some objectors had stated that the site should have come forward through the local plan process and, indeed, that the present application could be refused on the grounds of prematurity. In fact, prior to the submission of the application in July 1997, the only route that was being pursued was that of the development plan. Moreover, at the time of the application, the development plan position seemed to be relatively clear, and the plan would have then proceeded to adoption but for a challenge on an unrelated matter.
- 8.23. The Council had been criticised by some objectors for deciding to put the adoption process into abeyance in September 1998. However, FCC was not willing to adopt a plan without Policy Em15, nor was there any point in holding a modifications inquiry since it was known that there would be an inquiry into the present proposals in any event.
- 8.24. Within ADLP, three opportunity sites were identified (a fourth site, Broken Bank, was deleted between consultation and deposit drafts). The three Opportunity Sites were all seen as having different roles within the overall strategy, albeit that the mix of uses described as permissible on each was generally the same. It was accepted that the distinct role of Opportunity Site 2 was not set out with sufficient clarity in the deposit version (although it was in the post-inquiry modifications), although the Council's proof at that inquiry (Document FCC1, App6, paragraph 1.3) referred to its use for "large scale inward investment projects", as did the 1995 development brief. The local plan Inspector was quite clear as to the strategic role of Opportunity Site 2, although he seemingly misunderstood it as being for a single large scale user.
- 8.25. It was significant that the Local Plan Inspector explicitly endorsed the strategy of the three Opportunity Sites (Core Document 36, paragraph 5.125). He did not say that the site could never be developed for the intended purpose, but only that no compelling case for its release had been made at that time. He did not recommend drawing back the boundary of the DDZ to Shotwick Road, nor did he recommend that the site should be included in a Green Belt/Barrier. His recommendation clearly left the door open for the site to be reconsidered at some future date. The Local Plan Inspector had not had the benefit of hearing expert evidence as to need, or as to the importance of advance preparation works, thus having a site ready to offer to a potential investor, both matters covered at the present Inquiry.

Alternative Sites

- 8.26. It had never been any part of the case for Shotwick Road that there was any numerical shortfall in employment land availability: The case was always a qualitative one. It was still the Council's contention that the site remained the only one in North-East Wales capable of meeting the Structure Plan requirement for a site for large-scale inward investment projects. None of the other sites mentioned at Inquiry could meet that requirement.
- 8.27. Currently there were 3 sites of over 40 hectares allocated for employment development in Flintshire:
- i) North of Shotwick Road
 - ii) Opportunity Site 1, Garden City -125 ha. (79 ha. net)
 - iii) Warren Hall, Broughton - 79 ha. (29 ha. net).

Of these sites only the Shotwick Road site could realistically be regarded as fulfilling the role of a large site for strategic investment enquiries and meeting the requirements of PGW. Opportunity Site 1, Garden City had fragmented ownership, there were uncertainties over the future intentions of the MoD and the ability to satisfactorily access the site to the trunk road. It was also close to established housing. Warren Hall was allocated as a high quality site for B1 uses only and had a net developable area of approximately 18ha only.

- 8.28. The only other site of over 40 ha. in North East Wales was the former Firestone site on Wrexham Industrial Estate, totalling some 46 ha. Whilst accepting that it could accommodate a large user, it must be borne in mind that the last major investment in North East Wales was Toyota, who required a site of some 52ha. Only the Shotwick Road site was currently capable of accommodating such a large land user, even when the fact that over half the area would be set aside for buffer landscaping and to create a wildlife habitat was taken into account.
- 8.29. At the time ADLP was proceeding towards adoption the then-current version of PGW (1996) specifically identified Flintshire as a suitable location for large-scale inward investment. There were no material changes in the 1999 version. Similarly the economic strategy underlying CSPFA was carried forward in the draft 2"d Alteration Flintshire Edition (particularly Policies EMP2 and EMP9) and in emerging Regional Planning Guidance for North Wales. There was a current and compelling economic requirement to release the application site for development given the need to sustain the Flintshire and sub-regional economy. In the absence of a readily - available site, large investment projects, with the potential for spin-off developments would be lost. The Council considered that there were exceptional circumstances of strong economic justification for the

proposed development that over-rode other considerations and which warranted the exceptional release of the land for development of the scale proposed.

Agricultural Land

- 8.30. It was not disputed that the site was classified as Grade 2, and was best and most versatile land which planning policy would normally seek to protect (eg Policy AI of ADLP). The allocation of the site in the local plan had been subject to an objection by WOAD (as it then was), but the Welsh Office letter of 4 March 1997 (see paragraph 8.7 above) had clearly not sustained that objection. In view of the over-riding need for the development, and the lack of suitable alternative sites the Council took the view that a departure from the normal policy of protecting such land was justified, and that Policy H1 of the Structure Plan would be satisfied.

Green Belt

- 8.31. Rather than Green Belt, Flintshire and its predecessor local authorities had adopted green barrier policies as the appropriate planning tool to control development in areas where pressure was great. The broad areas of green barrier were set out in CSPFA with more precise boundaries being defined in the Alyn and Deeside and Delyn Local Plans. The CSPFA indicate an area to the east of the built up edge of the A550/494 corridor up to the Cheshire boundary. This was more precisely defined in the proposals map of the Alyn and Deeside Local Plan.
- 8.32. Neither the CSPFA nor the Alyn and Deeside Local Plan included land west of the A550/494 within the green barrier designation as the land was neither under the severity of pressures experienced in other areas, nor was it land which, if developed, would lead to the coalescence of Deeside and Chester. This principle had clearly been recognised by the formal approval of the Structure Plan and in the advanced stage of the Alyn and Deeside Local Plan preparation.
- 8.33. The Local Plan Inspector considered the merits of the site's designation as green barrier in dealing with Ellesmere Port and Neston's objection to the Local Plan. The objector put forward the view that the site should be included within a green barrier in order to relate satisfactorily to the strategic purpose of the West Cheshire Green Belt. The Inspector did not agree and concluded that the site should not be designated a green barrier merely to secure protection for adjacent settlements in Cheshire. There was a clear coincidence of argument here by virtue of the fact that if the site did not merit green barrier status then neither was it appropriate for consideration as Green Belt.
- 8.34. The Local Plan Inspector also stated that the green barrier was intended to serve a strategic function, with similar purposes to the West Cheshire Green Belt, and he did not regard this site as fulfilling any of the purposes of the green barrier as outlined in the Council's case. He concluded that

the site formed part of a flat, estuarine landscape of the Dee, characterised by extensive and well established industrial development at Deeside Park and Shotton Steel Works/Papermill. The villages in Cheshire were on higher ground, reflecting their historical development above the former waterline and were separated from each other by the current extent of the Cheshire Green Belt. The Inspector did not consider that it was necessary to retain the site undeveloped in order to safeguard their separate identities or protect their appearance or character.

- 8.35. The Inspector in paragraph 5.127 of his report (Core Document 36) considered that "the guidance set out in the brief regarding separation distances and the width of the landscaped buffer zone represents a firm basis for the protection of the amenities of the adjacent settlements in Cheshire. The brief emphasised that the 150m strip was a minimum and that its width may need to be wider in certain situations. I would expect such situations to be identified (as part of any requisite mitigation measures) in the EA exercise undertaken prior to the development of the site". The development proposal put forward by the WDA made proper provision to safeguard the amenities of the adjacent settlements in Cheshire. The S106 Agreement met the substance of the County Council's concerns about off-site landscaping.
- 8.36. Flintshire County Council had considered the green belt/green barrier issue in the preparation of its strategic issues paper of the emerging Unitary Development Plan. The Council's view was that green barriers were perfectly adequate to deal with pressures of development and that their greater flexibility by being bound into the Development Plan process was more suited to Flintshire's needs. The Council's position was clearly set out in the Pre Deposit Consultation Draft UDP (Core Document 45).
- 8.37. Flintshire County Council had consistently kept NAW informed of its position on the Green Belt issue and correspondence had been exchanged. Despite its concern regarding this particular site, NAW had not given any indication that it was unhappy with the approach that Flintshire was adopting. Even more significantly, NAW's comments on Flintshire's Pre-deposit Consultation Draft UDP were that "The consideration given to the potential for Green Belt designation and the decision to continue to rely on the designation of Green Barriers is noted". If NAW were concerned as to the approach being adopted it could reasonably have been expected that the Assembly would have objected, or at the very least have expressed reservations.
- 8.38. With regard to adjoining local authorities in North-Wales it was significant that neither Denbighshire County Council nor Wrexham County Borough Council intended to introduce Green Belts, but preferred to exercise appropriate control through green barrier policy.
- 8.39. Flintshire County Council's view was that green barriers were the appropriate mechanism to control development in areas of greatest pressure and where there was a danger of settlements coalescing. In any

event the site in question would not meet the strategic criteria necessary for it to be included in either a Green Belt or a green barrier. The Pre-Deposit Consultation Draft of the Flintshire Unitary Development Plan set out the Council's reasons for favouring green barriers as opposed to Green Belts in paragraphs 4.18 and 4.19 and in Appendix 2 to Core Document 45.

Transport Issues

- 8.40. The position of the application site alongside the A550/A494 corridor with the closest links to the M56 motorway of any area in North Wales obviously gave it a distinct advantage in road access over any other site in North Wales. This particular corridor was a strategic gateway route providing a link not only between Flintshire, the north-west of England, and North Wales but also being part of the European route linking Ireland, the UK and Mainland Europe.
- 8.41. It was perfectly obvious therefore that, whether or not the Shotwick Road site was, developed, the infrastructure in this key location must be adequate to provide for the required movement of traffic. The issues raised by the Transport Directorate revealed a tension between its own view and NAW's economic and transport policies and the locational requirements for major inward investment sites as set out in PGW. This was far from a satisfactory position and one which would be totally unacceptable not only to Flintshire but to all the other Local Authorities in North-Wales.
- 8.42. The Shotwick Road site, and Deeside in general, had distinct advantages over any other site in North Wales in terms of existing and potential links to different modes of transport. The main North Wales railway line passed through Deeside and the site could be accessed from the Wrexham-Bidston line. Port facilities existed at Mostyn and the site was the closest in North Wales to both Manchester and Liverpool airports. Flintshire was developing its cycle network and the national cycle route passed through the Deeside Development Zone. In addition, the County Council had safeguarded the route of the former Shotton-Mickle Trafford railway line as part of the Chester-Deeside Transport system. This was to consist of a guided bus route with the pedestrian and cycle route alongside. No other site in North Wales could offer such a combination of alternative modes of transport.
- 8.43. The area was therefore capable of meeting the Government's aspirations of encouraging alternative modes of transport to a considerable degree. The County Council's view was that development of the site met the aims of transportation objectives contained within planning guidance and other transport policies emanating from the Assembly. In supporting the application the County Council was providing the opportunity to meet the Government's objectives through the juxtaposition of housing, employment and transport.

- 8.44 The issue was clearly not that the site did not meet the objectives of PGW, but that there had been a failure to progress the necessary improvements to the infrastructure. The identification of this site and others close to the trunk road corridor had been public knowledge since 1991 when the consultation draft of the Alyn and Deeside Local Plan was first published. At no time during the extensive consultation period with the Welsh Office had there ever been any adverse comment raising highways as an objection until the letter of 16 October 1997.
- 8.45. Policy T2 of the Local Plan referred to road schemes which were anticipated to be constructed during the Plan period. The preamble in the Transport Chapter referred to the A494/A550 and A55 trunk roads passing through the Plan area and forming part of the national network of long distance roads. The Plan referred to the Welsh Office's programme for trunk road improvement which recognised that the traffic on cross-border trunk road had exceeded the recommended traffic flow and that the road would need to be improved if it was to continue to be a very important route between North Wales and North West England.

The Planning Application

- 8.46 The outline application, allocated Flintshire County Council's reference number 97/8/5/0638, was submitted on 5 June 1997 and referred to "Proposed Business and Industrial Development (Classes 131, B2 and BS) of the Town and Country Planning (Use Classes) Order, 1987, including the erection of buildings, raising the level of part of the site, associated building, engineering and other operations and landscaping; and the creation of a nature reserve with vehicular access and car park". The application was accompanied by an Environmental Statement in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations, 1988, and was advertised on site and in the local press on 2 July 1997.
- 8.47 The advertisements also made reference to the fact that the proposed development did not accord with the provisions of the development plan in force in the area. It was considered to be a "departure application" in that a small part of the site fell within the Connah's Quay-Shotton Town Map designation of "White Land", and as part of the site extended beyond the area of the Deeside Development Zone. Whilst the indicative drawings accompanying the application indicated that this portion of the site was to be used for purposes other than employment it was considered that as it was comprised within part of the site of the outline application it was technically a 'departure' from the plan.
- 8.48 By letter dated 9 October 1997 the Secretary of State for Wales directed that the proposed development raised planning issues of more than local importance and should be determined by himself.
- 8.49 The planning application was reported to Planning Committee on 5 October 1999 (Appendix 3 of Document FCC1, App 29) when it was

resolved that a Statement of Case be submitted to reflect the contents of the Committee report and to support the proposed development subject to the completion of a Section 106 Agreement on off-site landscaping, and to appropriate conditions. The Council was now satisfied as to the S106 point subject to the draft agreement tabled at Inquiry being completed (Document INQ6). Conditions had also been discussed at the Inquiry.

- 8.50 The Council was satisfied that matters of detail relating to the proposed development had been addressed as far as was possible in the context of an outline application. The Environmental Statement, including such information forwarded in response to the Welsh Office request, referred to aspects of the development which were perceived to provide difficulties and suggested mitigation where this was appropriate and considered necessary. Whereas there were still valid objections to the development on grounds of detail it was considered that these were capable of being satisfactorily addressed in subsequent reserved matters applications should an outline planning permission be granted.

9.0 THE CASE FOR GROUPED OBJECTORS

(note: this section of the report summarises the case on behalf of: Puddington and District Parish Council; Burton Residents Association; W T Banks and Co (Farming) Ltd; JSR Farming Group; and the Trustees of the Shotwick Estate. It was stated that all 5 parties lodged separate objections to the planning application, but that the evidence given was on behalf of all the parties).

The material points were:

9.1 Development Plan background

- 9.1.1 The only relevant statutory development plan was the Clwyd Structure Plan: First Alteration, approved in October 1991. It was now virtually ten years old, and was intended to provide strategic policy for the area until 1996. Its policies still had the force of S54A behind them, but that must be balanced against other material considerations, including the policy and economic changes that had occurred since it-, preparation. It was not, of course, site specific. Even the boundaries of the DDZ were left to be defined in a subsequent local plan.
- 9.1.2 The Clwyd Structure Plan 2"d Alteration: Flintshire Edition was not part of the approved development plan, and would never be carried forward to adoption/approval. Whilst it was a material consideration, it should carry relatively little weight in the light of paragraphs 4.15.1 and 4.15.2 of "Planning Guidance: Wales". Similarly, the emerging UDP could carry little weight, bearing in mind that it had only reached an early stage.
- 9.1.3 The weight to be attributed to the Alyn and Deeside Local Plan was difficult to establish. Clearly, no weight could be given to Policy Em15. The Local Plan Inspector had recommended its deletion (and since the plan had not been adopted, his recommendation was still relevant), and it remained the subject of a direction, and objection, from the National Assembly. Whether it would ever be included in an adopted plan depended, in part, upon the outcome of the present application.
- 9.1.4 The weight to be given to other policies and proposals of the plan should, on the face of it, be greater than that attributed to Policy Em15, since the plan had reached an advanced stage, and there were no outstanding objections to them. However, paragraph 4.15.1 of PGW made it clear that local plans gained weight depending upon their progress towards adoption. It was impossible to say if this plan would ever be adopted. The Council's policy witness had given it as his opinion that the plan would proceed to adoption once the result of the present application was known, but that could only be a personal view, and there was no Committee resolution to support it. The weight to be given must be limited by this uncertainty.
- 9.1.5 The Council's stated position was that they had been unwilling to adopt the plan without Policy Em15. The importance they attached to the policy

would presumably be the same once the present application had been determined. It could not be assumed, therefore, that the Council, which had already declined to take the plan forward to adoption once without Em15, would do so if the present application did not succeed. They had not wished to adopt a plan without Em15 previously, and it was not self-evident that they would be prepared to do so in the future. It appeared, therefore, that the fate of the entire plan, and hence the weight to be given to its policies, was dependant upon the present application.

- 9.1.6 This was, of course, at variance with the logic of a plan-led system. The County Council had chosen to suspend local plan preparation pending the outcome of the present application. Rather than providing a local plan context for the consideration of the application, they had chosen to sacrifice the plan, and the weight that would normally be accorded to it, to their desire to avoid prejudicing their position at the Inquiry.
- 9.1.7 The Council was currently preparing a UDP to cover the years 2000-2016, thereby overlapping the final 3 years of ADLP. If the future of the application site was as strategically important as the Council thought, ie of sufficient importance to lead them not to progress the ADLP without it, then the question must arise as to whether a decision on the present application would prejudice the outcome of the UDP process, ie. whether it would be premature in terms of paragraph 4.15.2 of PGW.
- 9.1.8 A further relevant consideration in evaluating the weight to be given to ADLP was the length of time that had elapsed since the application site was first proposed for employment uses. The site was first considered in the context of the Nissan proposal of 1984. The context for ADLP was set by the Structure Plan: First Alteration, which reflected the policy background of the late 1980's. Its origins dated back to a period of very different economic circumstances, when there was a perceived economic imperative to have a large showpiece site capable of attracting major overseas investors. Both the economic circumstances and the policy background had subsequently developed.
- 9.1.9 The economic situation in Flintshire had improved considerably in recent years (see 9.2.9 below), even without a strategic site identified for major incoming investment. Meanwhile, National Assembly policy had focussed increasingly on an east/west economic split within Wales. West Wales and the valleys were falling further behind the more prosperous parts of Wales, and there was an increased emphasis on a fairer distribution of jobs within Wales, with particular emphasis on job creation in rural areas and the South Wales valleys. National policy no longer emphasised Deeside as it had done in 1991 when the Structure Plan was approved. This application failed to reflect the changed policy emphasis.
- 9.1.10 Policy A10 of the Structure Plan; First Alteration did not specifically identify the application site, which was to be defined in the local plan: there was, of course, no adopted local plan. The site was thus not specifically identified in any adopted plan. An employment allocation in line with Policy A10

would have to balance competing factors including structure plan policies in respect of landscape and the protection of good agricultural land. It was apparent that the balance struck by ADLP had not convinced the Local Plan Inspector. Nor had the description of the proposals in Em15 (as it appeared in the Deposit Draft) clearly identified the site as being for major employment uses. It was described as a mixed-use site in terms rather similar to the other two opportunity sites, which was surprising given that the Council subsequently laid such stress on this aspect.

- 9.1.11 ADLP Policy Em4 dealt with industrial uses in settlements or development zones which did not have planning permission or were not allocated. These would normally be allowed where there was a proven shortage, and the development complied with Policy G1. The Council could arguably have deleted Policy Em15, left the application site within the DDZ, and relied on Policy Em4. This would have allowed them to adopt ADLP, but they chose not to do so. Similarly, any B8 element could have been covered by Policy Em6. Policy G1 would have required consideration of the agricultural land test in Policy A1.
- 9.1.12 The draft Regional Guidance was of limited weight at this stage, and did not specifically identify the application site in any event. "Planning Guidance: Wales" was of very considerable weight, however, especially where local and strategy policy was so ill-defined.
- 9.1.13 The Dee Estuary Strategy (Core Document 59), with its emphasis on sustainability and biodiversity, was relevant as supplementary guidance, although the WDA and the County Council made little reference to it.

9.2 The Need for the Proposed Development.

- 9.2.1 The quality of the agricultural land forming the application site was not disputed and both the Structure Plan and Planning Guidance: Wales (paragraph 5.2) set out the tests to be applied. Structure Plan Policy A10 identified the general area, but recognised that even within the DDZ major employment development projects would have to take account of other relevant policies. These must include H1 and A3B so far as agricultural land was concerned. Policy A10 must require that even within the DDZ (as defined in the subsequent Local Plan) there must be a strong presumption against using Grade 2 agricultural land unless there was no other suitable land.
- 9.2.2 The nationally applicable test set out in PGW was that the best and most versatile agricultural land should only be developed exceptionally where there was an overriding need, and a lack of lower grade land. There were therefore two criteria, and over-riding need had to be shown before going on to consider availability of lower-grade sites.

Need

- 9.2.3 It was not claimed that there was any overall shortage of employment land in Flintshire. On the Council's own figures, there was 89ha of land serviced and immediately available and 137ha that could be developed in the short term (to 2004). A further 212ha was only likely to become available after 2005, giving a total of 438ha. Even at the take-up rates assumed by the emerging UDP, which were towards the upper end of the achieved range, there was upwards of a 20 year supply, and the UDP was considering if some of the identified sites could be used for housing. Even if the MOD site (40 ha net) was removed as being doubtful, there was still an 18 year supply.
- 9.2.4 There was no evidence of any particular occupier seeking to take up any or all of the site, only references to general expressions of interest. It was argued that a prepared, immediately available site was necessary before (a) potential occupier(s) could be attracted. However, the grant of planning permission would inevitably result in the loss of the whole site to agriculture and its irreversible alteration to produce the two plateaux (totalling only 81ha), without any certainty when, if or how the site would be developed. This would result in the loss to speculative development of a large area of high-quality agricultural land.
- 9.2.5 Immediately before, and during, the Inquiry the WDA had sought to limit the nature of the application in very specific ways, e.g floor areas, heights, limitation on B1 uses. These restrictions were not related to any specifically identified requirements of potential users, but had been introduced to ensure that any consent granted was in accordance with the Environmental Statement, in an attempt to avoid the problems that arose in *R v Rochdale ex p Tew* (Document WDA14). This would limit the range of occupiers that the site could satisfy. The variations in the proposed heights of the buildings, from 6m to 40m, did not demonstrate any firm understanding of the likely needs of potential occupiers. The Council no longer sought (as in the Deposit Draft Em15) commercial or leisure use. None of this suggested a clearly defined need.
- 9.2.6 The evidence presented relied on the general attractiveness of this part of Wales to inward investment but did not indicate any pressing demand for a site of the size sought. The figures showed a decline in the number of potential investors requiring large sites. In 1999-2000, there were 5 inquiries to the WDA for sites over 20ha in North-East Wales of which two were in excess of 40 ha. This did not give enough confidence that the site would be taken up to justify the loss of some 188ha of Grade 2 agricultural land.
- 9.2.7 The total of 81ha of developable land was not arrived at from a consideration of defined requirements. It just happened to be the maximum amount of developable land that could be achieved once the site had been raised above the flood plain. The presence of the overhead 400kV line, which was too expensive to move, divided the total area into

two plateaux, of 62.2ha and 18.1ha, thus limiting its usefulness. The limitation to three users would allow for the sub-division of the larger plateau provided only that the smallest project size was 46,000 sq.m, which could be accommodated on 16-20 hectares.

- 9.2.8 The WDA had argued that the site was required to meet economic and social targets set by the National Assembly, in terms of GDP and employment levels. Clearly, development of the site would have a positive effect towards meeting such targets, but that was not the same as demonstrating that the site was needed to ensure that the targets were met.
- 9.2.9 Unemployment levels nationally and in Flintshire were falling. The improved situation was reflected in the review of Assisted Areas undertaken in 1993, when such areas in Clwyd were substantially reduced and their status down-graded. From an unemployment rate of 19% at the time of the closure of Shotton steelworks, the rate had fallen to 3.7% (2449 people) in September 1999. It was now 3.4%, according to the WDA. This was below the rates for the UK (3.9%) and North West England (4.7%).
- 9.2.10 The WDA preferred to consider employment (rather than unemployment) rates. However, the employment rate for Flintshire was better than that of NW England, Wales, Wrexham, Chester (just), and all the surrounding areas, and only marginally below the UK average. The WDA argued that 6000 additional Flintshire residents would need to be employed in order to achieve full employment, but did not say how realistic it was. However, the land availability figures showed that land supply would not be an inhibiting factor, even without the application site.
- 9.2.11 In terms of GDP, Flintshire and Wrexham were 30% above the Welsh average, and 8% above the UK average. It was national policy that Welsh GDP should grow (development on any site would contribute towards that objective) and that the differing rates in Wales should converge. It was accepted that nothing in national policy said that the WDA should not be promoting sites in NE Wales; but neither did it demonstrate any over-riding need to release best and most versatile agricultural land there for employment purposes. Such development would enhance the Welsh GDP, but not help to remove economic disparities within Wales and might indeed increase them.
- 9.2.12 The WDA had thus failed to satisfy the first test of PGW by not demonstrating overriding need to take best and most versatile agricultural land for development. The second test related to the availability of alternative sites, but only once the first test had been satisfied.

Alternative Sites

- 9.2.13 A wide range of potential alternative sites had been discussed at inquiry, including sites in North East England. The WDA estimated that 40% of workers on the application site would live in England, which would

enhance Welsh GDP figures, but do less for job creation in Wales, and for the convergence of GDP rates between Welsh regions. Nor would a site in Deeside enhance the attractiveness of sites in North-West Wales to incomers. On the other hand, if the Ince glassworks project near Ellesmere Port went ahead, it would doubtless provide Welsh jobs, without enhancing Welsh GDP.

9.2.14 The WDA had proposed a condition limiting to 3 users. Since the 62 ha site could be split, it might be that a site of 20ha could be considered elsewhere (see 9.2.7 above). The application was primarily for B2 and B8 uses, although there had been very little discussion of the latter at inquiry. Possible alternative sites in North Wales were:

- i) Garden City: the uncertainty over the MOD land was recognised, but they did not object to its inclusion as an Opportunity Site.
- ii) Powergen site, Connah's Quay: not attractive for B2 uses, but could be developed for B8. Good accessibility by public transport.
- iii) Site A6, Deeside Industrial Park; narrow and with foundation problems, but could be used for B8 plus open storage.
- iv) Ty Mawr, Anglesey: a large accessible site in an area of high unemployment. The WDA described it as complementary to the application site, but it would suffer from the competition if the latter were allowed.
- v) Firestone, Wrexham: a large site, available and in WDA ownership. Road access was to be improved. The site could be intensively developed, and was a strong contender. It did not have Assisted Area status, which PGW stated to be "preferable" for large sites. Little weight should be given to the WDA's desire to break it up.
- vi) Gaerwen, Anglesey: should not be ruled out.
- vii) Bangor: good access from A55.
- viii) Owens-Corning, Wrexham: could be suitable for inward investment if released (currently held for firm's own expansion). Did not require the massive investment of the application site.

9.2.15 Of sites in North-West England within an appropriate travel distance, the clear front-runner as an alternative to the application site was accepted to be Omega 600 at Warrington. Other possible sites were:

- i) Hooton Park, Ellesmere Port: immediately available, for development of up to 64,500 sq.m floorspace. Good motorway access (M53). In an established employment location, with an adjacent 30ha site used for open car storage.

- ii) Estuary Business Park, Speke: a superb and highly successful site, although it was accepted that the private owner was likely to sub-divide it.
- iii) Cronton Colliery: Some possibilities, although it was accepted that there were planning problems.
- iv) Axis, Liverpool: suitable for a single user.

9.2.16 Creation of jobs could not of itself be a sufficient reason for developing on Grade 2 agricultural land. Development would always create more jobs than those displaced in agriculture. Land lost to agriculture would never be regained. The Applicants' evidence on demand was very general, and not site specific. There was a sufficient quantity of employment land available for the foreseeable future, and a range of alternative sites providing sufficient choice.

9.3 Landscape

- 9.3.1. Any development of the application site in the way proposed would be unacceptable in landscape terms, would harm the setting of the Cheshire villages of Burton, Shotwick and Puddington, and would have an unacceptable visual impact on those villages.
- 9.3.2. The present application was in outline, and it remained an issue as to whether there was sufficient evidence on which to judge the visual impact of large structures which had not yet been designed. The WDA's landscape evidence was very generalised and had not been re-written during the brief period when 40m high structures were proposed, the WDA's evidence treating 40m high buildings as having a similar impact to 23m high buildings. The WDA's landscape assessment understated the significance of the application site within the wider landscape of this part of the Dee Estuary, and underestimated the impact of the large extension of the industrial park across the landscape. It was not simply a transition zone between more dramatic landscapes; featureless in itself.
- 9.3.3. The flat arable landscape portrayed its physical origin as part of the estuary, distinct from the rising land above the old shoreline. It was a landscape large enough to function alongside both the mixed rural landscape above it, and the industrial landscape along Shotwick Road. Its flatness derived from its estuarine origin, and would all originally have been under water. Burton Point was reputed to have provided a sheltered anchorage in those times, whilst boats would tie up at the wall below Shotwick Church, which in itself was a building providing a fine reminder of this former relationship with the estuary. The old shoreline was clearly visible from Shotwick Road, from where the church was seen nestling between woodland in a narrow valley.
- 9.3.4. This historic relationship would be entirely lost by the considerable raising of land levels necessary to prepare the site for development. As the WDA

accepted, development of the site would mean that views of Shotwick Church and the Conservation Area would be lost, the precise extent depending upon the siting of buildings. There was, therefore, a landscape impact of some magnitude. Raising the land in two plateaux would not reflect or preserve the ancient relationship between the coastline and the estuary, whilst removing or restricting views of the historic villages as seen from Shotwick Road.

- 9.3.5. The proposed landscaping consisted of five elements: i) the lake; ii) the 150m landscaped strip on the north-eastern boundary; iii) the balancing ponds; iv) the Shotwick Road frontage; iv) the plateau.
- 9.3.6. The lake would be a large, irregularly shaped open sheet of water about twice the size of Shotwick Lake, and entirely out of character with the existing nature reserve. No trees or ground cover could be planted on its margins since this would assist predators, so it could not be screened from either Burton or the existing nature reserve.
- 9.3.7. The landscaped boundary strip, which the WDA claimed would integrate the site with its surroundings, would in fact create instead a band of landscaping completely out of character with its setting, where nothing of that scale and length currently existed. The landscaping proposed would be as alien to the character of Cheshire as the industrial development it was intended to screen, and would appear artificial. Nor would it effectively screen the villages from the visual effects of development: it was notable that the photo montages did not model the effect of a 23m high building on plateau B, particularly when seen from the closest point, Shotwick Church, from which it was accepted that such a building would be visible.
- 9.3.8. The visual effect from the village was of considerable concern to residents (Paddington: about 230 people; Shotwick: about 30 people; Burton; 282 households). In recent years, residents had seen large buildings erected at Deeside, light in colour and substantially lighted after dark. The new power station was blatantly visible, not just from the Wirral but from further into Cheshire. It advertised its presence by frequently creating a very tall plume of steam. The lighting along the perimeter of the: industrial park was very bright, creating light pollution. The existing industrial area was very poorly landscaped.
- 9.3.9. Flintshire County Council had resolved to support the application on the basis that off-site landscaping would be provided via a S106 Agreement. This was also a specific concern of the Countryside Council for Wales. Whilst the WDA offered a sum of money to provide off-site landscaping no site had been identified, and no agreement existed with any landowners. Hence there were no guarantees that effective off-site planting could be achieved.
- 9.3.10. Planting along the Shotwick Road frontage was intended to soften the impact of the development rather than to screen it. The effect on views into Cheshire had already been mentioned (9.3.7 above). The WDA had

produced no photomontages to show the impact on views from Shotwick Road. No details were given of location and scale of landscaping on the plateaux themselves.

- 9.3.11. The views of the Local Plan Inspector on environmental objections made by Cheshire, Chester and Ellesmere Port were noted. He concluded that adequate environmental safeguards existed in the development brief. However, that brief stated that large buildings should not in the main exceed 6m to eaves level. The Inspector could not, therefore, have envisaged buildings of the scale and height now proposed in reaching his conclusions.

9.4 Sustainable Transport Policy

- 9.4.1 The application site was inherently unsustainable, as was demonstrated by the extremely small proportion of existing employees of the Deeside Industrial Park who used other modes of travel than the private car. The DDZ Feasibility Study of May 2000 (Core Document 44) gave the current workforce as 8866, of whom 47% worked shifts. 95% travelled to work by car or private minibus, about 1.5% walked or cycled and less than 1.3% travelled by bus or rail. The WDA assumed that the workforce for the proposed development would be drawn from the same catchment area as the existing workforce, and there was no reason to assume a markedly different travel pattern for the new workforce.
- 9.4.2 In the Feasibility Study, the consultants had worried that in the absence of countervailing measures the intended growth of employment in the zone would exacerbate the problems to the point where the compatibility of that growth with the objectives of sustainability would be brought into question. They advised that "expansion of the DDZ cannot therefore be considered in isolation from its transport impacts", and that the view that job-creation should over-ride all other considerations was a short-term palliative and "the very antithesis of environmental responsibility."
- 9.4.3 The consultants recommended that planning policy for the DDZ should incorporate a strict policy that employment growth should only be permitted in conjunction with a determined programme to gradually transfer trips to non-car modes, to shorten journeys and to reduce the need to travel such that the total quantity of car journeys was, at most, held at its 1999 level, if not reduced. They recognised the real difficulty of achieving this in an entrenched car culture. The report considered the feasibility of a new station on the Wrexham-Bidston line to serve the DDZ, and also of a guided bus-route from Chester to the DDZ, but found the case for both too weak, and focused instead on "superlative", subsidised bus services. It concluded, however, that there was no easy, simple or quick solution to the enormous dependence on the private car.
- 9.4.4 A subsequent document, the draft Flintshire Local Transport Plan of August 2000 (Core Document 40o.), summarised the assessment of the Feasibility Study into the proposed new railway station as follows:

"[The Study] stated that in the short term the provision of a new station was not viable and that other transport improvements such as 'superlative' bus services and the implementation of travel plans should be pursued. In the medium term other infrastructure improvements to the DDZ were proposed. New railway stations together with other major infrastructure improvements to the railway network and within the DDZ were considered to be viable proposals for the long term once a more sustainable travel culture had been engendered in the DDZ."

- 9.4.5 The LTP did not foresee a new station or a guided bus route until after 2011, and did not allocate any funding for "superlative" bus services. If development of the application site went ahead, there was therefore little likelihood that the necessary public transport infrastructure could be in place to serve the new workforce.
- 9.4.6 The AIDA had put forward modest transport proposals which were welcome as far as they went. The appointment of a Travel Plan Officer was a belated step to take after 20 years of WDA involvement in the DDZ, and did not anyway depend upon the present application. Additional bus services would only benefit the nearest areas, and not those furthest away. In this respect it should be noted that the support of the North West Development Agency was specifically dependant upon the provision of appropriate public transport links with Cheshire and Merseyside, to ensure that residents there had access to potential jobs. In particular, a new station on the Wrexham-Bidston line was specifically mentioned, but had now been ruled out except perhaps in the longer term.
- 9.4.7 The target of 15% public transport use, cyclists and pedestrians (7.1-3.12) was extremely modest. It was not shown that even this could be achieved, even in the longer term. That still allowed for 85% car usage, and to increase the number of employees by some 3000 whilst achieving a 15% modal split in favour of non-car transport was, of course, to significantly increase the overall amount of car travel. This was "the very antithesis of environmental responsibility"(paragraph 9.4.2 above). This was unsustainable, and it should be resisted.

9.5 Effects on Ecology

- 9.5.1 The WDA's offered mitigation measures had three elements; i) the water area; ii) inner Marsh Farm (and other margins); iii) the landscaped boundary strips.
- 9.5.2 The water area was a necessary product of the development itself, rather than a discrete attempt at mitigation. The necessary extraction of fill material for the plateau created a large, flooded borrow pit immediately adjacent to the existing RSPB reserve and the SSSI. The lake would be deep, but the only areas of it that would be valuable to wildlife were those not exceeding 2m in depth, together with the floating islands. It was in

itself wasteful of good agricultural land, and in habitat terms it offered a water area for species of birds already plentiful in the estuary.

- 9.5.3 The engineered profiles of the lake that would actually produce habitats similar to those already provided by the RSPB through their scrapes would be confined to a narrow margin averaging about 26m into the excavated area. The lake would have an average width of 500 metres, thereby leaving a large stretch of open water with little direct ecological value, prone to choppy water and strong wave action. The RSPB had stated that a series of shallow lakes would be of greater conservation value.
- 9.5.4 Inner Marsh Farm would offer mitigation, but it needed to be borne in mind that the application site already supported a substantial bird population. There would be an impact on the numbers of lapwing (50% decline), Yellow wagtail (50% decline), grey partridge (lost) and quail (lost). The new species of which the WDA spoke could go anywhere, whereas the ones lost needed an estuarine location. The objectors did not rely on the loss of corn bunting, since it appeared to be in irreversible decline in any event. The agreement with the RSPB had still not been concluded at the end of the inquiry (Document WDA28).
- 9.5.5 The landscaped boundary strips did not appear to be of much interest to the RSPB whose only role would be to monitor and advise, but it was conceded that they would have some limited ecological value.
- 9.5.6 In considering this issue, it had to be borne in mind that this was not a case where the existing site was derelict, or in need of environmental improvement. It was well-used, high quality farmland, where modern farming techniques co-existed successfully with a wide range of birds and animals. Even the mitigation measures proposed arose out of the requirements of the proposed development. There would be overall harm to the ecology and biodiversity of the site.

9.6 The Harm to Farming Interests

a) W T Banks and Co (Farming) Ltd

- 9.6.1. W T Banks of Home Farm, Chapel House, Puddington was the tenant farmer of all the agricultural land within the application site, together with those parts of Inner Marsh Farm situated in Cheshire and excluded from the application site. This consisted of (refer to Plan 24 in Core Document 4):
- i) Holdings 1 and 2 Sealand, 93.04 ha (229.9 acres) and 64.85 ha (160.24 acres) respectively;
 - ii) Inner Marsh Farm, 55.06 ha (136.05 acres) in total.
- 9.6.2. Holdings 1 and 2, Sealand were tenanted from Corus (formerly British Steel) under two separate Agricultural Holdings Act Tenancies. Inner

Marsh Farm was held on a Farm Business Tenancy from Cheshire County Council until 29 September 1998, when the land was acquired by the WDA. It was then rented under a two year FBT until 29 September 2000, and was then let for a further one year period until 29 September 2001. It had been indicated that it was unlikely to be renewed.

9.6.3. Holdings 1 and 2 were within the area designated as Opportunity Site 2 in ADLP, apart from a small area of land west of Shotwick Lake. Inner Marsh Farm straddled the national boundary, 30.75ha (75.98 acres) lying within Wales. That part of the farm, together with the land west of Shotwick Lake, was within the application site and was required for sand extraction. The remaining 24.31 ha (60.07 acres) of Inner Marsh Farm was in England, and was proposed as a nature reserve.

9.6.4. The land was part of the River Dee estuary flood plain, and had been reclaimed. It was recognised as Grade 2 agricultural land: i.e. 'best and most versatile'. The soil was a silty loam, stone free and free draining, ideal for cultivation of a wide range of agricultural and horticultural crops. There were no crop limitations from either environmental salinity or exposure. Pig slurry was accepted onto the land from JSR's holdings at Chapel House and Gun Park.

9.6.5. In recent years, crops included potatoes, winter wheat, carrots, cabbage, leeks and linseed. All crop yields were consistently above average. Crops were grown under contract for supermarkets and other outlets requiring high quality produce.

9.6.6. W T Banks currently farmed 926 hectares (including the application site), broken down as follows:

436 ha owned	(at Wood Farm and Deeside Farms, Sealand; Home Farm, Puddington; and Bank Farm);
158 ha	held on an Agricultural Holding Act Tenancy (Holdings 1 and 2, Sealand);
119 ha	held on a Farm Business Tenancy (8 years unexpired, at Monument Farm, Farndon);
158 ha	of seasonal potato land;
55 ha	at Inner Marsh Farm on 1 yr. FBT.

9.6.7. The core of the business consisted of 594ha, comprising the 436 hectares of land owned, together with 158ha at 1 & 2 Holdings, Sealand. The other land was held on arrangements of short duration, and could not be relied upon for the purposes of viability if the Sealand land was lost to development. Considerable investment had taken place in recent years on the owned land. The present labour force comprised 4 full-time workers, a part-time employee, a student and 3 family members.

9.6.8. W T Banks was a good-sized, efficient family business, but it was not a large company. The loss of 158ha out of the core of 594ha would be significant; 28% of the land area would be lost, with a 40% reduction in turnover. This showed the high value of the crops grown at Sealand. The labour force requirement would be reduced by 25%, as would the requirement for machinery. Building utilisation would be reduced to 69%. Whilst it would not render the business non-viable, it would lead to some considerable retrenchment and potential loss of employment.

b) JSR Farming Group

9.6.9. JSR Farming Group was the largest privately-owned farming company in the UK. It purchased the pig breeding interests of J Bibby plc in 1989, including Chapel House and Gun Park pig units at Puddington, along with Home Farm, as well as taking over the tenancy of Holdings 1 and 2, Sealand and the licence to farm Inner Marsh Farm. Subsequently the pig units were retained and the other interests disposed of to W T Banks. At that time, a 25 year agreement was reached between JSR and Banks covering the disposal of slurry on the land acquired by Banks.

9.6.10. The stocking levels of Chapel House and Gun Park were relatively constant at 13,000 pigs, plus or minus 10%. 15 staff were employed and JSR owned 16 dwellings at Puddington. There had been heavy investment in Chapel House in recent years in terms of sow accommodation to meet UK welfare requirements. In 1997/8, this totalled £430,000, of which 75% went on buildings, and 25% on equipment.

9.6.11. Pig farms required a considerable area for disposal of muck and slurry. JSR lacked that land, and the arrangement with Banks benefited both parties as the waste product was a useful fertiliser. The system had worked well from the point of view of both parties. There was a fixed system of pipes for disposal of slurry. In addition to the slurry disposal of the land covered by the agreement, slurry was also taken by tanker to Banks land elsewhere by "gentleman's agreement". About 47% of the slurry produced was removed by tanker to land not covered by the slurry agreement.

9.6.12. Currently an average of 2.6 tanker loads per day (573 per annum) was taken off site. If these proposals went ahead, that would increase to about 6 tanker loads per day. Whilst that might not initially appear to be a great deal of additional agricultural traffic, it would occur on heavily used public roads, with many of the journeys, by slow-moving vehicles, occurring at peak periods. There was also the question of finding alternative sites for disposal: none had been identified so far, and so the distances to be travelled were not known. Farms in the immediate vicinity were dairy farms, and so unable to take the additional slurry. Costs of disposal would, of course, be increased.

9.6.13. The WDA had at Inquiry made criticisms of the piped disposal system, suggesting breaches of the Water Code (Documents WDA20 and

WDA30). However, there was no suggestion that the Environment Agency had expressed any concerns over the current arrangements, and no evidence of water pollution. The system worked, and was consistent with high quality produce acceptable to supermarket chains.

- 9.6.14. The WDA had suggested the use of a mechanical system of disposal (Funki Manura). It was worth evaluating, and JSR had visited Holland (December 2000) to see the only one currently operating anywhere in the world, which had only operated for 4 months at the time of the visit. It was expensive (about £400,000) and might make the unit uncompetitive.
- 9.6.15. If alternative economical disposal methods could not be found, there could be a reduction in herd size of approximately 40% and a consequent loss of jobs. A number of properties and buildings would become surplus to requirements. Inefficiencies of scale would result which might eventually lead to closure, with a loss to the cost efficiency of the group, and future redundancies elsewhere.
- 9.6.16. The existing methods worked, were satisfactory to both parties, and would be expected to continue to the end of their legal agreement if not disturbed. The development of the application site would throw the burden of funding new methods of disposal on to JSR, and the WDA had done nothing to assist.

9.7 Green Belt.

- 9.7.1 In approving the Clwyd Structure Plan in 1991, the Secretary of State mentioned that he would wish to see the question of Green Belt designation considered in any review. "Planning Guidance (Wales): Planning Policy" (1996) mentioned that Green Belts should only be considered in the most highly populated parts of Wales which were subjected to very significant development pressure. The 1999 revision re-stated those criteria but stated that Green Belts might be an effective way of preventing urban sprawl and keeping land open permanently in some areas.
- 9.7.2 In his 1997 and 1998 letters to all local authorities in Wales, Wyn Griffiths MP stated that he believed there were areas where Green Belts might be effective, and he specifically mentioned "urban encroachments along the border of north-east Wales".
- 9.7.3 There was clearly a policy move towards Green Belts in Wales in the 1990s without them being seen as conflicting with the traditional Welsh device of green barriers. It was significant that the National Assembly had specifically mentioned the potential for Green Belts as an issue in the present case. It was accepted that Green Belts were to be designated through the development plan process. However, it was relevant to the present case to consider whether the grant of planning permission, at a time when the UDP was at an early stage, would prejudice proper consideration of Green Belt designation through the UDP process.

- 9.7.4 In locational terms, the site fell within one of the two areas in Wales specifically identified in Wyn Griffiths' letters. Whilst Green Belt designation would not be necessary to prevent coalescence (because of the West Cheshire Green Belt) it would certainly meet his concern about urban encroachment along the border, specifically mentioned in both letters.
- 9.7.5 The site was subject to significant pressure for development, from both Flintshire County Council and the WDA. There could be no doubt that it was open countryside, and that designation as a Green Belt would keep it permanently open.
- 9.7.6 It was agreed that designation was not necessary to prevent the coalescence of Queensferry/Shotton with the Cheshire villages, because of the West Cheshire Green Belt. However, its designation would represent a logical and limited extension of that Green Belt, and help to divert development pressure to urban land such as Opportunity Sites 1 and 3, thus assisting in urban regeneration. Green Belts were more effective here, in that they were seen as having greater permanency than green barriers.
- 9.7.7 It was considered, therefore, that the land could fulfil Green Belt purposes, and should be designated. Planning permission should therefore be refused to allow the matter to be considered through the development plan process.

10.0 THE CASE FOR THE NAW AGRICULTURE DEPARTMENT

The material points were:

- 10.1. The Farming and Rural Conservation Agency (FRCA) was authorised to deal with planning and land use matters on behalf of the National Assembly for Wales Agriculture Department (NAWAD). FRCA was an agency jointly owned by MAFF and the National Assembly for Wales.
- 10.2. A request was received from Flintshire County Council dated 13 August 1999 asking for confirmation of the Department's views on the application, so that these could be put before the Planning Committee. A letter was sent to Flintshire on 27 August 1999 confirming that the Department was objecting to the application and giving the main grounds for so doing. The grounds were:
 - i) the quality of the land, which fell into Grade 2 of the Agricultural Land Classification and as such was best and most versatile land;
 - ii) the fact that less than half the site was proposed for development, which was not a prudent use of a scarce resource;
 - iii) the possibility of alternative sites;
 - iv) the effect on farm structure;
 - v) uncertainty about the scale and type of the proposed development.

Agricultural Land Quality

- 10.3. The site formed part of an area that was reclaimed from the Dee Estuary in the nineteenth century and was underlain by estuarine alluvium. The fine sandy loam soils were easily worked and free draining, yet with sufficient available water capacity. Drainage was by a pumped system and this allowed the water table to be controlled. The combination of soil type and controlled water table allowed a range of the more demanding arable and vegetable crops to be grown with high yields on a regular basis.
- 10.4. The site formed a large proportion of a block of tenanted land that was farmed intensively with both cereals and field scale vegetables. Indeed, it was one of very few large areas in Wales comprising best and most versatile land suitable for growing field scale vegetables. It had been in productive use for many years and there were no reasons why it should not continue in such use, from an agricultural point of view. It was also being used for the disposal of slurry from an intensive pig unit.
- 10.5. The site had been subject to a detailed Agricultural Land Classification survey, and fell into Grade 2. Grade 2 was described by the ALC system as "Land with minor limitations which affect crop yield, cultivation or harvesting. A wide range of agricultural and horticultural crops can usually

be grown but on some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than Grade 1".

- 10.6. Wales contained very little Grade 1 or 2 agricultural land. Statistics based on the published One Inch to One Mile ALC map series indicated that Grade 1 accounted for 0.2% of the agricultural land in Wales and Grade 2 for 2.3%. The equivalent figures for Flintshire were 0% and 6% respectively. The original 'one inch' maps were essentially reconnaissance surveys and only indicated general areas of high quality land. They were not accurate for delineation of individual areas less than approximately 80ha in size.
- 10.7. A considerable number of more detailed local surveys had been carried out since publication of the 'one inch' maps, particularly in those parts of Wales that contained the majority of the Grade 1 and 2 quality land (eg the former Counties of Clwyd and South Glamorgan). This re-survey work had resulted in significant downgrading of areas of best and most versatile land, as these more detailed surveys had highlighted the existence of pockets of poorer quality farmland, urban areas and non-agricultural land. As a consequence, it was now estimated that together Grades 1 and 2 land accounted for between just 1.0 and 1.5% of the total agricultural land in Wales.
- 10.8. From a regional perspective, land quality at this site was outstanding. Apart from the Vale of Clwyd and land in the Deeside/Sealand/Chester area, this site formed the largest area of undisturbed land of this quality left in Wales. Although much land within the nearby locality of Deeside, Sealand and Chester was of similar quality there were other factors that diminished its agricultural value relative to the application site..
- 10.9. In the immediate vicinity of Chester there was an element of 'urban fringe' pressure that would limit the land's potential cropping. In other areas, here and elsewhere in north-Wales, development on best and most versatile agricultural land, if there was overriding need for it, could be undertaken more efficiently with a high proportion of land utilised. This contrasted with the current site where the extensive site works and need to raise land levels limited the amount of employment land available.
- 10.10. The applicants had contended that the weight to be given to best and most versatile land was not as great as to land with a statutory conservation designation. "Planning Guidance (Wales): Planning Policy", paragraph 5.2.1. clearly contradicted that view. It was only in certain circumstances, where possible alternative sites of lower grades had an environmental designation, that this would outweigh agricultural considerations.
- 10.11. No weight should be given to the Applicants' contention that loss of the land should be discounted on the basis that about half of it had only been Grade 2 for about 10 years as a consequence of improved arterial

drainage (about 90ha had always been Grade 2). Improvement in grading resulting from drainage was an established and valid procedure of the ALC system. The length of time in the revised grade was irrelevant.

- 10.12. The Applicants had commented on the extent of Grades 1, 2 and 3a land within a 10km radius of the application site. It was not accepted that this set the site in its context. National policy applies to the whole of Wales, and it was not appropriate to be selective in a local context. The 10km radius was purely arbitrary. The fact that adjoining areas had a high proportion of best and most versatile land did not lessen the value of the resource either inherently or in national terms.

Policy Background

- 10.13. "Planning Guidance (Wales): Planning Policy -First Revision," set out policies for the protection of agricultural land. Chapter 3 established the Primary Principles, and paragraph 3.1.2 required, inter alia, that "full and effective use should be made of land within existing urban areas, including the bringing into use of derelict, unused or waste land."
- 10.14. Paragraph 5.2.1. stated... "Land of grades 1, 2 and 3a of the MAFF Agricultural Land Classification is the best and most versatile land, and should be protected as a national resource for the future... Land in grades 1, 2 and 3a should only be developed exceptionally, if there is an overriding need for the development, and sufficient land in lower grades is unavailable". Paragraph 5.2.2 stated that, while land quality would normally be the most important factor in considering the impact of development on agriculture, there were other relevant factors which might need to be taken into account, concerning farm structure and related issues.
- 10.15. It must be stressed that the policy to protect the best agricultural land was set out in PGW and applied throughout Wales. It made it clear that Grades 1, 2 and 3a land should only be developed in exceptional circumstances, viz. where there was an overriding need and sufficient land in lower grades was unavailable. The onus was on those proposing development to demonstrate this. Policy was uncompromising: and there had been no change in emphasis in recent years. Apart from the loss of land, there need be no other agricultural aspects that were significant in terms of national interest. If the land was best and most versatile, then an application failed unless there was a proven over-riding need, and no alternative sites on lower quality agricultural land.
- 10.16. The National Assembly had made sustainable development one of the guiding principles in all its deliberations. It had a duty under Section 121 of the Government of Wales Act to promote sustainable development and was the only government in Europe to have such a constitutional duty.
- 10.17. The Assembly also supported the objectives of the UK Sustainable Development Strategy, and these included:

- Social progress which recognised the needs of everyone;
- Effective protection of the environment;
- Prudent use of natural resources;
- Maintenance of high and stable levels of economic growth.

The protection given to land of Grades 1, 2 and 3a was relevant in realising Government policies for sustainable development. The highly versatile nature of this land meant that it was a valuable natural agricultural resource and one that was capable of growing a wide range of crops depending on the particular demand at the time. Land of lesser quality had not got the same flexibility of use or potential.

- 10.18. The site was originally included in the emerging Alyn and Deeside Local Plan as Opportunity Site 2 under Employment Policy Em15. It was then part of an overall allocation of 700 hectares for employment use over the Local Plan period. The then Welsh Office Agriculture Department (WOAD) objected to the policy, and the Local Plan Inspector supported that objection.
- 10.19. The Pre-Deposit Consultation Draft for the Flintshire Unitary Development Plan, published in May 2000, anticipated a much lower requirement for employment land. It was estimated that based on recent trends there would be a requirement of between 225 and 380ha for the Plan period. Although a considerably lower figure than in the Alyn and Deeside Local Plan, the range of 225 to 380 was still well above recent land take up rates, when between 7 and 11ha of land had been developed annually. The reduced need, the Draft stated, may be attributable to:
- Flintshire's downgrading to Intermediate Area Status;
 - Reduced levels of demand for land;
 - More competition for new industry from elsewhere;
 - The wider development of a 'second hand' market in factory space in the County.
- 10.20. As a scarce valuable natural resource, it was important that best and most versatile land was prudently conserved for the longer term in accordance with principles of sustainable development. It was noteworthy that only 81 hectares (38.9%) of the application site would be utilised for development due to the need to raise land levels. From an agricultural perspective this did not represent a prudent use of valuable natural resources.
- 10.21. In a North Wales context, this site was of outstanding land quality and few, if any, sites could be less suitable for development from an agricultural

perspective. Even when looking at other areas where there was a high proportion of best and most versatile agricultural land, there could be few areas that would require such extensive land levelling and give rise to such an inefficient utilisation of the agricultural landtake.

- 10.22. It was also pertinent that the nature of development proposed for this site (ie a mix of relatively small and medium scale uses) was inconsistent with any objective of providing a large strategic inward investment site. As the land was to be developed as a multi-user site, as opposed to being reserved for one or two large scale users, then the developer should also justify why it was necessary to take this large sensitive location in preference to several smaller sites. Such an alternative approach would provide an opportunity to spread employment opportunities more widely across the Region and be less damaging in terms of loss of best and most versatile agricultural land.
- 10.23. It was accepted that sustainable development was not just concerned with protection of agricultural land, and that there was also an objective of high and stable levels of economic growth. It was also recognised that the needs of a single large incoming user could constitute 'exceptional' circumstances. Such users were very rare, and this site would not accommodate the 'Nissan' type of development usually quoted as an example of that type of use. The proposed conditions would allow for only 24.3ha of developed floorspace in total (a utilization of 11.7% of the site) with the minimum gross floor area of 4.6ha for each project. Development in Use Class B8 was to be permitted: warehousing could not in itself be considered an efficient use of this high quality land.
- 10.24 The WDA and Flintshire County Council had argued that there was an over-riding need for the development. This was difficult to accept. 40% of the jobs created would be likely to go to residents of England, outside the area of the WDA's remit. It was asserted that the development of the site would have a wider impact, but impact would depend upon the type of business established, which was unknown. The success of inward investment into Wales was not doubted, but the vast majority of projects were of small to medium size in employment terms. The speculative nature of the application made it impossible to give an accurate assessment of the number of potential jobs. The case for over-riding need had not been proven.
- 10.25. On alternative sites, it was not within the remit of NAWAD to suggest other sites, and neither the WDA nor any local authority in North Wales had approached NAWAD to look for such sites. There was generally no shortage of development land in any local authority area in North Wales. Various alternative sites had been discussed at Inquiry, many of them (unlike Shotwick Rd) either with planning permission and/or identified in development plans.
- 10.26. The status of the application site as Grade 2 land was not disputed. Policy therefore required that overriding need and lack of alternative lower grade

land should be demonstrated before development could, exceptionally, be permitted. NAWAD contended that those exceptional case criteria were not proven, and that the application should therefore be rejected.

11.0 THE CASE FOR THE NAW TRANSPORT DIRECTORATE

The material points were:

Background

- 11.1 The National Assembly for Wales was the highway authority for all trunk roads and motorways in Wales. Responsibility for managing, maintaining and improving trunk roads rested with the Transport Directorate. The A494/A550 was a designated trunk road under the Trunk Roads Act 1936. Further, in July 1998, as part of the Strategic Review of the Welsh Trunk Roads Programme, it was designated as forming part of the "New Core Network". The route also formed part of the Trans European Network (E22 Ireland-Poland) between the A55 and the A5117/M56 motorway.
- 11.2 In July 1997, the Highways Directorate of the then Welsh Office was consulted about the application proposal under Article 10 of the Town and Country Planning (General Development Procedure) Order 1995. Volume 3F of the Environmental Statement on Transportation and Traffic (Core Document 10) was supplied as part of the consultation. A revised Traffic Impact Assessment (Core Document 20) was received in April 1999. Correspondence was exchanged and meetings were held in an attempt to resolve areas of disagreement. However, the scale and nature of the problem in Wales was such that it had not been possible to reach an agreement that would allow the Transport Directorate to withdraw its objection to the proposed development.

Existing Conditions

- 11.3 The A494/A550 trunk road between Ewloe Interchange and its junction with the A5117 (see Figure 5.1b in Document WDA9) was one of the busiest sections of trunk road in Wales. It was already operating at or close to its maximum capacity for increasing periods of the day. The off-peak (daytime) flows were so high that, since 1996, routine maintenance involving lane closures had been carried out overnight. The northbound carriageway carried between 3,200 and 3,400 vehicles per hour between 0700 and 0900 hours. The absolute maximum for this sort of road, derived from TA 79/99, was considered to be around 3,600 vehicles. Similarly, the southbound carriageway ran at or close to its capacity between 1600 and 1800 hours on most weekdays. This period of flow close to capacity extended to between 1500 and 2200 hours on Fridays throughout most of the spring and summer.
- 11.4 The high flows and poor alignment combined to give this section of trunk road a poor accident record. Accident breakdowns often led to serious congestion. One or both carriageways were completely closed on three

occasions in 2000 for in excess of four hours by multiple shunt type accidents.

The Proposals of the Applicant

- 11.5 The applicant's traffic consultants had calculated that the development would generate 3,916 inbound trips and 3,916 outbound trips each day, that is a two-way flow of 7,832 movements. The current agricultural use of the site generated a negligible amount of traffic. It had been further calculated that the development would generate a peak hour two-way flow of 977 vehicles with a one-way maximum of 781 movements. From the supplement (Core Document 20a) to the Traffic Impact Assessment, it could be seen that the peak hour flow on the trunk road in Wales was forecast to increase by 300 vehicles am and 355 vehicles pm. Expressing 355 as a percentage of the maximum flow that the carriageway could accommodate (3,600 vehicles) gave a figure of 9.8%. This was well above the guideline figure of 5% set out in Technical Advice Note (Wales) 18: Transport and was therefore a material increase.

The Impact on the Trunk Road Network

- 11.6 The Transport Directorate was concerned about the volume of traffic that the development would generate. It was considered that the submitted forecasts were at the lower end of the range of possible forecasts. The figures were not sufficiently robust. There were known examples of the difficulty of making accurate traffic forecasts in this part of Flintshire.
- 11.7 Over the last eight years, a number of traffic reports had been produced by consultants looking at traffic problems in the Queensferry area or the potential impact of development proposals. These studies included the North East Clwyd Traffic Study; an operational assessment of the Deeside Park Junction; and TIM for several development sites. These studies demonstrated:
- the pressures that the trunk road and its junctions were under in this area from adjacent developments;
 - the consensus between the reports about the problems that were likely to occur at both the Queensferry and the Deeside Park junctions (although the reports did differ in their forecasts about the severity of the problems); and
 - the fact that the volume of traffic on the trunk road between Queensferry and Deeside Park was already above recommended flow levels (with resultant congestion) in 1991.

Comments

- 11.8 In recent years, North East Wales had witnessed traffic growth rates that were well above the 1989 National Road Traffic Forecast (NRTF) growth rates. These rates were themselves reduced in 1997 (see Document NAWTDI, *Appendices A and B*). The development of the Deeside

Industrial Park had been one of the major factors behind this very high rate of growth.

- 11.9 The Queensferry corridor was one of the most highly stressed sections of trunk road in Wales in terms of congestion reference flow (CRF). CRF was a measure of the performance of a road link between junctions and was defined as an estimate of the Annual Average Daily Flow (AADF) at which the carriageway was likely to be congested in the peak periods on an average day.
- 11.10 For the purposes of calculating the CRF, "congestion" was defined as the situation when the hourly traffic demand exceeded the maximum sustainable throughput of the link. At this point, the effect on traffic would be likely to be one of the following:
- flow breaks down with speed varying considerably and average speed dropping significantly; or
 - the sustainable throughput is reduced and queues are likely to form.
- 11.11 Whilst design reference flow contained an allowance for the effects of lane closures for maintenance, congestion reference flows did not. Hence accidents or maintenance work would cause significant delays on links carrying these traffic levels.
- 11.12 Service levels were defined as:
- A Free flow conditions
 - B Stable flow with some restrictions on manoeuvring, for example, overtaking
 - C Stable flow but speed and manoeuvring closely confined
 - D Approaching unstable flow (stop/start conditions)
 - E Unstable flow (stop/start conditions)
 - F Continuous congestion with capacity reductions as a consequence
- 11.13 Reference to Document NAWTD1, *Appendix C*, indicated that, by 2016, the trunk road would be seriously and continuously congested between 0700 and 2000 hours every day.
- 11.14 The problems on the Queensferry corridor, already apparent in the late 1980's, led the Welsh Office to commission in 1989 the North East Clwyd Traffic Study. This study resulted in a number of schemes being added to the Welsh Road Programme to improve the A494/A550/A55 between the border with England, Northop in the west and the northern end of the Mold Bypass. These schemes complemented proposals by the Department of Transport to grade-separate the Woodbank (A5117/A550) junction and construct a new dual carriageway from Deeside Park to the M53.
- 11.15 Changing priorities led to the cancellation of the proposal to dual the A550 up to the M53. The Highways Agency was undertaking a study of the three ground level junctions on the A550/A5117 between the Welsh border and

the M56 in order to identify means of keeping traffic flowing on this part of the trunk road network.

- 11.16 The National Assembly for Wales was currently developing an integrated transport framework. This would be used to inform decisions on whether schemes such as the A494/A550 Deeside Park to Ewloe improvement should be included in the trunk roads programme and, if so, what priority it should attract. Until this had been completed, no decision could be taken on whether additional capacity should be provided on the A494/A550 corridor through Queensferry.
- 11.17 The Traffic Impact Assessment (Core Documents 20 and 20a) carried out by the applicant's transportation consultants did not consider the volume of traffic using the trunk road. If the flow forecast for Shotwick Road in 2019 were added to the existing flows on the trunk road, at least three lanes in each direction would be needed.

Summary and Conclusions

- 11.18 The main views of the Transport Directorate could be summarised as follows:
- The A494/A550 trunk roads were already congested at peak times. The level and duration of the congestion were forecast to increase without the development.
 - The Queensferry and Deeside Park junctions were likely to experience problems without the development.
 - The rate of traffic growth on the trunk road had been well above national high growth rates in the past and could well be so in the future.
 - The proposed development could generate considerably more traffic than was forecast.
 - The capacity of the existing trunk road would be exceeded well before the 2019 forecast date used in the Traffic Impact Assessment. The trunk road carriageways were already running close to capacity for around four hours per day.
 - The level of traffic using the trunk road in the vicinity of the proposed development was high. The increase in traffic from the development would worsen an already poor situation.

12.0 THE CASE FOR FLINTSHIRE GREEN PARTY

The material points were:

- 12.1. The land at Shotwick Road was important in three respects: a) for food production; b) for wildlife; c) for its historical value. These were all essential ingredients of sustainable development. Environmental and industrial policies should be integrated to their mutual benefit, but the proposed development would promote industry at the expense of environment to the ultimate detriment of both aspects.
- 12.2. Sustainable development was about striking a better, more creative balance between economic development, environmental protection and social change. Economic growth alone destroyed sustainable development and biodiversity. A sustainable economy was to be sought, not economic growth. The 'primary principles' in section 3 of "Planning Guidance (Wales): Planning Policy" were wrong in putting emphasis on economic growth.
- 12.3. Development should be "conservation-based", and should conserve life-support systems, conserve biodiversity, and ensure that the use of renewable resources was sustainable. This should occur, not just at a global level, but also at a local level, as emphasised by Local Agenda 21. This involved, inter alia, local work in a strong local economy, and reducing the impact on the environment. The traditional approach to industry and industrial investment was counter-productive even in economic terms and could not help but cause environmental damage, even when it attempted to ameliorate this by so-called mitigation.
- 12.4. The retreat from all forms of intensive farming meant that protection of top grade agricultural land was even more important. The land at Shotwick was said to be Grade 2, but was in fact Grade 1, a fact being corruptly suppressed by the Government. Even at Grade 2 it was rare, and should be protected from development that would diminish its use for food growing and wildlife. Farming methods of lower intensiveness would be labour-intensive and would generate jobs that would be permanent, healthful, use local skills and help the local economy. If even 10% of UK food production was converted to organic methods, up to 18,000 extra jobs could be created in 10-15 years.
- 12.5. The Government was acting unlawfully in defining the boundary of the Dee Estuary SPA so narrowly as to exclude the application site. It had not taken measures, as required by the Birds Directive, to maintain or enhance the declining population of birds using the site for nesting and for breeding. Developing the land for industrial uses would cause the extinction of the last population of corn buntings in Wales (The Irish Government was being taken to the European Court by the European Commission for allowing the extinction of corn buntings in Ireland). The corn bunting was covered by Article 3.1 of the Birds Directive. It would also

increase the rate of decline of around 50 other UK priority species or birds subject to European protection.

- 12.6. The proposed landscaping would displace the rare and uncommon species and replace them with common species, because of the change of habitat. It would take decades, or even longer, for a habitat to mature to the point where it sustained viable populations of the less-common species.
- 12.7. The location of badger setts, their social groups and foraging area had not been properly explored. Development, and the traffic it generated, would severely damage the local badger population.
- 12.8. The historic, estuarine landscape setting of the site would be changed by raising the levels, completely changing the historical location of Shotwick Castle, a sea defence castle.
- 12.9. The proposed development aimed to attract inward investment, rather than to promote local firms. Inward investment generated severe problems, often of a longer term and indirect nature, resulting in the local economy and community being handicapped in the longer term. Multi-nationals relocated to areas of lowest cost and highest return, leaving dereliction behind. Small and medium enterprises (SME's) were better, but inward investment took scarce skilled workers away from SME's; and attracted skilled incomers to the detriment of local workers. There was no local need for the jobs that would be created.
- 12.10. It was proposed that the application site should be subdivided into smaller units, so any companies seeking sites could easily be accommodated on brownfield sites in the travel-to-work area. The County Council had not carried out any audit of brownfield sites/empty premises, so that to allow this development would be unlawful. Permission would also pre-empt the emerging UDP, and the National Assembly should leave the matter to the local plan process.

13.0 THE CASE FOR BURTON MERE FISHERIES

The material points were:

- 13.1. Burton Mere Fisheries was established over 20 years ago, and now had four fishing lakes extending to around 5 hectares in total, with two further rearing pools. There was also a house, a shop (with some refreshment facilities), and car parking. The value of the site could now be of the order of £1m, and the value of the fish stock exceeded £100,000. Over 100,000 anglers visited the fishery each year, and the fishery operated on a year-round basis, with four full-time staff and periodic part-time personnel.
- 13.2. A major part of the attraction of angling was to relax in natural surroundings. The view from Burton towards Deeside had always had an industrial component, but it was distanced by farmland and a nature

reserve, providing an open, natural buffer zone. The proposed raising of the site and the construction of large industrial-type buildings would erode this environment, and detract from the appeal of Burton Mere and its setting.

- 13.3. When the Burton Mere lakes were constructed, geological consultants were employed to assess the position in respect of water retention. Studies indicated some problems with secondary permeability due to fissuring within the clay. Steps were taken to reduce the problem, but two of the main pools were influenced by the water table, and there was serious concern that there could be an impact on the hydrological system of the area from the proposed development. There was insufficient evidence to guarantee that the development would not detrimentally impact on water levels at the fishery. Should the scheme be approved, a detailed programme of monitoring was required, with remedial action if necessary.
- 13.4. The proposed lake was offered as an ecological benefit, but its value in this respect was limited, eg by its depth. There must be concern that it might in future be used for recreation, eg sailing or wind-surfing. The lake would be about 200 metres from the boundary of the fishery, and the perimeter bunding would be obtrusive, and would look unnatural and conspicuous in this location. No trees for screening were proposed. The requirements of conservation or bird-watching were considered, but not those of the users of the fisheries. There was also concern that the present low-key and periodic mosquito problem could be exacerbated during the summer months.
- 13.5. The development would result in considerable earth-moving, leading to severe wind erosion on this flat and open site. This would lead to dust, subject to aerial drift over fairly long distances. Whilst some consideration had been given to this problem *none* of it had looked at the effect on the fisheries. Anglers could be seriously inconvenienced, and possibly deterred, whilst some fish species were particularly susceptible to siltation problems that caused stress, gill clogging, and possible asphyxiation. Major problems were envisaged during the spring and summer months. Similar concerns existed in respect of noise, during both the construction phase and in the subsequent operational use of the site.
- 13.6. The new lake, being deep, would attract predating birds in from the estuary, including cormorants and goosanders. This would have very serious financial implications as large fish (eg carp or catfish) could be worth £1500-£2000 each. Lakes created on DIP some years ago had been stocked with fish which had been decimated within a few months.
- 13.7. There were concerns about disturbance and interference from the new car park (50 cars) to be created at the reserve, as well as security *concerns arising* from the proposed development (eg burglary, bikers, travellers encampments). Poorly managed industrial development could also lead to

increased risk of vermin (eg rats and mice) and scavengers (eg foxes and seagulls), together with contamination problems (eg oil spillage).

14.0 THE CASES FOR INTERESTED PERSONS

The material points were:

- 14.1. County Councillor David Rowlands (Cheshire County Council) objected to the proposed development as the site was open countryside, providing a green buffer between Deeside and Cheshire. The application was premature, since the local plan had yet to be determined, and did not conform with the conclusions of the Local Plan Inspector. It did not accord with sustainable transport objectives, took good agricultural land, and development would exacerbate the flood risk in the Dee Estuary. (Mr Rowlands written representations are at file ref 23 in Document INQ2).
- 14.2. County Councillor Tony Cattermoul (Flintshire County Council) objected to the proposed development on three grounds. These were:
- i) there was an adequate supply of employment land without this site. In the difficult local economic climate of the early 1990's there was the hope (rather than the expectation) of a larger incoming employer, such as a Japanese car company. The Second Alteration to the Structure Plan had a relevant policy (EMP9) dealing with major development projects but such land was additional to the foreseen need for employment land. This proposal could not provide a site for a major incoming use, (which was what it was always seen by members as providing) since it was to be subdivided. Planning in Flintshire was development-led.
 - ii) the land should remain in agricultural use. Its Grade 2 status was not contested, and the proposed development would effectively use only a comparatively small proportion of the land taken. Its use would not comply with national planning policy.
 - iii) the land should be designated as Green Belt or Green Barrier, which was the most effective way to retain the land as a green and open area. The proposed development would be visually very intrusive, particularly as seen from the Cheshire villages. It was considered that the Members who had voted in favour of the application in October 1999 had been unaware that buildings of 23m height were proposed rather than the 6m of the development brief.
- 14.3 County Councillor Patrick Heesom (Flintshire County Council) objected to the proposed development, which failed to reflect recent changes in planning policy particularly in relation to sustainability, and transportation (eg trunk roads review; Reduction of Road Traffic Act). Local Policy was set out in CSPFA, but there was no adopted local plan, and ADLP could have no weight when applied to this site: hence the proposal conflicted with the plan-led system. The Assembly's recently-announced package of

transportation investment over the next 5 years produced no new money for the Deeside area. This site would be heavily car-dependant. It would use Welsh capital investment to benefit North-West England rather than Western Flintshire. The site was good agricultural land, visually prominent. Other sites existed, eg Opportunity Site 1, or at Wrexham (which had receive £3m towards improved access to its industrial estate).

15.0 WRITTEN REPRESENTATIONS

The material points were:

- 15.1 Some 100 written representations were submitted in respect of the application. All file references are to enclosures in Document INQ2. Some 142 letters of representation sent to Flintshire County Council in response to consultation/publicity on the planning application are at Core Document 60.
- 15.2. The **Northwest Development Agency** supported the application (file ref.24). The WDA needed a portfolio of suitable sites to accommodate the needs of modern industry as well as to stimulate the economy with new investment and employment opportunities. Deeside had proved to be an attractive location for investment. The site had good access to the strategic road network, Manchester Airport and a concentration of higher education institutions. The importance of public transport links was noted. The WDA was urged to investigate a new station on the Bidston-Wrexham line that would enhance links with Merseyside. The application site was of strategic significance and attractive for inward investment. It would complement strategic sites in the North West region and provide employment opportunities for the region's residents if appropriate public transportation links were established.
- 15.3 **Connah's Quay Town Council** welcomed the proposal as a means of improving employment prospects (file ref.2). **Sealand Community Council** had no objection to the application (file ref.3).
- 15.4 On balance, the **Countryside Council for Wales (CCW)** had no objection to the principle of industrial development (file ref.19). The application site was currently intensively farmed agricultural land the overall ecological value of which was considered to be generally low. The site did not directly impinge on any statutorily designated sites of landscape or nature conservation interest. However, the site was close to the internationally important Dee Estuary Site of Special Scientific Interest (SSSI), Special Protection Area and Ramsar Site as well as abutting the Inner Marsh Farm SSSI. In this regard, although the proposed deep lake, if appropriately managed, would undoubtedly have conservation interest, it would not support many of the species for which the Dee was internationally significant. A series of shallow pools/scrapes would be preferred for feeding and roosting.

- 15.5 A number of issues that require to be addressed were identified by **CCW**. These included the need for a condition regarding a hydrological package; a comprehensive mitigation scheme for the water vole; and for securing and managing habitat in Wales to encourage corn bunting. In addition, mitigation proposed in respect of lapwing might not be adequate. All in all, a detailed management plan would be required and more consideration should be given to off-site planting measures. The implementation of a Sustainable Urban Drainage System would be welcomed. Suggestions were made in respect of the treatment of public rights of way.
- 15.6 **Cheshire County Council** was concerned (in Document INQ3, and at file refs.80 and 82) that the maximum height of the development would not comply with the terms of the Development Brief (Core Document 2). There would be an intolerable difference in relation to a building 23m in height. The roofline would be almost at the same level as Burton and Puddington. At Shotwick, the difference would be sufficient for the development to dominate the area. Distance from the site and the nature of intervening vegetation would by no means adequately address the severe degree of visual impact.
- 15.7 In terms of screen planting, 75% of the elevation of a building 23m in height would be open to views after 10 years. This would reduce to 25% at year 25. 50% of a building 10m in height would be screened after 10 years with total cover at 15 years. At 25 years, the screen planting could attain heights adequate to assist partial screening of the roof scape. Possible structures/building heights greater than 10m would not sit comfortably on a transition type site such as the application site.
- 15.8 **Ellesmere Port and Neston Borough Council** objected (in Document INQ3) to the principle of the development. A green field site would be used when there were brownfield alternatives. In addition, there were detailed objections on the grounds of the inadequacy of the proposed screen planting; the lack of provision for the management of landscaping and habitats; the absence of provision for access by sustainable means of transport from the Borough; and the visual intrusion that would be caused by buildings greater than 10m in height.
- 15.9 The former Ince Power Stations site of about 80 ha was a brownfield alternative site if a current proposal for a glass making and bottling plant failed to go ahead. The Roften Area Major Developed Site (14.5 ha) also had potential for employment development. In addition, there was the Stanlow Special Policy Area within which there was estimated to be some 143 ha of land available for development. Other highlighted sites included Omega 600 at Warrington; Daresbury Park, Runcorn; Basford East and West, Crewe; Wirral International Business Park; and Estuary Business Park, Liverpool.
- 15.10 **Chester City Council was concerned** (in Core Document 60) that the landscape elements included in the proposals were inadequate to safeguard the visual amenities of communities in Cheshire. The Council

had been consistent in its view that even 23m high buildings and structures would have a detrimental impact on the amenity of neighbouring villages, which would not be overcome by the limited landscaping measures proposed by the applicant. The application, if permitted, should be subject to the strictest landscaping safeguards.

- 15.11 The Flintshire Branch of the **Campaign for the Protection of Rural Wales** and the Chester District Branch of the **Council for the Protection of Rural England** submitted a joint objection (file ref.37). Shotwick Road should form the northern boundary for industrial development at Deeside. The land to the north should be designated for agricultural use; also as a Green Barrier or Green Belt. Similar points were made by the **Wirral Society** (the Wirral Committee of the CPRE: file ref.83).
- 15.12 Industrial development would pose threats of pollution or disturbance to the Dee estuary especially the nearby SSSI and special protection wetland. The raising of the land and other works would severely disturb wildlife and could affect the area's hydrology. There would be a serious deleterious visual impact and totally inadequate mitigation measures. In addition, traffic congestion would be seriously exacerbated. There were considerable unused brownfield sites. It would therefore be premature to destroy this green field Grade 2 agricultural land on a purely speculative basis. The outcome of the Flintshire Unitary Development Plan would also be prejudiced.
- 15.13 The **Wirral & Cheshire Badger Group** objected to the proposals in principle. There was concern that the development could have a detrimental impact on the local badger population especially during the construction period. The site presently served as a valuable buffer zone between the badgers to the northeast of the site and the Deeside Industrial Estate. It also provided foraging ground and dispersal routes for the badgers. If permission were granted, mitigation measures would be essential (file ref.97; see also Document WDA27).
- 15.14 The **Corus Colors Sailing Club** did not object, in principle, to the development. However, there was concern that the future need of the club might not have been taken into consideration (file ref.96: see also Document WDA24).
- 15.15 **Mr B S Barnacal**, a local ornithologist whose work had informed Mr Lowther's evidence, indicated that the development would be unequivocally detrimental to the success of both breeding and wintering birds (file ref.32).
- 15.16 Individual objections had been submitted by a large number of residents of Burton, Puddington, Shotwick and other Cheshire villages. These objections, and those of the other third parties, were principally on grounds considered elsewhere in this report. The likelihood of noise, pollution and increased traffic were of particular concern. In addition, there was felt to be inadequate justification for the proposals. Village communities, agricultural

land and the natural and built environments would be seriously harmed by the development.

16.0 CONDITIONS AND AGREEMENTS

16.1. Draft conditions were produced by the WDA and discussed at Inquiry (Document INQ4).. In addition, suggested highway conditions were produced by the Highways Agency (Document INQ5): these were acceptable to the Applicants.

16.2. The WDA draft planning conditions, together with comments made in discussion where appropriate, are as follows:

1-4: standard outline conditions, modified to define "site preparation works", and to allow 10yrs for commencement of development. The Grouped Objectors wanted an additional condition that development should not commence until an application had been made for approval of siting of buildings, to try to ensure that site preparation works were followed by subsequent development. I do not consider that such a condition would be effective in securing this objective, desirable as it is.

5-12: nature and form of development, intended to relate any permission to the Environmental Statement. Note that condition 7 is to include a definition of 'ancillary', and condition 10 is to exclude mezzanine floors where additional to the stated floorspace. The Grouped Objectors wanted a limitation on hours of operations for B8 uses, and on external working. I consider this unnecessary, in view of conditions 40, 43 and 45. On Condition 11, the Grouped Objectors wanted 150m increased to 170m; I consider this unnecessary. On condition 12, objectors wanted overall height including plant, etc, to be limited to 8m: I consider this unnecessarily restrictive.

13: archaeology: standard condition.

14-16: flood protection and drainage: no comments.

17-19: further ecological surveys: FCC wanted a conditions on bats; Flintshire Green Party wanted bats and otters. WDA objected that there had been no evidence to justify those additions: I agree.

20-23: nature reserve. Flintshire Green Party wanted 20 cars maximum rather than 50, but there was no evidential basis for this request.

24-28: landscape design. Flintshire Green Party wanted Condition 27 modified to remove power of LPA to agree non-native species: unnecessarily restrictive, in my view.

29-32: landscape maintenance and management. Flintshire Green Party wanted 15yrs substituted for 5 in 29 and 30 (unreasonably long) and lapwing mentioned in 32 (unnecessary).

33-36: Site preparation works.

37: Control of dust.

38-43: Control of noise: note addition of definitions of day/night and 'temporary operations'. Memo from FCC Public Protection Department attached as background information. Add to 42 (after 'developer' in first line) 'in accordance with a scheme to be agreed in writing by LPA'.

44: Construction works.

45: Illumination.

46-51: access and highways. 49 to be deleted in view of Highways Agency conditions. 51 would allow access to WT Banks, but WDA was unwilling to extend it to JSR.

52: Parking.

16.3. Suggested Highways Agency conditions. These conditions are as follows:

1-2: To ensure appointment of Travel Plan Co-ordinator: appropriate

3-5: Relate occupation to completion of agreed highway improvements: appropriate

6:7 Duplicate 7 and 10 of WDA's suggested conditions: redundant.

16.4. Subject to my comments above, I consider that any planning permission should include these conditions.

16.5. At the Inquiry, the WDA produced a draft planning agreement (Document INQ6) that was subsequently completed. This covered contributions to public transport, cycleways and pedestrian crossings: a contribution towards upgrading the Queensferry treatment works; and up to £20,000 for off-site landscaping. Objectors questioned if such landscaping could be effectively provided, and pointed out that Flintshire County Council support for the application was conditional on it. The WDA stated that they did not consider that it was necessary to provide off-site landscaping to make the proposals acceptable, but that they were confident a scheme could be implemented. FCC stated that the agreement met their concerns.

17.00 CONCLUSIONS

Bearing in mind all the above, and having due regard both to the Environmental Statement and to what I saw on my site inspections, I have reached the following conclusions. The numbers refer to paragraphs within the report.

17.1 Relevant National and Development Plan Policies.

- 17.1.1. I shall begin, as Section 54A requires, with the development plan. The statutory development plan consists of three documents: the Clwyd Structure Plan First Alteration (CSPFA) and the old-style development plans for Flint (1958) and Connah's Quay/Shotton (1962). The latter two plans are now so out-of-date as to be scarcely relevant, and no party at the Inquiry relied on them (5.1: 5.2: 7.7.11: 7.7.12: 7.7.13: 8.2: 9.1.1). This leaves, effectively, only CSPFA. It is now ten years since it was approved, and the period which it covered ended in 1996. Nonetheless, it remains the single most relevant plan in respect of this application, albeit dated.
- 17.1.2. The other documents discussed at Inquiry are not part of the statutory development plan, and in the case of the Clwyd Structure Plan: Second Alteration: Flintshire Edition, never will be (5.11: 5.12: 7.7.44: 9.1.2). They do, however, need to be given appropriate weight as material considerations.
- 17.1.3. The question of appropriate weight is particularly difficult and contentious in the case of the Alyn and Deeside Local Plan (ADLP). This was on the brink of being adopted when Welsh Office intervention caused the process to be put into abeyance (6.1: 6.10: 8.10: 8.19). At the present time, the ship is dead in the water but it is, nevertheless, still afloat. A plan at such an advanced stage would normally be expected to carry significant weight (with the exception of the disputed Policy Em15), provided that it is likely to proceed eventually to adoption. Some objectors contend that adoption is unlikely, and hence the plan should carry little weight (6.1: 7.7.43: 9.1.3 to 5: 9.1.8)
- 17.1.4. I prefer the view of the County Council's chief policy witnesses, that the plan is likely to proceed to adoption once the outcome of the present application is known (8.20). The only stumbling block to adoption has been Policy Em15 and, once that is resolved, it would seem to be beneficial to the Council to have an adopted local plan in place, particularly since the UDP is at a very early stage in the replacement process (5.3iii). Accordingly, I consider that ADLP should generally be given great weight, with the exception of Policy Em15. It also follows that the Local Plan Inspector's Report is still of relevance.
- 17.1.5. Of the other documents, I give some weight to the 'Flintshire Edition', as carrying forward the policies of CSPFA post 1996 (5.11). The emerging UDP is at such an early stage that it can be given little weight, and it was, in fact, little discussed at Inquiry (5.3iii). The draft Regional Planning Guidance and The Dee Estuary Strategy give some useful background

information, but are of little direct relevance in determining this application (5.17 to 21: 7.7.56: 7.8.7 to 11: 9.1.12 and 13).

- 17.1.6. For an authoritative and up to date statement of national policy one turns, of course, to "Planning Guidance (Wales): Planning Policy" (PGW) of April 1999. All previous documents, including the Ministerial letters in respect of Green Belts (2: 7.9.1: 8.13 to17), need to be seen in its light. The public consultation draft of "Planning Policy Wales" (February 2001) had not been published at the time the Inquiry ended, and hence it was not discussed by the parties. As I write, it remains a consultation draft only, and has not superseded the 1999 edition as a statement of policy.
- 17.1.7. Turning now to CSPFA (Core Document 33), the key policies are A3, A10 and H1 (5.8 to 5.10), the first two dealing with employment sites, and the third with protection of best and most versatile agricultural land. Both Policy A3B and Policy H1 seek to protect Grades 1,2 and 3a land against development unless (Policy H1) "there is no other site suitable for the particular purpose". Policy A10 defines the DDZ in general terms, leaving precise boundaries to be defined in a local plan. Within DDZ,, "sites will be allocated for major employment development projects, taking into account other Structure Plan policies, particularly with regard to (inter alia) agricultural land".
- 17.1.8. Some very important points arise here. Firstly, and crucially, Policy H1 (which, of course, long predates PGW, 1999) does not fully reflect paragraph 5.2.1 of PGW, which requires two things to be demonstrated before best and most versatile agricultural land is taken for development: 1) over-riding need for the development, and 2) lack of sufficient lower grade agricultural land. Secondly, I find no suggestion here that the application of Policy A10 should not be subject to (inter alia) Policies A3B and H1. Thirdly, the reference in A10 is to `sites' (plural), not site, and there is no specific reference there to the application site, although there is specific mention of the former power station site at Connah's Quay, and land at Broken Bank (5.9). In my view, nothing in' Policy A10 leads inexorably to the application site.
- 17.1.9. Within the `Flintshire Edition' (Core Document 34), relevant policies are: Policy EMP3c, which seeks to protect agricultural land in Grades 1,2 and 3A unless there is "an especially strong case"(5.14): and Policy CONS 1 (5.16), which is similar in intent to Policy H1 of CSPFA. Read with EMP3C, it brings the test for development on agricultural land much closer to PGW: ie, very strong need, and lack of alternative sites. The Flintshire Edition has been adopted by the County Council for development control purposes (5.12).
- 17.1.10. In ADLP (Core Document 35), there is, of course, Policy Em15, which I shall consider in detail below. Protection of best agricultural land is covered by Policy G1M, and Policy A1. The latter refers to the taking of such land only in "exceptional circumstances" (this wording is proposed to be deleted by the proposed modifications: Core Document 37)) and where

no other land is suitable. Again, it does not fully reflect PGW, in that there is no explicit test of over-riding need.

- 17.1.11. ADLP contains a raft of policies about the general location of employment sites. Of potential relevance, in the absence of Policy Em15, would be Policies EM4 (general industry) and EM6 (storage and distribution uses) covering sites in settlements and development zones outside those with planning permission or allocated for such uses (9.1.11). Since the Local Plan Inspector did not recommend that the application site be deleted from the Deeside Development Zone (7.7.37: 8.25), and there is nothing about scale of development in either policy, it could be argued that they are relevant to the present proposals, and apply two tests: 1) lack of alternative sites, and: 2) general requirements of Policy G1, including G1M. However, neither would apply an 'over-riding need' test, which is in PGW and was clearly in the Inspector's mind in recommending the deletion of Em15.
- 17.1.12. I should comment here on the suggestion that, because the application site was not recommended by the Inspector for removal from the DDZ, it should no longer be regarded as being in the countryside because of paragraph 5.25 of ADLP (7.7.37). Such an approach would fly in the face of common sense and is, in my view, clearly not what the Inspector had in mind (6.7: 6.8). Even if the site is to be regarded as lying within the designated area of the DDZ (and no statutory development plan puts it there, although I accept that is the intention of ADLP) the site remains best and most versatile agricultural land.
- 17.1.13. There is general agreement that the site comprises Grade 2 agricultural land (the Flintshire Green Party has no rational basis for claiming it to be Grade 1) (7.11.1: 8.30: 9.2.1: 10.5: 10.26: 12.4). As such, I consider that development proposals must be subject to national policy as set out in paragraph 5.2.1 of PGW, ie the twin tests of over-riding need, and lack of lower grade land. This test is not fully reflected in the development plan (CSPFA) or the emerging development plan (ADLP), since both pre-date PGW 1999. The 'Flintshire Edition', which is supplementary planning guidance, comes closest to PGW (17.1.9).
- 17.1.14. I conclude, therefore, that the main considerations in determining this application should be:
- i) whether there is an over-riding need for the proposed development
 - ii) whether there is sufficient land of lower grade available.

in both cases, sufficient to overcome the policy presumption, set out in paragraph 5.2.1, that such land should only be developed exceptionally. In practice, all parties to the inquiry (with the exception of Flintshire Green Party, who did not accept the definition of sustainable development set out in paragraph 3.2.1 of PGW; 12.2) accepted that it was necessary to

balance "need" against the protection of good agricultural land. It is to the question of `need' that I now turn.

17.2. **The Need for the Proposed Development.**

- 17.2.1. Both the Applicants and the Local Planning Authority laid some stress on the "paper trail", ie. the long-term emergence of the application site, through the development plan process, for the type of development that the application envisaged. This process was intended to demonstrate an identified long-term need for the application site (eg 7.7.40: 7.7.43: 7.14.4: 8.2: 8.5: 8.22).
- 17.2.2. In practice, the "paper trail" is much less clearly defined than was suggested. It would appear that development of this site was first considered circa 1984 as a potential location for a Nissan car plant, ie. for a single, very large incoming user (9.1.8). The CSPFA, approved in 1991, had a specific policy, A10, referring to the DDZ, and the accompanying text makes it clear that this is a strategic location. It is, however, not location specific, ie it does not identify the application site, nor the type of user for which an A10 site would be intended. Such matters are left for the local plan (Core Document 33: 5.9).
- 17.2.3. The relevant local plan is, of course, ADLP, and the relevant Policy Em15. However, the derivation from Policy A10 of CSPFA is much less clear than was argued. The policy identifies the land at Shotwick Road as one of three "opportunity sites", the other two being Opportunity Site 1 at Garden City, ("large scale comprehensive mixed development comprising industrial, commercial, leisure and small-scale residential uses") and Opportunity Site 3 at Connah's Quay Power Station ("large-scale comprehensive mixed-use development comprising industrial, commercial and leisure uses"). Opportunity Site 2 is described in the deposit draft version of the plan as being for "large-scale comprehensive mixed-use development comprising business, industrial, commercial and leisure uses". The accompanying text (paragraph 5.61) states that commercial and leisure uses should not affect the; vitality and viability of town or district centres in the plan area or town centres elsewhere (6.2: 6.3).
- 17.2.4 I have to say that this does not sound like a strategic employment site in furtherance of Policy A10, which is not referred to in either the policy itself or the reasoned justification. The description of development does not differ substantially from that of the other two Opportunity Sites: all are "mixed development" with industrial, commercial and leisure uses. Any shopping, commercial or leisure uses must not seriously affect the vitality and viability of other centres: but that would still seem to allow for such uses on a not-inconsiderable scale. It is noteworthy that the WDA objected to this policy (7.7.34).
- 17.2.5. In response to my question at Inquiry, the County Council's policy witness accepted that the wording of Policy Em15 was deficient, in that it did not accurately reflect the true intentions regarding the development of the site.

These are better shown by the September 1995 Planning Brief, which stated that the site would be for major projects falling within Classes B1 and B2, with small-scale ancillary commercial and leisure uses (8.24).

- 17.2.6. The Local Plan Inspector (Core Document 36, paragraph 5.123) specifically referred to the Brief, and to Proposed Change 73 (6.5). He understood the nature of the proposed uses, although he appears to have thought that the site was for a single large user (8.24). However, he found no compelling justification for release of the land, and considered that it should remain in productive agricultural use for as long as possible. Significantly, he said (at paragraph 5.131) that "its contribution to national farm output should not be put at risk by measures such as land raising or recontouring as part of any speculative site preparation works". He recommended deletion of Policy Em15, which the Council did not accept (6.7 to 6.9: 8.6).
- 17.2.7. Two points were made about the Inspector's conclusions, on which I should comment here. Firstly, it was said that he did not have the evidence as to need that was available at my Inquiry (8.25). That is true, to a degree, as although the Council gave evidence there, the WDA did not. Secondly, it is said that he did not fully realise the long lead-in times involved in bringing such a site forward to the point where it could be offered to a potential user (7.7.36: 7.14.7: 8.25). I do not accept that argument. Paragraph 5.19 of ADLP itself specifically refers to lead-in times for opportunity sites. The Inspector, in the quotation above, specifically mentions land raising and recontouring and, was obviously well aware that significant site preparation works would be required. In my view, he understood the points about lead-in times and advanced preparation works: he just did not accept them as providing a justification for releasing the site in advance of a demonstrable need that would constitute exceptional circumstances.
- 17.2.8. The proposed modification (MD1) to Em15 referred to Opportunity Site 2 as being for "major inward investment ...to meet the needs for large scale industrial and business uses ... which may include elements of commercial and leisure uses". The accompanying text referred to manufacturing, high technology and headquarters business functions. Use Classes are not specified, but there is a reference to the Planning Brief, which itself mentions B1 and B2 uses (6.9).
- 17.2.9. The planning application, as made in June 1997, was for B1, B2 and B8 uses, but this was limited in July 2000 to B2 and B8 with ancillary B1 (1.1: 1.6). Various other stipulations were made as to floor areas, height (briefly up to 40m maximum in August 2000, before reverting to 23m), and a maximum of 3 occupiers (1.6 to 1.8). The previous WDA application in 1992 had been for B1, B2 and B8 (4.1).
- 17.2.10. What the above demonstrates, I think, is a long-term intention on behalf of the County Council to designate the site for development, but less clarity and consistency about its intended end uses. The original intention that it

should be for a single large user was long ago abandoned, although its ghost lingers (8.24: 14.2). The Council has more recently intended B1 and B2 uses, although the current application is for B2 and B8 uses (17.2.8: 17.2.9). That application has itself been much more tightly circumscribed in the last year or so, considerably limiting the range of users to which it might appeal. There is now no mention, as in Policy Em15, of commercial or leisure uses. These changes do not, in my view, support any contention that there has been a clear, long-term strategy that is, in itself, indicative of a clearly identified need.

- 17.2.11. I turn now to the evidence of need presented by the WDA at the Inquiry. Since there is no identified end-user for the site (7.7.5), such evidence had, of necessity, to be general rather than user-specific (see Section 7.6 of this report). I should say at the outset that the statutory functions of the WDA are acknowledged, and its expertise in this field readily conceded.
- 17.2.12. It is accepted that meeting the economic targets set by the Assembly, e.g in respect of increasing the national GDP per capita, and job creation, necessitate continued inward investment (7.1.4 et seq). To argue that investment should be redirected to West Wales and the Valleys would be to miss the point that national GDP is to be increased, as well as achieving a fairer distribution of jobs and investment throughout Wales. This requires sites that are attractive to companies who are by nature foot-loose in terms of location, and such sites need to be deliverable within an acceptable time-scale.
- 17.2.13. In that context, the attractiveness of a large site at Deeside, with good road access, is readily acknowledged, as is the area's past success in attracting inward investment: and success breeds success. Objectors, rightly, laid stress on the relative strength of the local economy, and the considerable economic progress made since the difficult years of the early 1980's (eg: 9.2.9: 9.2.11). All this is true: however, it has to be recognised that there is continuing vulnerability to economic change, and that the area has retained Assisted Area status (7.1.10), which is an undoubted advantage in attracting inward investment.
- 17.2.14. The application site has been described as being unique in North Wales in having three notable features (7.5.5):
 - i) locational advantages; eg. Motorway access, skilled workforce, area with good track record, Assisted Area status, relative nearness to international airport (Manchester).
 - ii) 81ha developable area, with a single developable area of 62 ha
 - iii) available for development within 2 years, with no problems of ownership access, etc. I consider the question of alternative sites below, but it can be said here that these are considerable advantages, and no other site in North Wales offers them. Together

they form an impressive list of positive features that could make the site attractive to potential inward investors.

- 17.2.15. The applicants have attempted to quantify the economic benefits the development might produce (Section 7.6 of this report). Clearly, there have to be assumptions made here, but the potential total within the local impact area of 3,240-4,700 (full time equivalent) jobs is impressive, with some 60% going to Welsh workers (7.6.4: 7.6.5). It has to be recognised, however, that highly capital-intensive industry could substantially reduce that figure eg, Toyota at 6.3 jobs per hectare would produce 580 jobs on site, rather than the 2700 produced by taking the DIP density of 33.6 jobs per hectare (7.6.2). One wonders how many jobs would be created by extensive B8 uses and, indeed, whether a site with the attractions and advantages claimed would be best employed in accommodating B8 uses on any significant scale.
- 17.2.16. In terms of contribution to Welsh GDP objectives, it must be remembered that, of course, these are not location-specific. Any comparable development anywhere in Wales would produce equivalent benefits, so that it cannot be a particular factor in support of the site. Being so close to the border also produces anomalies, e.g. the 40% of jobs likely to be taken up by workers from England would also contribute to Welsh GDP (7.6.5: 9.2.13).
- 17.2.17. Taken overall, the WDA presented an impressive case that release of the application site could lead to major development of substantial, if ultimately unquantifiable, economic benefit to Deeside and to Wales. It is much more questionable if it amounted to a demonstration of (in the words of paragraph 5.2.1 of PGW) "overriding need". I shall return to this point later, when attempting a planning balance. For the moment, I turn to the second leg of the PGW test: whether sufficient land of lower grade is available elsewhere.

17.3 **Alternative Sites**

- 17.3.1. It can be said at once that no single site has been identified in North Wales that offers the combination of advantages that can be found (17.2.14) on the application site. However, objectors made the point that, since the 81 hectare site was to be physically divided into two sites, and was further capable of being divided between 3 occupiers, it was unnecessary to identify a single competing site, since the same accommodation could be provided on several sites (9.2.7). This is correct.
- 17.3.2. One of the matters on which the National Assembly wished to be informed was the supply of employment land (2). In its most general sense, this matter can be dealt with quite shortly. There is no general shortage of employment land in Flintshire, (9.2.3), being upwards of a 20 year supply available. It is no part of the Applicants' case that there is any quantitative shortage of employment land: it is the particular qualities of the application site that are the basis of their case (7.5.5: 8.26).

- 17.3.3. A considerable number of sites were discussed at length at Inquiry, and I have visited many of them. They are reported in some detail above (Section 7.4 of this report 9.2.13 to 15: 10.25). Within Flintshire itself, there is only one strong contender, and that is Opportunity Site 1, at Garden City. The site has a potential gross area of 125ha, and is in relatively close proximity to the application site, the locational advantages of which it therefore shares, including Assisted Area status. It has the problem of divided land ownership, with uncertainty as to when the MOD land might become available. It is however (at least in part) a brownfield site, and is within the urban area (7.4.9). Its reuse would therefore be entirely in accord with national policy. It would admittedly be more time-consuming to bring it forward for development than the application site, but it is in the nature of brownfield sites that they can take longer to bring forward (particularly where there is divided ownership) and there will always be some reluctance to take on brownfield sites if greenfield sites are too readily available.
- 17.3.4. Slightly further away is the Bridge Road (formerly Firestone) site at Wrexham, with a gross area of 46ha (7.4.14: 9.2.14). It is within the Wrexham Industrial Estate, and is owned by the WDA. The local planning authority wishes to see it reserved for a single large user, although the WDA wants to subdivide. Infrastructure is in place. Access improvement are required, which are unlikely to be completed until 2005. It is not within an Assisted Area. Both this site and Garden City lack some of the advantages of the application site, and neither could be ready within the same timescale. However, both sites have considerable merits in their own rights.
- 17.3.5. The Powergen site at Connah's Quay and Site A6, DIP both have their limitations, and cannot be considered as an alternative to the application site in a full sense. They are, however, brownfield sites in close proximity to Shotwick Road, and both have potential for B8 uses (7.4.11: 9.2.14). Warren Hall, Broughton is an attractive site, but I accept that it is limited to B1 uses (7.4.10).
- 17.3.6. I note that there are 3 potential employment sites on Anglesey, but I agree with the WDA view that sites this far west would appeal to a different type of inward investor from Shotwick Road (7.4.12: 9.2.14).
- 17.3.7. Given the nearness to the border, sites in North-West England are relevant. They would not, of course, contribute to Welsh GDP, but they could make a contribution to employment in Flintshire, since (as the WDA noted: 7.4.1) the border is large]~ irrelevant to commuting patterns. That contribution would tend to diminish as one moved on to consider sites further east.
- 17.3.8. The nearest relevant site to Shotwick Road lies just to the east, at Hooton Park, Ellesmere Port. The exact extent of the site will depend upon the decision as to its future by Vauxhall Motors, but land for up to 64,500 sqm

of development is immediately available. It is an established employment location, and has excellent motorway communications (7.4.18: 9.2.15).

- 17.3.9. The acknowledged front-runner among alternative sites is Omega 600 at Warrington, a 232ha site with a Section 7 (New Towns Act) permission for B1, B2 and BS uses. The location has Assisted Area status and will, once a direct access to the adjacent M62 is completed, have unrivalled road transport links. It is some 30 mins drive-time east of Deeside, which means that it is likely to deliver limited employment benefits for areas west of Deeside (7.4.17: 9.2.15).
- 17.3.10. The Estuary Business Park at Speke (the Liverpool Northern Airport Site) has already seen development of the highest quality. A second phase of 80ha will become available, but the private owner may seek to subdivide. That, and its easterly location, weigh against it. However, the quality of the development means that it might well be considered a serious contender by some potential users of the application site (7.4.19: 9.2.15).
- 17.3.11. Some of the other sites discussed, e.g. Axis, Liverpool: Owens-Corning, Wrexham: might, if and when available, have some attractions to potential occupiers of part of the Shotwick Road site, but cannot be considered as functional alternative in the fullest sense (7.4.13: 9.2.14 and 15).
- 17.3.12. In summary, then, there is no site in North-East Wales that could compete directly with the application site, and the only directly competing site in the wider area is at Warrington. However, other sites do exist which might prove acceptable to some potential users of Shotwick Road, notably Garden City, Firestone (Wrexham) and Hooton Park, Ellesmere Port. In a more limited sense, Site A6 at DIP, and Powergen at Connah's Quay might provide for some B8 use. None of these sites raises the same agricultural land issue as the application site. It would be a very exceptional development that could not be accommodated on one or more of the alternative sites discussed. There is no overall shortage of employment land availability.

17.4. **Agricultural Land Quality**

- 17.4.1 The area of land on the application site that is in agricultural use cannot be precisely defined. The Applicants estimate it to be "approximately" 183.6 ha (7.11.1), whilst Banks' figures (revised during the course of the Inquiry) would give 188.64ha (9.6.1: 9.6.3). The latter figure is likely to be more accurate, and is the one I have used. The discrepancy is minor, and does not affect the outcome in any event.
- 17.4.2 I have said above that the agricultural land is Grade 2, and hence best and most versatile land, and I regard that as the starting point for consideration of this application. In this respect, it is worth briefly considering national policy as set out in PGW. In the first edition (May 1996), this matter is dealt with in paragraph 94, which states that development plans and development control decisions should give "considerable weight" to

protecting Grades 1, 2 and 3a land from development, because of its special importance.

- 17.4.3 The matter is more fully dealt with in the April 1999 First Revision of PGW, at paragraph 5.2.1. The sentence about "considerable weight" is repeated, but then expanded upon in a significant respect. It is stated that such land is only to be developed exceptionally, where there is an over-riding need for the development, and when sufficient lower-grade land is not available. I regard this as a clear strengthening of national policy in respect of the protection of such land. As noted above (17.1.8: 17.1.10), neither CSPFA (as the development plan) nor ADLP as the emerging local plan, reflect the current guidance, which post-dates them.
- 17.4.4 The Applicants do not dispute the Grade 2 status of the land (7.11.1), but I should deal here with the suggestion that the land quality is, to a degree, discounted by three factors; that there is a fair amount of such land within a 10km radius, that about half the land has only been in Grade 2 for some 10 years and that the landscaping proposals would conserve some of the soil resource. It is also convenient to deal here with the point that the number of jobs to be generated by development would inevitably exceed those lost in agriculture, although that is a point that perhaps goes to need rather than land quality (7.10.6: 7.11.3 to 5: 7.14.6).
- 17.4.5 The land quality within the arbitrarily-chosen 10km radius does not seem to me to be a relevant consideration. I find nothing in national policy to support any contention that best and most versatile agricultural land is less valuable when part of a large block of such land. Common sense, indeed, would seem to suggest the opposite, since it must be difficult to make best use of such land when it comes in penny packets. I prefer the view of NAWAD (10.8) that, from a regional perspective, such land quality is outstanding. Nor does it seem to me of any significance that about half the land has been raised to Grade 2 by drainage works: it is its present grade which counts (10.11). On the third point, policy is directed to conserving agricultural land, not soil.
- 17.4.6 It is acknowledged that, although the number of jobs that might be created by development cannot be exactly determined, it will very substantially exceed the number employed in agriculture. However, that is not a very exacting test to apply, since it must necessarily be true of almost any employment development on good agricultural land anywhere. If much weight were to be given to such a consideration, national policy in respect of best and most versatile agricultural land would speedily be undermined. There was no suggestion that such a test was stated, or implied, by national policy.
- 17.4.7 All the evidence is that this is a substantial block of best and most versatile agricultural land, efficiently farmed and highly productive (9.6.5: 10.4). I see absolutely no reason why the paragraph 5.2.1 'test' of need and lower grade land should not be imposed here in its fullest extent.

- 17.4.8 Two other relevant considerations should be mentioned here. The first is the 'conversion factor', ie. that some 188 ha (17.4.1) of best agricultural land would be taken to produce 81 hectares of employment land (ie. some 60% of the land lost to agriculture would not be directly gained by employment uses). Some such loss is inevitable in all cases, but the ratio proposed here seems particularly unfavourable, and must be a reflection of the extensive works necessary to bring the site forward for development. It is a serious consideration as to whether the use of this site in the way proposed, even if need were considered to have been established, would be unduly wasteful of good agricultural land.
- 17.4.9 The second point to be borne in mind is that the grant of planning permission would be quite speedily followed by the commissioning of the site preparation works necessary to facilitate employment use, in order to have a site ready to offer to potential users, and that this would involve the irreversible loss of the site to agriculture (1.11: 7.5.5iii: 7.7.5).

17.5. The Loss of Good Agricultural Land

- 17.5.1. I now move on to consider the paragraph 5.2.1. 'test', ie. whether it has been demonstrated that there is over-riding need, and a lack of alternative sites, sufficient to constitute the exceptional circumstances necessary to justify loss of best and most versatile agricultural land. This is, in my view, the single most important factor in determining this application.
- 17.5.2. It has to be said at the outset that establishing a planning balance here is a most difficult exercise, since it involves weighing a doubt against a certainty. The doubt is about the type of development which might occupy the site, when it might occur, and what economic benefits it might bring with it. The certainty is the irreversible loss of good agricultural land if planning permission is granted.
- 17.5.3. The WDA's evidence on the economic context, the role of inward investment, and their expectations of the site have been reported at length, as has that of the County Council on the planning context. I have commented on this above, and on the availability of alternative sites. In my judgement, the case for over-riding need has not been made out, and there are sites which, whilst not the equal of the application site, could provide for at least some of the employment uses which might otherwise locate at Shotwick Road. The situation does not differ in essence from that at the time of the Local Plan Inquiry and my view is the same as that of the Inspector at that time. I conclude that:
- i) the site is highly productive and versatile Grade 2 agricultural land which represents a national resource
 - ii) NAWAD raises a strong objection to its loss
 - iii) only exceptional circumstances would justify that loss iv) those exceptional circumstances have not been demonstrated

v) the contribution of the site should not be put at risk by land raising or recontouring as part of site preparation works in advance of an identified end user

vi) there is no compelling case for release of the site at this time.

17.5.4. It is very difficult to specify what might constitute such exceptional circumstances, although clearly the prospect of a large, single advanced technology inward investment might very well do so, and that is how the site appears to have been identified in the first place (9.1.8). I am not convinced that the provision of two discrete sites, of 62 ha and 18 ha, the larger perhaps to be further sub-divided, available for general B2 and B8 uses, albeit large scale, is sufficiently special to justify release of the site. Elements of this mix, particularly B8, could potentially be accommodated elsewhere. There must be a concern, particularly if the site was vacant for some time after preparation, that its end-users would simply not be such as to justify the loss of such a site to agriculture.

17.5.5. I understand fully the point stressed by the Applicants that it is necessary to have sites available to take advantage of opportunities as they arise, and to be in a position to respond quickly and positively to expressions of interest. However, it is precisely that lack of an identified user that makes the weighing of the economic gain against the agricultural loss so difficult. There might not be such a problem on sites of lower agricultural quality, and/or sites requiring less extensive and time-consuming advanced preparation works and hence capable of being brought forward more quickly. Here, however, the site must be subject to the test set out in PGW, paragraph 5.2.1. In my view it fails that test, and for that reason the application should be dismissed.

17.6 Effect on Farming

17.6.1. Having considered policy in respect of good agricultural land, I turn now to the effect that loss of the site to agriculture would have on the farming enterprise, W T Banks, and on slurry disposal from the adjacent pig rearing unit run by JSR.

17.6.2. It is not in dispute that the site is being profitably farmed, and makes more than a marginal contribution to the farming enterprise (7.11.7: 9.6.8) The site constitutes 28% of the core land holdings of the business, and its loss would result (in the farmer's figures) in a 40% reduction in core turnover. However, it is clear that the business does not rely solely on its core land holdings, ie owned land plus that held on a secure agricultural tenancy. Important land holdings are based on shorter tenancies, and seasonal potato land, and contracts entered into on the basis that such land will be available (7.11.9: 9.6.6).

17.6.3. Nor is the core land holding static over time. In recent years, land has been acquired (e.g 57ha at Bank Fm, Sealand in 1997) or disposed of (e.g

149ha at West Cranton Fm, Southport) (7.11.8). It is clear, therefore, that the business is used to both a fluctuating core holding, and to the use of seasonal land, making contracts on the basis that the latter will be available. Any estimate of the impact of the loss of the application site on the business should, therefore, look beyond simply the core land holding. There is no evidence that it is difficult to come by seasonal land.

- 17.6.4. It is not disputed that the farming enterprise will remain viable and profitable if the application site is lost, even if no replacement land is acquired. Without such replacement land, there would certainly be retrenchment on a not inconsiderable scale, and some loss of employment (9.6.8). My conclusion, therefore, is that some harm could well be caused to a profitable and efficient farming enterprise, and that weighs in the balance against the application proposals, although it would not in itself be sufficient justification for refusal.
- 17.6.5. In terms of slurry disposal from the JSR land, two facilities are currently available: spreading on the application site by means of a piped system, and the use of tankers to take slurry off-site to Banks' land elsewhere. It appears that over 40% of slurry is currently tankered off-site to land not covered by the legal agreement between Banks and JSR (9.6.11).
- 17.6.6. Whilst accepting that the piped disposal system on the application site may have some deficiencies (7.11.17), it functions, and is obviously a useful facility for JSR. Its loss would lead to increased use of tankers, if other land for disposal could be found in the vicinity: and/or to a reduction in the number of animals at Gun Park, eg by importing less finishers (7.11.15). In the short term, therefore, loss of the disposal facilities on the application site could have some adverse effects on JSR's operations at Puddington.
- 17.6.7. However, two factors need to be considered that mitigate that adverse effect. The first is that JSR is a substantial company operating on a large scale (9.6.9). The other, and more important, factor is that, under the terms of the Integrated Pollution Prevention and Control Regulations (2000), the unit's current exemption from the effects of the 1990 Regulations would come to an end anyway in a few years (7.11.16). Hence, the effective life of the present regime is limited in any case. For that reason, I do not consider that the effect of the application proposals on JSR is of overriding weight in this case.

17.7 Highway Effect

Generated Traffic

- 17.7.1 Highway effects can be considered under three sub-headings, namely the effect on highways in England; the effect on highways in Wales; and the effect on sustainable development. On a preliminary point, however, it is appropriate to consider the number of people who could be employed on

the application site and, related to this, the amount of traffic that could be generated by the development.

- 17.7.2 The WDA's highways and transportation witness calculated that, by 2019, the number of employees on the application site would be 3,916. This would give rise to a maximum of some 781 vehicles entering or leaving the site in the peak hours. For his part, the Transport Directorate's witness considered that the proposed development could generate considerably more traffic than is forecast (7.13.21; 7.13.22; 11.6; 11.18).
- 17.7.3 The WDA's calculations are based on a stated methodology. Certain adjustments to the working method were carried out in order to reflect the circumstances of the case. The robustness of the estimates was tested against employment figures arrived at by other means. The figure of 3,916 is, effectively, at the top of the range. Bearing in mind also that no reduction has been made for the effects of modal shift, it is concluded that the WDA's figures are a reasonable basis for considering the highway effects (7.13.20; 7.13.21; 7.13.41).

The Effect on Highways in England

- 17.7.4 By 2019, even without the development, the flows forecast for parts of the A550(T) would be above what could be considered to be the traffic capacity of the road (3,600 vph). The southbound flow, Woodbank to Deeside Park, would be 3,700 vph in the morning peak hour. The equivalent northbound figure in the afternoon peak hour would be 3,915 vph. With development, the respective figures would be 4,022 and 4,229 vph (7.13.18; 7.13.19; 7.13.25).
- 17.7.5 With regard to junctions, Woodbank Junction is already close to capacity in peak periods and is a source of some queuing. Traffic growth and the traffic that would be generated by the development would exacerbate the problem. The Little Chef Roundabout would be overloaded by 2004 and seriously overloaded by 2019 even without development traffic. In addition, there are a high number of accidents on the A5117(T) (7.13.7; 7.13.31).
- 17.7.6 Various improvements to the trunk road network in England have been agreed with the Highways Agency. At Woodbank Junction, the capacity of all approaches to the junction, as well as that of the link towards Deeside Park Interchange, would be increased such that the severity of queuing would be reduced and the situation would be no worse with the implementation of the development. The Little Chef Roundabout would be converted to a signal-controlled junction that would be no worse off. Queues would be less than they would be with a roundabout. Further, safety improvements would be carried out, principally between Woodbank Junction and the M56 (7.13.32 to 7.13.33).

- 17.7.7 In the light of the above, it is concluded that there would be no significant detrimental effects on highways in England. Implementation of the safety improvements would be likely to give rise to net safety benefits.

The Effect on Highways in Wales

- 17.7.8 In 2004, morning peak hour flows on the link between Drome Corner and Queensferry are projected to be 3,830 vph. This flow would be close to or even in excess of the capacity of this section of highway. In 2019, the without development flows would exceed 3,600 vph on three links in the network. In the morning peak hour, the northbound flows would be 4,286 vph on Aston Hill; 4,344 vph between Queensferry and Drome Corner; and 3,868 vph between Drome Corner and Deeside Park. The respective southbound flows for the afternoon peak hour would be 4,125, 4,738 and 3,899 vph (7.13.16 to 7.13.19).
- 17.7.9 The Queensferry and Deeside Park junctions are likely to experience problems even without the development. Taking into account the effects of merging and diverging traffic, the 2019 forecasts indicate that, as a result of the additional development traffic, a change in standard would be required at both Queensferry and Drome Corner (7.13.27; 11.18).
- 17.7.10 It is envisaged that problems on the roundabout and approaches to Deeside Park Interchange would be effectively mitigated by a scheme of signalisation to be implemented on behalf of the WDA. However, capacity problems on critical links along the A494(T)/A550(T), as well as at the Drome Corner and Queensferry interchanges, would require major road widening in order for the recommended standards to be met. At least three lanes in each direction would be needed (7.13.30; 7.13.35; 7.13.38; 11.17).
- 17.7.11 Two trunk road schemes, known as the A494/A550 Deeside Park-Ewloe and the A55/A494 Ewloe Interchange, are awaiting further consideration by the National Assembly for Wales. Implementation of the Deeside Park-Ewloe scheme would provide the capacity necessary to accommodate the anticipated development traffic. However, the National Assembly is currently developing an integrated transport framework. This will inform decisions such as the inclusion of any widening scheme in the trunk roads programme. Until this has been completed, no decision can be taken on the provision of additional capacity (7.13.13; 7.13.38; 11.16).
- 17.7.12 The busiest section of the trunk road in Wales would be the A494 between Drome Corner and Queensferry. Flows in 2019 would rise from a maximum of 4,738 vph without the development to 5,044 vph with the development, an increase of 6%. Given that the flows would be well above the capacity of the road (3,600-4,000 vph) in any event, it is concluded that increases of that order would not, of themselves, justify the major expense of widening to three lanes. However, bearing in mind that there is no commitment to a widening scheme, the key question is whether the

proposed development would have an unacceptable effect upon traffic conditions (7.13.17; 7.13.25; 7.13.38).

- 17.7.13 It is likely that, without widening, worsening traffic conditions would force many travellers to adopt the sort of actions referred to in Paragraph 7.13.39 above. Reduced reliance on the private car would be highly desirable. However, a very substantial reduction in peak hour traffic would be needed if future flows were to approach the traffic capacity of the trunk road. The most likely result is that traffic conditions would worsen particularly in the peak hours. The proposed development would exacerbate the situation.
- 17.7.14 It has been argued that the implication of rejecting the application proposal on highway grounds would be that there should be no major development in that area which might place even a small amount of additional traffic on the A550(T)/A494(T). Further, given that other parts of the trunk road network in England and Wales are experiencing regular congestion, future development across large swathes of the country would also have to be refused. Such proposals would have to be considered on their individual merits. In the present case, it is concluded that the development would compound worsening conditions on the trunk road network. As such, whilst not in itself sufficient to justify refusal, weight would be added to other objections to the proposals (7.13.45; 7.13.46).

The Effect on Sustainable Development

- 17.7.15 The existing DIP development is heavily car-dependent, with some 95% of workers using car or private mini-bus (9.4.1).
- 17.7.16 Existing public transport is summarised above. In terms of rail, there are two lines in the vicinity of the application site along which a limited service is available. However, Shotton Station, which serves both lines, is some 3km away. Hawarden Bridge Station, on the Wrexham-Bidston line, is marginally closer but access from both stations is poor. With regard to buses, there is only one regular bus link, hourly for the most part, in the vicinity of the Deeside Industrial Park. All in all, public transport can be considered to be relatively poor.
- 17.7.17 Residential areas including Queensferry, Shotton and Connah's Quay are at least 3km from the application site. In addition, such areas would only provide a proportion of the workforce likely to be employed on the application site. However, the WDA are include a much enhanced bus service, the provision of cycleway links and the services of a Travel Plan Officer. Such measures would benefit those living relatively near the site (7.13.41 to 7.13.43).
- 17.7.18 It is recognised that the appointment of a Travel Plan Officer, and the drawing-up of a green travel plan, would happen in any event. It is also recognised that, with the siting of major employment-generating activity at

Shotwick Road, there would be a significant increase in the amount of car travel. Nevertheless, there is the potential to maximise travel to and from the application site by non-car modes; also the incidence of car sharing. In these terms, the Applicants' target of 15% does not seem unreasonable or unattainable. Bearing in mind also initiatives such as the Deeside Integrated Transport Strategy, it is concluded that there would be a meaningful extension of choice in transport and that mobility would be secured, both in a way that would support sustainable development (7.13.2; 7.13.9; 7.13.12).

- 17.7.19 The application site has the capability to provide more sustainable travel modes. None of the alternative sites discussed at the Inquiry was notably better placed in this respect; and many were clearly worse. Unless all major development is to be suspended pending a major shift in public attitudes to sustainable travel patterns, the application site is as good as, or better than, any other in this respect.

17.8 **Effect on Burton Mere Fisheries**

- 17.8.1. I do not consider that the impact of development on the fisheries would be such as to justify refusal of planning permission. Some of the concerns expressed (e.g. hydrology) would be addressed by the proposed conditions, and some others, e.g. predating birds, seem overstated when the fisheries are considered in their wider context. Yet others (bikers, travellers) are simply the kind of objections that could be made to a great deal of development anywhere, and can be given little weight. Concern is expressed about visual impact, but the distance from the nearest fishing lake to Plateau A exceeds 900m, and a suitable landscaping condition could be imposed. Views to the south would remain undisturbed. Taken in context, such concerns, whilst perhaps understandable, cannot be considered as of great weight (Section 13 of this report).

17.9 **Effect on Ecology**

Introduction

- 17.9.1 Ecology is not a matter about which the Assembly specifically asked to be advised. Nevertheless, the topic was dealt with in the Environmental Statement; and the subject was an area of concern to certain participants at the inquiry.

The Applicants' Proposals

- 17.9.2 There are a number of elements of the Applicants' proposals that are relevant from an ecological point of view:
- Fill material, necessary to form the two development plateaux, would be pumped from the area generally northwest of the existing Shotwick Reservoir. A large deep lake would be created in this location.

- The agricultural land southeast of Shotwick Reservoir would be lost to the development plateau. The agricultural land is a habitat to birds that include corn bunting, lapwing, yellow wagtail, grey partridge and quail.
- A border landscape zone would be created along the northeastern edge of the site.
- An area of agricultural land in Cheshire would be managed for nature conservation purposes.

17.9.3 It is intended that the new lake would enhance the site's wildlife potential. It would provide an extension to the habitats of the adjoining RSPB nature reserve. Floating islands, that would be useful for breeding waterfowl and resting areas during storms, would be provided. The land surrounding the lake would be managed as seasonally wet agricultural land. It would provide winter feeding habitat for waterfowl and breeding habitat for priority Biodiversity Action Plan (BAP) breeding birds (7.12.27 to 7.12.28).

17.9.4 Extensive areas of nature conservation interest would be created in the border landscape zone. High quality habitat features would be included. These would be of value to a range of flora and fauna (7.12.29).

17.9.5 The agricultural land within Cheshire would be managed for nature conservation by the RSPB. This would include the maintenance of set-aside land as seasonal wetland for the benefit of breeding, overwintering and migrating waterfowl; also implementation of appropriate farming practices in the remaining area for the benefit of farmland birds. The management of the larger part of this area as a seasonal wetland would be aimed at attracting wintering waterfowl and waders as well as providing a valuable breeding site for declining species (7.12.30).

Discussion

17.9.6 Dealing first with protected areas, it is important to note that the application site is close to the internationally important Dee Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar Site as well as abutting the Inner Marsh Farm SSSI. However, no statutorily designated site of landscape or nature conservation interest would be directly affected. The Countryside Council for Wales has not objected to the principle of industrial development on this land although the matter of hydrological monitoring has been raised. Given the implementation of a hydrological package, it is concluded that there would be no significant effects on protected areas. (7.12.2; 15.4 to 15.5)

17.9.7 Regarding the general nature of the Applicants' mitigation proposals, it is appreciated that, in terms of the Dee Estuary waterfowl populations, a series of shallow pools/scrapes would be preferable for feeding and roosting. However, that is not the proposal before the Assembly nor would such an alternative be consistent with the site preparation proposals.

Taking into account the proposed floating islands and shallow margins to the deep lake, it is considered that there would be undoubted conservation interest in this aspect of the WDA's proposals. Bearing in mind also the RSPB's conclusions to the effect that there would be a substantial increase in the overall ornithological value for the waterfowl species for which the Dee is internationally important, it is considered that the Applicants' proposals in this regard are acceptable (7.12.26; 7.12.27; 15.4 to 15.5).

- 17.9.8 Turning to protected birds, a number of species are given special protection through the Wildlife and Countryside Act 1981, as amended, and the EC directive on the conservation of wild birds. Relevant birds that were the subject of particular interest at the Inquiry include quail. The common quail is included in Schedule 1 of the 1981 Act. In addition, it was indicated that corn bunting are covered by the provision of Article 3.1 of the Birds Directive (7.12.2; 7.12.14; 12.5).
- 17.9.9 With regard to quail, the technical evidence was that quail are not dependent upon the available habitat and that the population would be unaffected. No points of concern with regard to this species were raised by CCW or the RSPB (7.12.14; 7.12.26; 15.4 to 15.5)..
- 17.9.10 In terms of corn bunting, it was acknowledged that, in 2000, the one known remaining Welsh territory was on the application site. This territory would be directly affected by the proposed development. However, numbers are declining throughout northern Europe. Further, as acknowledged by the Grouped Objectors, the decline in Wales may well be irreversible irrespective of what happens on the application site. On the other hand, the provision of an area of managed arable farmland, as proposed by the WDA, could support about seven breeding pairs of corn bunting. Such provision would be in England rather than in Wales. Nevertheless, it is considered that implementation of the proposals would preserve, maintain or re-establish a sufficient diversity and area of habitat for corn bunting (7.12.9; 7.12.23; 7.12.31; 15.5).
- 17.9.11 Other BAP priority species that breed on the application site and that were the focus of interest at the Inquiry include grey partridge, skylark and linnet. With regard to yellowhammers, the breeding population was not considered by the WDA to be of conservation importance in a Welsh or Cheshire context. Species of "medium conservation concern" that were of particular interest included lapwing and yellow wagtail (7.12.10; 7.12.11).
- 17.9.12 The main evidence with regard to grey partridge, skylark and linnet is that the open farmland habitat of birds such as these would be lost to the development. However, the application site holds less than 1% of the Welsh populations of these species. Bearing in mind that the managed agricultural land in England and the open wet grassland lake edges would provide habitat for such birds, it is not considered that the effects would be significant (7.12.10; 7.12.23).

- 17.9.13 With regard to yellow wagtail, approximately 20% of the Welsh population of yellow wagtails breed on the reclaimed Dee Marshes with a high proportion on the application site. Thirty-three pairs bred on the application site in 1994. There was a reduction in the numbers in 1999 but a return to the 1994 numbers in 2000. Breeding sites would be lost to the development. It is likely that the Inner Marsh Farm and other mitigation land would support several new territories. However, the numbers recently recorded could not be sustained. Bearing in mind that yellow wagtail are of "medium" conservation concern, and that there is no comment regarding this species from CCW and the RSPB, it is considered that a reduction in the number of such birds supported by land under the control of the WDA would not be significant. (7.12.12; 7.12.23; 7.12.25; 7.12.26; 7.12.30; 15.4 to 15.5).
- 17.9.14 As many as 3,000 wintering lapwing have been recorded on the field north of Shotwick Reservoir. The birds usually feed for some part of their stay on the arable fields of the application site. The arable fields would be lost as a result of the development. Other land used would be partially lost to the borrow pit. It is likely that feeding birds would be forced to make greater use of other areas including Inner Marsh Farm and other parts of the estuary and its surrounding area. Intermittent use of the application site suggests that such use already occurs. The local wintering population is unlikely to decline. Alternative habitat would be provided on the managed farmland (7.12.16; 7.12.23).
- 17.9.15 In terms of breeding lapwing, the population has declined more rapidly in Wales than in the remainder of the UK. Numbers on the application site have varied depending, in part, on the state of the vegetation on the Inner Marsh Farm RSPB reserve. There were 10 pairs in 1994, 63 pairs or about 6% of the Welsh population in 1999 and 38 pairs in 2000. The development would remove the arable land on which the species breeds. However, it is likely that, with careful management, breeding lapwing would be attracted to areas to be provided by way of mitigation. Such areas would have increased relative carrying capacity but numbers of lapwing breeding on the application site are nevertheless likely to decline. (7.12.13; 7.12.23; 7.12.31).
- 17.9.16 The evidence of the Flintshire Green Party asserted that the development would also increase the rate of decline of around 50 other UK priority species of birds that are subject to European protection. However, these species of birds were not identified at the inquiry nor was there any direct or indirect evidence that would support this statement. In this context, it is worth noting that CCW has described the site as intensively farmed agricultural land the ecological value of which is considered to be generally low (12.5: 15.4).
- 17.9.17 Turning to the possible effect on badgers, there is known to be an active sett some 100m north of the application site and a subsidiary active sett within the site. Foraging ground and dispersal routes would be affected, notably during the construction period. However, it is concluded that, given

ecological best practices and appropriate mitigation, the welfare of the badgers would be unlikely to be significantly affected (7.12.17; 7.12.34; 15.13).

- 17.9.18 Other protected animals include great crested newts and water vole. No great crested newts have been found on the application site and it is unlikely that they would occur. Nevertheless, the imposition of an appropriate condition would secure a further survey and mitigation in respect of any such amphibians within or adjoining the site. With regard to water vole, confirmation of their presence at two locations on the application site has now been recorded. Mitigation measures acceptable to the competent authorities would need to be carried out (7.12.7; 7.12.18; 7.12.33).

Concluding Comments

- 17.9.19 In terms of overall biodiversity, the WDA's mitigation proposals would be likely to give rise to an increased number of habitats and greater habitat complexity. This, in turn, would support greater species diversity. As such, there would be a probable gain in biodiversity (7.12.38).

- 17.9.20 It is considered that:

- There would be no significant effects on protected areas such as the Dee Estuary SPA.
- Quail are not dependent on the habitat available at the application site. The population would be unaffected.
- The loss of corn bunting in Wales is likely to occur irrespective of what happens on the application site. The WDA's mitigation proposals would encourage corn bunting and would be a positive benefit.
- An area significant for large numbers of wintering lapwing would be lost. Some alternative habitat would be provided. However, it is likely that the majority of birds would be displaced to other parts of the surrounding area with no significant related change in population numbers.
- Yellow wagtail and lapwing breeding sites would be lost as a result of the development. Although there would be some compensatory mitigation, the numbers recently recorded could not be sustained.
- There would be loss of habitat for breeding grey partridge, skylark, linnet and yellowhammer. However, the numbers involved would not be significant in the context of Wales or Cheshire. Further, some compensatory habitat would be provided.
- In respect of water vole, suitable mitigation measures would need to be agreed and implemented.

- It is unlikely that the welfare of badgers would be significantly affected.

17.9.21 It is recognised that modern farming techniques presently co-exist with a wide range of birds and animals. However, the WDA's proposals are considered to incorporate a reasonable set of mitigation measure. Some of these measures, such as the large lake, would be a necessary consequence of the intended development. The mitigation measures would also encourage the wintering and breeding of what could be regarded as "common" waterfowl. Nevertheless, farmland birds would also be attracted to the application site. It is concluded that a reasonable balance would be struck and that, with the proposed mitigation, the overall effect upon ecology would be neutral.

17.10 Landscape and Visual Impact

17.10.1 An assessment of visual impact and affect on landscape can only, at this stage, be based on two factors: firstly, the general effect of any development on the application site on the landscape; and, secondly and more particularly, on the illustrative material accompanying the application. As far as the second goes, a different proposal would, of course, have a different effect, the degree of change depending upon the nature of the scheme proposed. I have carried out a programme of site visits including, as far as possible, those which objectors wished me to make to gauge the effect on the Cheshire villages. The foot and mouth outbreak, however, meant that some viewpoints were not fully accessible because of the closure of footpaths. I am satisfied, nevertheless, that sufficient views of the site and its setting were available for me to reach general conclusions on the visual impact of the proposed development. '

17.10.2 Any consideration of the general effect must begin with an analysis of the landscape role of the site as it now is. The Applicants have described it as a transition zone between the large-scale industrial structures to the west and the rural Cheshire landscape on rising ground to the east (7.10.11). This is correct to a degree, but tends to under-value the qualities of the site itself. It also tends to draw too clear a distinction between the site and rural Cheshire.

17.10.3 The application site is flat, open and exposed, with few hedgerows or other significant vegetation. The rising land to the east is composed of smaller scale elements of field and woods, and traditional villages in a rural setting. The application site is, indeed, part of the estuarine plan, but its agricultural character associates it visually much more with rural Cheshire than with DIP. The visual contrast between the larger-scale industrial structures on the west side of Shotwick Road and the rural aspect to the east of the road is very marked. This contrast is also readily apparent when seen from the A550, which is elevated at this point. Looking from Shotwick Road, attractive views are available across the site to the rising rural landscape beyond. I consider that the open, agricultural aspect of the

site is an important visual element at this "gateway" to Wales (2.1: 2.2: 9.3.3).

- 17.10.4 Shotwick Road itself provides a firm and visually logical eastern boundary to the industrial area. By contrast, the national/county boundary, which is not marked on the ground by any such distinguishing feature, would appear completely arbitrary if the site were developed for industry. The proposed planting belt along that boundary would in itself be quite out of visual character with either the application site or with rural Cheshire and would, particularly when seen from the east, call attention to that which it is intended to hide (9.3.7.).
- 17.10.5 I consider, therefore, that there are cogent landscape reasons for retaining the open rural character of the application site. It should not be developed for major industrial uses without compelling reason, and I do not consider that proper cause has been shown.
- 17.10.6 In assessing the impact on the Cheshire villages, one has to have regard to the illustrative material, including the photo-montages. There is no doubt that the buildings modelled would intrude on some views from the higher ground to the east but, given the visual prominence of the existing structures on DIP, I do not consider that the degree of such visual intrusion would justify a refusal of planning permission in its own right. I agree with the Local Plan Inspector that keeping the application site open and undeveloped is not essential to retain the identity, appearance or character of the villages, whose Conservation Area status I recognise (2.2: 7.9.5)
- 17.10.7 Some point was made by objectors that raising the level of the application site would destroy historic relationships in the landscape, eg. the relationship of Shotwick Church and Shotwick Castle to the old shoreline (9.3.4: 12.8). I see very little substance in such arguments in this case, since the historic relationship was effectively destroyed long since by infilling of the estuary. The changes proposed here would be minor compared with those that have already occurred.

17.11 **Green Belt Status**

- 17.11.1 One of the matters on which the National Assembly wished to be informed was the potential need for Green Belt designation in North-East Wales (2). I find myself it; some difficulty here. Such designation would come forward through the UDP process, and not as the result of Public Inquiries into particular planning applications. The question of such a designation is a wide-ranging one that goes far beyond the consideration of one particular site. I have no evidential basis for making any conclusions about potential Green Belts, even if it were appropriate for me to do so. The UDP process is at an early stage, but the County Council is not minded to declare any Green Belt in Flintshire (8.36 and 37: 8.39). No doubt the matter will be considered in the normal course of UDP preparation, and liaison between the County Council and the National Assembly. Similar considerations apply to the potential for Green Barrier designation. I note the views of the

Local Plan Inspector in 1995 in this regard (7.7.37: 8.33), but I have no proper basis for reaching any conclusions on the point which is not, in any case, critical to making a recommendation in respect of this application.

18.0 RECOMMENDATIONS

- 18.1. I recommend that planning permission be refused for the proposals the subject of this application.
- 18.2. If the National Assembly disagrees with this recommendation, I recommend that any planning permission should be subject to the conditions I have discussed above.

A handwritten signature in black ink on a light grey background. The signature is written in a cursive style and reads "P J Macdonald".

P J MACDONALD
Inspector

APPEARANCES

Version 8

FOR THE APPLICANTS, THE WELSH DEVELOPMENT AGENCY:

Mr M Kingston	Queen's Counsel
Instructed by	WynThomasGordonLewis Limited, Chartered Town Planners, Landscape Architects, Chartered Architects and Urban Designers, 21 Park Place, Cardiff, CF10 3DQ
He called:	
Mr P Vining BSc(Hons) DipTP(Dist) MRTPI	Joint Managing Director, WynThomasGordonLewis Limited
Mr C J Farrow BA(Hons) DipTP(Dist) MRTPI	Managing Director, North Wales Division, Welsh Development Agency
Mr S L Nicol BA(Hons) MA	Managing Director, DTZ Piedad Consulting, 6th Floor, 26 Cross Street, Manchester, M2 7AF
Ms M O'Connor DipLA MSc MLI	Associate, WynThomasGordonLewis Limited
Mr S Lowther BA(Hons) MSc MIEEM	Manager, Ecology Services Section, Casella, The Environment Company, Yorkshire House, Chapel Street, Liverpool, L3 9AG
Ms A Heywood BSc(Hons) FRICS FRGS MIMgt	Consultant, CPM Environmental Planning and Design, Akeman Barns, Coln St Aldwyns, Cirencester, Gloucestershire, GL7 5AW
Mr P Jackson BSc MSc CEng MICE	Associate Director, Transportation Division, Oscar Faber, Lynnfield House, Church Street, Altrincham, Cheshire, WA14 4DZ

FOR THE PLANNING AUTHORITY, FLINTSHIRE COUNTY COUNCIL:

Mr P G Tucker	of Counsel
Instructed by	Mr A Loveridge, Solicitor and County Secretary, Flintshire County Council
He called:	
Mr G Jones BA MRTPI	Head of Planning Control, Flintshire County Council
Mr H Evans DipTP MRTPI	Chief Policy and Resources Officer, Flintshire County Council

FOR THE GROUPED OBJECTORS: W T BANKS & CO (FARMING) LTD, THE TRUSTEES OF THE SHOTWICH ESTATE, THE JSR FARMING GROUP, PUDDINGTON AND DISTRICT PARISH COUNCIL AND BURTON RESIDENTS' ASSOCIATION:

Mr S J Sauvain Queen's Counsel

Instructed by Messrs Guy Williams Quiggin, Solicitors,
1 Union Court, Cook Street, Liverpool, L2 4SJ

He called:

Mr J P Wesencraft BA 21 Kingswalk, West Kirby, Wirral, Merseyside, CH48 8AF

Mr M C Scott BSc(EstMan) FRICS Senior Partner, Denton Clark & Company, Rural Practice Chartered Surveyors,
4 Vicars Lane, Chester, CH 1 1QU

Mr E P G Huxtable MBPR Technical Director (Arable Farms),
The JSR Farming Group

Mr R F McConnell Picton Gorse Farm, Chester, CH2 4JU

Mr R Colclough Honorary Secretary, Burton Residents' Association,
Dodington, Neston Road, Burton, Neston, South Wirral, CH64 5SZ

FOR THE NATIONAL ASSEMBLY FOR WALES AGRICULTURE DEPARTMENT:

Mr J R Matheson Farming and Rural Conservation Agency
MA DipFBA ARICS FAAV

FOR THE NATIONAL ASSEMBLY FOR WALES TRANSPORT DIRECTORATE:

Mr C Tollitt BEng MICE Transport Directorate, Colwyn Bay

FOR THE FLINTSHIRE GREEN PARTY:

Mr K Armstrong-Braun Amazonia, 8 Eaton Close, Broughton, Chester, CH4 ORF
BSc(Hons) DipHE IEng MIMIE

FOR MR T E KNIGHT, BURTON MERE FISHERY:

B P H Hodgson 3 Selkirk Drive, Chester, Cheshire, CH4 8AQ
BSc(Hons) MSc PhD MIOB
MIFM

FOR THE HIGHWAYS AGENCY (CONDITIONS SESSION ONLY):

Mr A Evans of Counsel

Instructed by the Treasury Solicitor

OTHER PARTIES:

Mr P Heesom County Councillor, Mostyn Ward, Flintshire County Council,
Pentre Ucha, Gwespyr, Flintshire, CH8 9LW

Mr A R Cattermoul County Councillor, Mold South Ward, Flintshire County Council,
Pentre Ucha, Gwespyr, Flintshire, CH8 9LW

Mr D Rowlands County Councillor, Cheshire County Council
The Grange, Warrington Road, Mickle Trafford, Chester, Cheshire,

DOCUMENTS

GENERAL DOCUMENTS

- INQ1** - Daily attendance sheets
- INQ2** - Written representations (listed separately)
- INQ3** - Written representations by Ellesmere Port and Neston BC and Cheshire CC
- INQ4** - WDA's suggested conditions (with amendments)
- INQ5** - Highways Agency's suggested conditions
- INQ6** - Draft planning obligation

CORE DOCUMENTS:

- CD1 - The planning application: No P/97181510638, dated 5 June 1997
- CD2 - Development Brief (Draft 4)
- CD3 - Environmental Statement-Volume 1: Main Text
- CD4 - Environmental Statement - Volume 2: Illustrations
- CD5 - Environmental Statement - Volume 3A: Landscape and Visual Impact
- CD6 - Environmental Statement-Volume 3B: Surface Water Drainage
- CD7 - Environmental Statement - Volume 3C: Ecology
- CD7a - Supplementary Ecological Findings, 2000
- CD8 - Environmental Statement- Volume 3D: Agriculture
- CD9 - Environmental Statement-Volume 3E: Archaeology
- CD10 - Environmental Statement - Volume 3F: Transportation and Traffic
- CD11 - Environmental Statement-Volume 3G: Noise
- CD12 - Environmental Statement-Volume 3H: Dust
- CD12a - Environmental Statement - Volume 4: Non-Technical Summary
- CD13 - Environmental Statement-Volume 3I: Water Quality
- CD14 - DMRB Air Quality Assessment
- CD15 - Effect of PM10 Dust Standard on Development Proposals
- CD16 - Road Traffic Noise Associated with the Shotwick Road Development
- CD17 - Visual Impact Assessment
- CD17a - Visual Impact Assessment: New Photomontages

- CD18 - Visual Impact of Traffic & Associated Highway Improvements
- CD19 - Quality of the Dredged Material for Sustaining the Planting
- CD20 - Traffic Impact Assessment, April 1999
- CD20a - Supplement to CD20
- CD21 - Wintering Birds Survey 1998-99
- CD22 - Water Vole Survey 1999
- CD23 - Breeding Birds Survey 1999
- CD24 - Land North of Shotwick Road - Water Monitoring
- CD24a - Non-Technical Summary of the Supplementary Information
- CD25 - Planning Guidance (Wales): Planning Policy, May 1996
- CD26 - Planning Guidance (Wales): Planning Policy - First Revision, April 1999
- CD27 - Technical Advice Note (Wales) 6: Development involving Agricultural Land (superseded)
- CD27a - Technical Advice Note (Wales) 6: Agriculture and Rural Development (June 2000)
- CD28 - Technical Advice Note (Wales) 15: Development and Flood Risk
- CD29 - Technical Advice Note (Wales) 18: Transport
- CD30 - Welsh Office Circular 35/95, The Use of Conditions in Planning Permissions
- CD31 - Welsh Office Circular 13197, Planning Obligations
- CD32 - RPG 13: Regional Planning Guidance for the North West
- CD33 - Clwyd County Structure Plan: First Alteration
- CD34 - Clwyd Structure Plan Second Alteration: Flintshire Edition
- CD35 - Alyn and Deeside Local Plan (deposit version)
- CD36 - Alyn and Deeside Local Plan: Inspector's Report
- CD37 - Alyn and Deeside Local Plan: Proposed Modifications January 1997
- CD37 - Alyn and Deeside Local Plan Proposed Changes May 1995
- CD38 - Regional Planning Guidance for North Wales: Revised Consultation Edition
- CD39 - Flintshire Economic Development Plan 1999-2000
- CD40 - Flintshire Draft Local Transport Plan, May 2000
- CD40a - Flintshire Local Transport Plan, August 2000
- CD41 - Wrexham Unitary Development Plan 2011 (public deposit edition)
- CD42 - Cheshire 2011 Replacement Structure Plan

- CD43 - Deeside Integrated Transport Study
- CD44 - Deeside Development Zone: Feasibility Study for a new Railway Station and other possible Public Transport Options
- CD45 - Flintshire Unitary Development Plan 2000-2015 (pre-deposit consultation draft)
- CD46 - Letters dated 20 June 1997 and 23 March 1998 from Mr Win Griffiths MP in relation to Green Belts
- CD47 - Correspondence between the Welsh Office and Flintshire County Council regarding Green Belts
- CD48 - The National Assembly for Wales' Rule 6 Statement
- CD49 - Pre-Inquiry Statement by the Highways Agency
- CD50 - Pre-Inquiry Statement by the Transport Directorate of the Nation Assembly for Wales
- CD51 - Statement of Case by the Farming and Rural Conservation Agency on behalf of the National Assembly for Wales Agriculture Department
- CD52 - Statement of case on behalf of the applicant
- CD53 - Rule 6(6) Statement on behalf of the Flintshire County Council
- CD54 - Statement of case on behalf of Puddington and District Parish Council et al
- CD55 - Pathway to Prosperity: A New Economic Agenda for Wales
- CD56 - Proposals for a National Economic Development Strategy
- CD57 - Promoting Prosperity: WDA Corporate Plan 2000-2003
- CD58 - www.betterwales.com
- CD59 - The Dee Estuary Strategy Final Report
- CD60 - Consultation responses on the application No PI9718/510638
- CD61 - Report of the Director of Planning and Development to the Planning Committee of Flintshire County Council and the associated minutes, 5 October 1999

(note: as Core Documents 25 to 32 inclusive are published Government documents, copies are not submitted with this report)

WELSH DEVELOPMENT AGENCY DOCUMENTS:

- WDA1 Labour catchment of application site (from Mr Nicol's proof)
- WDA2 Economic and inward investment statistics (from Mr Nicol's proof)
- WDA3 Assessment of alternative sites, with some maps (from Mr Nicol's proof)
- WDA4 Mr Nicol's documents (listed separately)
- WDA5 Miss Hayward's documents (listed separately)
- WDA6 Mr Lowther's documents (listed separately)

WDA7	Miss O'Connor's documents MOC10-MOC14
WDA8	Mr Jackson's Appendices (listed separately)
WDA9	Mr Jackson's Figures (listed separately)
WDA10	Mr Jackson's traffic impact figures (Section 11 of his proof).
WDA11	Mr Vining's documents (listed separately)
WDA12	Meriden PURE: final report (February 2000)
WDA13	Meriden PURE: discussion document (June 2000)
WDA14	JPL Case Law Report: R v Rochdale MBC ex parte Tew
WDA15	Judgement: R v Rochdale MBC ex parte Milne
WDA16	WDA Annual Report 1999-2000
WDA17	Note re acquisition of land at Inner Marsh Farm
WDA18	Visual impact assessment: viewpoint details!
WDA19	Landscape and ecology: future management
WDA20	Location of poor slurry spreading practice on application site
WDA21	Letter to Planning Inspectorate, 21 September 2000
WDA22	Agreed statement on highway issues, December 2000
WDA23	Letter to WDA from FCC on highway issues
WDA24	Letter from WDA to Corus Colours Sailing Club
WDA25	Correspondance with Environment Agency about flood risk
WDA26	Letter about groundwater at Burton Mere Fisheries
WDA27	Letter to Wirral and Cheshire Badger Group
WDA28	Correspondance with RSPB, and draft agreement
WDA29	Technology Implementation Programme: Rural Wales
WDA30	The Water Code 1998
WDA31	Alyn and Deeside Local Plan: Draft for Consultation
WDA32	Documents: various
WDA 33	Oscar Faber's drawings W191011PI125, 127, 200 and 201

GROUPED OBJECTORS' DOCUMENTS:

G01	Mr Wesencraft's documents (listed separately)
G02	Supplementary documents by Mr Wesencraft relating to LG, Newport

- G03 Mr Scott's documents (listed separately)
- G04 Mr Scott's supplementary documents (listed separately)
- G05 Information on Assured Produce Scheme
- G06 WCF: integrated crop management policy
- G07 Nature's Choice: UK Code of Practice
- G08 Documents: various

FLINTSHIRE COUNTY COUNCIL DOCUMENTS:

- FCCI Council appendices FCC1 to 35 (listed separately)

OTHER DOCUMENTS:

- FGP1 Bundle of papers put in (unlisted) by Flintshire Green Party
- NAWADI Appendices to Mr Matheson's proof
- NAWTD1 Appendices to Mr Tollitt's proof
- AC1 Appendices to Cllr Cattermoul's proof
- PH1 Papers put in by Cllr Heesom