

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

FACTS NOT IN DISPUTE

<u>INTRODUCTION</u>	<u>SITE DESCRIPTION</u>
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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/country 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 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 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 areas) 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.

Source Division:

Planning

Date: July 2002