

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

CONDITIONS AND AGREEMENTS

WRITTEN REPRESENTATIONS CONCLUSIONS

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- nature and form of development,
12 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- flood protection and drainage: no
16 comments.

- 17- further ecological surveys: FCC
19 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- nature reserve. Flintshire Green Party
23 wanted 20 cars maximum rather than
50, but there was no evidential basis
for this request.
- 24- landscape design. Flintshire Green
28 Party wanted Condition 27 modified
to remove power of LPA to agree
non-native species: unnecessarily
restrictive, in my view.
- 29- landscape maintenance and
32 management. Flintshire Green Party
wanted 15yrs substituted for 5 in 29
and 30 (unreasonably long) and
lapwing mentioned in 32
(unnecessary).
- 33- Site preparation works.
36
- 37 Control of dust.
- 38- Control of noise: note addition of
43 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- access and highways. 49 to be
51 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.