

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

## THE CASE FOR THE APPLICANTS

### ALYN AND DEESIDE LOCAL PLAN

### THE CASE FOR FLINTSHIRE COUNTY COUNCIL

#### 7.0 The Case for the Applicants

##### Strategic Objectives of WDA

##### Local and Regional Economic Context

##### Role of Inward Investment in Economic Development

##### Availability of Alternative Sites

##### Advantages of the Application Site

##### Economic Benefits from the Proposed Development

##### Planning Context

##### National Policy Guidance

##### Green Belts

##### Lanscaping

##### Agricultural Considerations

## Ecology

## Highways and Transportation

## Planning Assessment

The material points were:

### 7.1 **Strategic Objectives of WDA**

7.11 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 Môn 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 WDA1). The Local Impact Area (again, see Document WDA1) 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
<b>Total</b>	<b>675</b>	<b>100</b>	<b>59</b>	<b>100</b>	<b>44</b>	<b>100</b>

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 A1, 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
<b>Total (Local Impact Area)</b>	<b>3,240</b>	<b>4,700</b>

**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 creation of large development areas, substantially free of constraints, which would be suitable for and attractive to large scale projects.
  - (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 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.
- 7.7.34 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.
- 7.7.35 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**

- 7.7.4 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
- (v) 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 plan-led 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) controlled grazing or mowing, and arable cropping to create a variety of habitats
  - (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
<b>TOTAL</b>	<b>100.00</b>	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**

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

- 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.
- 7.11.4 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 adaption 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 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.
- 7.12.20 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 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.
- 7.12.23 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. IntThere 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.ermittent 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 Woodbank	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 provide 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 section 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.

*Source Division: Planning*

*Date: July 2002*