

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

**THE CASE FOR THE NAW
AGRICULTURE
DEPARTMENT**

**THE CASE
FOR THE
GROUPED
OBJECTORS**

**THE CASE FOR
NAW
TRANSPORT
DIRECTORATE**

10.0

**The Case For The
NAW Agriculture
Department**

The material points
were:

- 10.1 The Farming and Rural Conservation Agency (FRCA) was authorised to deal with planning and land use matters on behalf of the National Assembly for Wales Agriculture Department (NAWAD). FRCA was an agency jointly owned by MAFF and the National Assembly for Wales.
- 10.2 A request was received from Flintshire County Council dated 13 August 1999 asking for confirmation of the Department's views on the application, so that these could be put before the Planning Committee. A letter was sent to Flintshire on 27 August 1999 confirming that the Department was objecting to the application and giving the main grounds for so doing. The grounds were:

- i) the quality of the land, which fell into Grade 2 of the Agricultural Land Classification and as such was best and most versatile land;
- ii) the fact that less than half the site was proposed for development, which was not a prudent use of a scarce resource;
- iii) the possibility of alternative sites;
- iv) the effect on farm structure;
- v) uncertainty about the scale and type of the proposed development.

Agricultural Land Quality

- 10.3 The site formed part of an area that was reclaimed from the Dee Estuary in the nineteenth century and was underlain by estuarine alluvium. The fine sandy loam soils were easily worked and free draining, yet with sufficient available water capacity. Drainage was by a pumped system and this allowed the water table to be controlled. The combination of soil type and controlled water table allowed a range of the more demanding arable and vegetable crops to be grown with high yields on a regular basis.
- 10.4 The site formed a large proportion of a block of tenanted land that was farmed intensively with both cereals and field scale vegetables. Indeed, it was one of very few large areas in Wales comprising best and most versatile land suitable for growing field scale vegetables. It had been in productive use for many years and there were no reasons why it

should not continue in such use, from an agricultural point of view. It was also being used for the disposal of slurry from an intensive pig unit.

10.5

The site had been subject to a detailed Agricultural Land Classification survey, and fell into Grade 2. Grade 2 was described by the ALC system as "Land with minor limitations which affect crop yield, cultivation or harvesting. A wide range of agricultural and horticultural crops can usually be grown but on some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than Grade 1".

10.6 Wales contained very little Grade 1 or 2 agricultural land. Statistics based on the published One Inch to One Mile ALC map series indicated that Grade 1 accounted for 0.2% of the agricultural land in Wales and Grade 2 for 2.3%. The equivalent figures for Flintshire were 0% and 6% respectively. The original 'one inch' maps were essentially reconnaissance surveys and only indicated general areas of high quality land. They were not accurate for delineation of individual areas less than approximately 80ha in size.

10.7 A considerable number of more detailed local surveys had been carried out since publication of the 'one inch' maps, particularly in those parts of Wales that contained the majority of the Grade 1 and 2 quality land (eg the former Counties of Clwyd and South Glamorgan). This re-survey work had

resulted in significant downgrading of areas of best and most versatile land, as these more detailed surveys had highlighted the existence of pockets of poorer quality farmland, urban areas and non-agricultural land. As a consequence, it was now estimated that together Grades 1 and 2 land accounted for between just 1.0 and 1.5% of the total agricultural land in Wales.

10.8

From a regional perspective, land quality at this site was outstanding. Apart from the Vale of Clwyd and land in the Deeside/Sealand/Chester area, this site formed the largest area of undisturbed land of this quality left in Wales. Although much land within the nearby locality of Deeside, Sealand and Chester was of similar quality there were other factors that diminished its agricultural value relative to the application site.

10.9 In the immediate vicinity of Chester there was an element of 'urban fringe' pressure that would limit the land's potential cropping. In other areas, here and elsewhere in north-Wales, development on best and most versatile agricultural land, if there was overriding need for it, could be undertaken more efficiently with a high proportion of land utilised. This contrasted with the current site where the extensive site works and need to raise land levels limited the amount of employment land available.

10.10 The applicants had contended that the weight to be given to best and most versatile land was not as great as to land with a statutory conservation designation. "Planning Guidance (Wales): Planning Policy", paragraph 5.2.1. clearly contradicted that view. It was only in certain circumstances, where possible alternative sites of lower grades

had an environmental designation, that this would outweigh agricultural considerations.

10.11 No weight should be given to the Applicants' contention that loss of the land should be discounted on the basis that about half of it had only been Grade 2 for about 10 years as a consequence of improved arterial drainage (about 90ha had always been Grade 2). Improvement in grading resulting from drainage was an established and valid procedure of the ALC system. The length of time in the revised grade was irrelevant.

10.12 The Applicants had commented on the extent of Grades 1, 2 and 3a land within a 10km radius of the application site. It was not accepted that this set the site in its context. National policy applies to the whole of Wales, and it was not appropriate to be selective in a local context. The 10km radius was purely arbitrary. The fact that adjoining areas had a

high proportion of best and most versatile land did not lessen the value of the resource either inherently or in national terms.

Policy Background

- 10.13 "Planning Guidance (Wales): Planning Policy -First Revision," set out policies for the protection of agricultural land. Chapter 3 established the Primary Principles, and paragraph 3.1.2 required, inter alia, that "full and effective use should be made of land within existing urban areas, including the bringing into use of derelict, unused or waste land."
- 10.14 Paragraph 5.2.1. stated... "Land of grades 1, 2 and 3a of the MAFF Agricultural Land Classification is the best and most versatile land, and should be protected as a national resource for the future... Land in grades 1, 2 and 3a should only be developed exceptionally, if there is an overriding need for the development,

and sufficient land in lower grades is unavailable".

Paragraph 5.2.2 stated that, while land quality would normally be the most important factor in considering the impact of development on agriculture, there were other relevant factors which might need to be taken into account, concerning farm structure and related issues.

- 10.15 It must be stressed that the policy to protect the best agricultural land was set out in PGW and applied throughout Wales. It made it clear that Grades 1, 2 and 3a land should only be developed in exceptional circumstances, viz. where there was an overriding need and sufficient land in lower grades was unavailable. The onus was on those proposing development to demonstrate this. Policy was uncompromising: and there had been no change in emphasis in recent years. Apart

from the loss of land, there need be no other agricultural aspects that were significant in terms of national interest. If the land was best and most versatile, then an application failed unless there was a proven over-riding need, and no alternative sites on lower quality agricultural land.

10.16 The National Assembly had made sustainable development one of the guiding principles in all its deliberations. It had a duty under Section 121 of the Government of Wales Act to promote sustainable development and was the only government in Europe to have such a constitutional duty.

10.17 The Assembly also supported the objectives of the UK Sustainable Development Strategy, and these included:

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

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

10.18 The site was originally included in the emerging Alyn and Deeside Local Plan as Opportunity Site 2 under Employment Policy Em15. It was then part of an overall allocation of 700 hectares for employment use over the Local Plan period. The then Welsh Office Agriculture Department (WOAD) objected to the policy, and the Local Plan Inspector supported that objection.

10.19 The Pre-Deposit Consultation Draft for the Flintshire Unitary Development Plan, published in May 2000, anticipated a much lower requirement for employment land. It was estimated that based on recent trends there would be a requirement of between 225 and 380ha for the Plan period. Although a considerably lower figure than in the Alyn and Deeside Local Plan, the range of 225 to 380 was still well above recent land take up rates, when

between 7 and 11ha of land had been developed annually. The reduced need, the Draft stated, may be attributable to:

- Flintshire's downgrading to Intermediate Area Status;
- Reduced levels of demand for land;
- More competition for new industry from elsewhere;
- The wider development of a 'second hand' market in factory space in the County.

10.20

As a scarce valuable natural resource, it was important that best and most versatile land was prudently conserved for the longer term in accordance with principles of sustainable development. It was noteworthy that only 81 hectares (38.9%) of the application site

would be utilised for development due to the need to raise land levels. From an agricultural perspective this did not represent a prudent use of valuable natural resources.

10.21 In a North Wales context, this site was of outstanding land quality and few, if any, sites could be less suitable for development from an agricultural perspective. Even when looking at other areas where there was a high proportion of best and most versatile agricultural' land, there could be few areas that would require such extensive land levelling and give rise to such an inefficient utilisation of the agricultural landtake.

10.22 It was also pertinent that the nature of development proposed for this site (ie a mix of relatively small and medium scale uses) was inconsistent with any objective of providing a large strategic inward investment site. As the land was to be

developed as a multi-user site, as opposed to being reserved for one or two large scale users, then the developer should also justify why it was necessary to take this large sensitive location in preference to several smaller sites. Such an alternative approach would provide an opportunity to spread employment opportunities more widely across the Region and be less damaging in terms of loss of best and most versatile agricultural land.

10.23

It was accepted that sustainable development was not just concerned with protection of agricultural land, and that there was also an objective of high and stable levels of economic growth. It was also recognised that the needs of a single large incoming user could constitute 'exceptional' circumstances. Such users were very rare, and this site would not accommodate the 'Nissan' type of

development usually quoted as an example of that type of use. The proposed conditions would allow for only 24.3ha of developed floorspace in total (a utilization of 11.7% of the site) with the minimum gross floor area of 4.6ha for each project. Development in Use Class B8 was to be permitted: warehousing could not in itself be considered an efficient use of this high quality land.

10.24

The WDA and Flintshire County Council had argued that there was an overriding need for the development. This was difficult to accept. 40% of the jobs created would be likely to go to residents of England, outside the area of the WDA's remit. It was asserted that the development of the site would have a wider impact, but impact would depend upon the type of business established, which was unknown. The success of inward investment into Wales was not doubted, but

the vast majority of projects were of small to medium size in employment terms. The speculative nature of the application made it impossible to give an accurate assessment of the number of potential jobs. The case for overriding need had not been proven.

10.25

On alternative sites, it was not within the remit of NAWAD to suggest other sites, and neither the WDA nor any local authority in North Wales had approached NAWAD to look for such sites. There was generally no shortage of development land in any local authority area in North Wales. Various alternative sites had been discussed at Inquiry, many of them (unlike Shotwick Rd) either with planning permission and/or identified in development plans.

10.26

The status of the application site as Grade 2 land was not disputed. Policy therefore required that overriding need and lack of alternative lower grade land should be demonstrated before development could, exceptionally, be permitted. NAWAD contended that those exceptional case criteria were not proven, and that the application should therefore be rejected.