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Gareth Owens LL.B Barrister/Bargyfreithiwr Chief Officer (Governance) Prif Swyddog (Llywodraethu)





CS/NG

23 September 2021

Maureen Potter 01352 702322 maureen.potter@flintshire.gov.uk

To: Cllr David Wisinger (Chairman)

Councillors: Mike Allport, Bernie Attridge, Chris Bithell, Derek Butler, Chris Dolphin, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Christine Jones, Richard Jones, Richard Lloyd, Ted Palmer, Mike Peers, Neville Phillips and Owen Thomas

Dear Sir / Madam

## NOTICE OF REMOTE MEETING PLANNING COMMITTEE WEDNESDAY, 29TH SEPTEMBER, 2021 at 1.00 PM

Yours sincerely

Robert Robins
Democratic Services Manager

Please note: This will be a remote meeting. The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available shortly after the meeting at <a href="https://flintshire.public-i.tv/core/portal/home">https://flintshire.public-i.tv/core/portal/home</a>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

#### AGENDA

- 1 APOLOGIES
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **MINUTES** (Pages 5 8)

To confirm as a correct record the minutes of the meeting held on 1 September 2021.

#### 5 **ITEMS TO BE DEFERRED**

### 6 REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

## REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 29 SEPTEMBER 2021

Item No	File Reference	DESCRIPTION
Gener	ral Matters	
6.1	063502	063502 - General matters - Consultation under Section 42 of the Planning Act 2008; Awel y Môr (Denbighshire) (Pages 9 - 18)
Item No	File Reference	DESCRIPTION
Applic	cations reported t	for determination (A = reported for approval, R= reported for refusal)
6.2	062483	062483 - Full Application - Erection of three commercial buildings (B1 Business (Light Industrial), B2 Business Uses and B8 Storage and Distribution Uses) together with the construction of an access road and parking, a pump house, substation, installation of associated infrastructure and platform bases for additional units to form an expansion to Hawarden Business Park.at land at Manor Lane, Hawarden (Pages 19 - 40)

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

#### **Procedural Note on the conduct of meetings**

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <a href="https://flintshire.public-i.tv/core/portal/home">https://flintshire.public-i.tv/core/portal/home</a>



#### PLANNING COMMITTEE 1 SEPTEMBER 2021

Minutes of the remote attendance meeting of the Planning Committee of Flintshire County Council held on Wednesday, 1 September 2021

#### **PRESENT:** Councillor Richard Lloyd (Vice-Chair in the Chair)

Councillors: Mike Allport, Chris Dolphin, Ian Dunbar, Gladys Healey, Patrick Heesom, Christine Jones, Richard Jones, Ted Palmer, Mike Peers, Neville Phillips, Owen Thomas and David Wisinger.

<u>APOLOGIES</u>: Councillors: Bernie Attridge, Chris Bithell, Derek Butler and Veronica Gay

#### **IN ATTENDANCE:**

Chief Officer (Planning, Environment & Economy), Development Manager, Service Manager - Strategy, Planning Officers, Senior Engineer - Highways Development Control, Legal Services Manager, Team Leader - Democratic Services and Democratic Services Officer

#### 14. DECLARATIONS OF INTEREST

Councillor Christine Jones declared a personal and prejudicial interest on Agenda item 6.1 (062135), as the site was in close proximity to her home. She said she would speak for 3 minutes on the application and would withdraw from the meeting whilst the application was considered.

#### 15. LATE OBSERVATIONS

There were no late observations.

#### 16. MINUTES

The minutes of the meeting held on 21 July 2021 were submitted.

Page 9: Councillor Patrick Heesom referred to application 060591 and asked if the conditions of the application were being met. The Development Manager agreed to provide an update to Councillor Heesom following the meeting.

The minutes were approved as a correct record, as moved and seconded by Councillors David Wisinger and Mike Allport.

#### **RESOLVED:**

That the minutes be approved as a true and correct record.

#### 17. <u>ITEMS TO BE DEFERRED</u>

No items were recommended for deferral.

## 18. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) RESOLVED:

That decisions be recorded as shown on the Planning Application schedule attached as an appendix.

#### 19. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there were no members of the press in attendance.

(The meeting started at 1.00 pm and ended at 1.55 pm)

Chairman

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <a href="http://flintshire.public-i.tv/core/portal/home">http://flintshire.public-i.tv/core/portal/home</a>

#### PLANNING COMMITTEE ON 1 SEPTEMBER 2021

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
062135 Page 7	Sealand Community Council	Application for the variation of condition No.2 (Approved Plans) attached to planning permission reference (057808)	Councillor Christine Jones spoke against the application on behalf of local residents. Councillor Jones did not take part in the debate or vote as referred to under Declarations of Interest  Mr C Marchant, a local resident, spoke against the application.  Mr R Williams, the Applicant, spoke in support of the application.	That planning permission be refused, against the officer recommendation, on the following grounds:  (i) that the fencing is not in keeping with the fencing in the surrounding area; and (ii) access is not up to standard

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#### FLINTSHIRE COUNTY COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: WEDNESDAY, 29 SEPTEMBER 2021

REPORT BY: CHIEF OFFICER (PLANNING, ENVIRONMENT AND

ECONOMY)

SUBJECT: 063502 - CONSULTATION UNDER SECTION 42 OF

THE PLANNING ACT 2008; AWEL Y MÔR

(DENBIGHSHIRE)

#### 1.00 APPLICATION NUMBER

1.01 The reference number given for this Section 42 consultation of the Planning Act 2008 is 063502.

#### 2.00 SITE

2.01 The Awel y Môr Offshore Windfarm is proposed to be located 10.6km at the closest point off the North Wales Coast, north of Colwyn Bay, in the Irish Sea and to the west of the existing Gwynt y Môr offshore Wind Farm.

#### 3.00 APPLICATION VALID DATE

3.01 The consultation period is 31 August 2021 until 11 October 2021.

#### 4.00 PURPOSE OF REPORT

- 4.01 The report seeks delegated authority to respond to a consultation under Section 42 of the 2008 Planning Act in relation to the Awel y Môr Offshore Windfarm proposed off the North Wales Coast in the Irish Sea. The Council, as a statutory consultee has been offered the opportunity by the Developer to comment on the Preliminary Environmental Information Report (PEIR) and other supporting documents for the proposal as an adjoining, neighbouring authority.
- 4.02 Due to the limited timescales prescribed within the Planning Act to make a response on this submission, and as such responses are not a delegated function as stated within the Council's Scheme of Delegation, it is necessary to raise the matter at Committee to seek a resolution permitting Officer's to respond on behalf of the Council.

#### 5.00 BACKGROUND

- 5.01 Awel y Môr Offshore Windfarm Limited proposes to apply to the Secretary of State under Section 37 of the Planning Act for a Development Consent Order (DCO) for the erection of up to 91 no. Offshore Wind Turbines in the Irish Sea off the coast of North Wales, is addition to the associated offshore and onshore infrastructure. The proposed development ('the Project') is being developed by RWE Renewables (RWE), and would be adjacent to the existing Gwynt y Môr windfarm; operational since 2015.
- 5.02 As the Project is an offshore windfarm with a proposed capacity in excess of 100MW it is considered a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (the Act). Accordingly, the Applicant must apply for a Development Consent Order (DCO) from the Secretary of State to build and operate the Project. In addition, as the Project lies within Welsh waters, a Marine Licence is required from Natural Resources Wales.
- 5.03 Awel y Môr is now at the stage where it wishes to consult on its proposals with a number of interested parties, including consultees prescribed under s42 of the Act. Flintshire County Council, is a local authority which neighbours the local authority within which the proposed development is located, as described in section 43(2) of the Planning Act 2008.
- 5.04 A suite of consultation materials have been produced to inform people about the Project and its likely impacts. These include a Preliminary Environmental Information Report (PEIR) and Nontechnical summary, as well as a Statement of Community Consultation and Consultation Questionnaire.
- 5.05 The requirements for applications to the Secretary of State for a DCO are set out in the Planning Act 2008, the accompanying Regulations and subsequent guidance issued by the Planning Inspectorate who are responsible for administering the application process. Under Section 42 of the Planning Act, the applicant is required to undertake formal and statutory consultation with a prescribed list of bodies, local authorities and those people with an interest in the land, or whose properties may potentially be affected by the operation of the proposed Project. The Statutory Consultation period for the project has commenced on 31 August 2021 and will conclude on 11 October 2021.
- 5.06 The purpose of the PEIR is to set out the findings of the Environmental Impact Assessment to date in support of the preapplication consultation required under the Planning Act 2008. The EIA will then be finalised and reported in the ES which will accompany the DCO and marine licence applications which are anticipated to be submitted in Q1 2022.

- 5.07 The PEIR provides statutory (those proscribed under the requirements of Planning Act 2008, such as Natural Resources Wales and local authorities), and non-statutory consultees (such as charitable organisations including the Royal Society for the Protection of Birds) as well as the local community, with the information which has been assembled in order to carry out an assessment of the potential environmental effects of Awel y Môr.
- 5.08 The PEIR establishes the existing environment using the results of desktop study, site-specific surveys and consultation, as well as the methodology used within the EIA. The PEIR presents the potential impacts arising from Awel y Môr, based on the baseline information gathered and the analysis in environmental assessments completed. Based on the outcomes of assessment, the PEIR then puts forward any potential mitigation measures that could prevent, minimise, reduce or offset potentially significant adverse effects.

#### The Proposal

- 5.09 The proposed offshore windfarm area is 106.4km2 in area and proposed to be located 10.6km at the closest point off the North Wales Coast, north of Colwyn Bay, in the Irish Sea and to the west of the existing Gwynt y Môr offshore Wind Farm. The proposal would be located in closest proximity to the coasts of Denbighshire, Conwy, Gwynedd and Anglesey. The maximum number of turbines proposed would be between 48-91. The number of turbines depends on the size of the turbines. The taller the turbines are, the fewer would be required. The proposed maximum installed capacity is proposed to be up to 1,100MW of clean renewable energy. This is the equivalent of providing the power for up to approximately 900,000 average UK homes. The maximum turbine height is proposed to be 332m tip height and the maximum rotor diameter is proposed to be 300m.
- 5.10 The proposal includes various offshore and onshore associated development including cable circuits and a grid connection point and sub-station in Bodelwyddan, St. Asaph, Denbighshire.
- 5.11 In comparison to the existing adjacent Gwynt y Môr offshore windfarm, Gwynt y Môr produces 576MW of renewable energy and are approximately a third of the size of the turbines proposed to be constructed in Awel y Môr. The existing Gwynt y Môr turbines have a rotor diameter of 107m, and overall height of 137.9m to blade tip.

#### Initial Assessment

5.12 Both the offshore and onshore elements of the project are located some distance from the boundary with Flintshire County Council. The site is over 20km from the County Boundary and from the Point of Ayr at Talacre which would have distant views of the proposal should it receive consent and be developed.

- 5.13 The DCO application would be accompanied by an Environmental Impact Assessment, and the PEIR indicates the topics to be assessed which are considered to be comprehensive. The only impacts on Flintshire appear to be related to transport and landscape/seascape and visual impact.
- 5.14 Due to the distance the proposed development is from Flintshire, the development is unlikely to have any direct effects on Flintshire. However, it is likely that the turbines would visible from locators within the County Boundary. The site is some distance from Flintshire and only likely to be visible from the very western coastal strip in Flintshire and also from higher ground; particularly the AONB. However, a landscape consultancy has been commissioned to make comments on the Landscape/ Seascape and Visual impact of the project on behalf of the North Wales authorities. Furthermore, due to the distance the proposed development is in relation to Flintshire, it is considered that the visual impact on Flintshire and its receptors would not be significant.
- 5.15 In relation to highways impacts, the traffic and transport implications of the onshore aspects of the project are described in Chapter 9, Volume 3 of the PEIR; this identifies that anticipated impacts will be restricted to highways under the control of Welsh Government, Denbighshire County Council and Conway County Borough Council. Significant impact on highways within Flintshire is not anticipated and therefore the Highways Authority have already stated that they do not intend to provide highway comment in regard of onshore operations.
- However, there appears to be some uncertainty regarding how the components would be transported ready for assembly offshore, and if the highway would be used, or if it would be rail based, and/or with involvement from the use of the Port of Mostyn. As such, the traffic and transport implications of the offshore works do not appear to have been considered. If the Port Of Mostyn continues to be used as a construction base for offshore works, there is potential for any associated increase in vehicular movements or the transport of long loads, to generate highway impacts within Flintshire. That also brings a wider question about whether Mostyn Docks will act as a wider base for these works. Further information regarding the number/frequency/size of additional vehicular movements to/from the Port Of Mostyn will be requested within the Council's response.
- 5.17 Comments received following the Council's own internal consultation will be considered as part of the Council's response to the statutory consultation. However, it is not envisaged that there would be considerable concern from other Council Officers given the distance the project is from Flintshire.

- 5.18 In relation to community benefits, RWE has a long history of supporting affected local communities. As the Awel y Môr project progresses, RWE and the Awel y Môr Stakeholder Team will work with communities to develop their approach to supporting the local area. At this stage, however, the details of any community benefits package associated with the project have not been finalised.
- 5.19 RWE plan to hold a public consultation on this matter in early 2022 through which RWE will invite local people and groups to help shape how the project can best support the community. At this stage FCC will have another opportunity to comment on this consultation. The Council has a Social Value Officer who works with developers, contractors and suppliers to ensure that FCC maximises social value and community benefits through procurement. When the consultation on the community benefit fund is taking place the Social Value Officer will have an opportunity to provide comments on behalf of the Council.
- 5.20 There also is a dedicated officer who is directly involved with the grants panel for the neighbouring Gwynt y Môr Offshore Windfarm. This panel assesses grant applications for those communities impacted by the Gwynt y Môr windfarm and therefore, FCC would hope that similar grants would be available to communities in Flintshire should they be affected by the Awel y Môr project should it receive consent. The Council's response will request that FCC officers are kept informed about the consultation associated with the community benefits or grants that may be available as a result of the development of this project.

#### 6.00 RECOMMENDATION

- 6.01 That the final response on the Section 42 Consultation for the Awel y Môr Offshore Windfarm (Preliminary Environmental Information Report) be delegated to officers in consultation with local members (Ffynongroyw, Gronant and Trelawnyd Gwaenysgor).
- 6.02 Following the submission of the DCO application, the Council will be consulted again and requested to produce a Local Impact Report. The Planning Committee will be notified again at this subsequent stage of the DCO application and will have a subsequent opportunity to comment on the proposal and the contents of the Local Impact Report produced by the Council in relation to the submission.

#### LIST OF BACKGROUND DOCUMENTS

Awel y Môr Preliminary Environmental Information Report (PEIR), Non-technical summary, Statement of Community Consultation, Supporting Documents and Consultation Questionnaire. https://awelymor.cymru/

National & Local Planning Policy

Contact Officer: Hannah Parish Telephone: 01352 703253

Email: <u>hannah.parish@flintshire.gov.uk</u>



OS reference: 312206 E 385074 N
Eye level: 9.3 mAOD
Direction of view: 298°
Nearest turbine: 25.98 km

Horizontal field of view: 53.5° (planar projection)

Principal distance: 812.5 mm

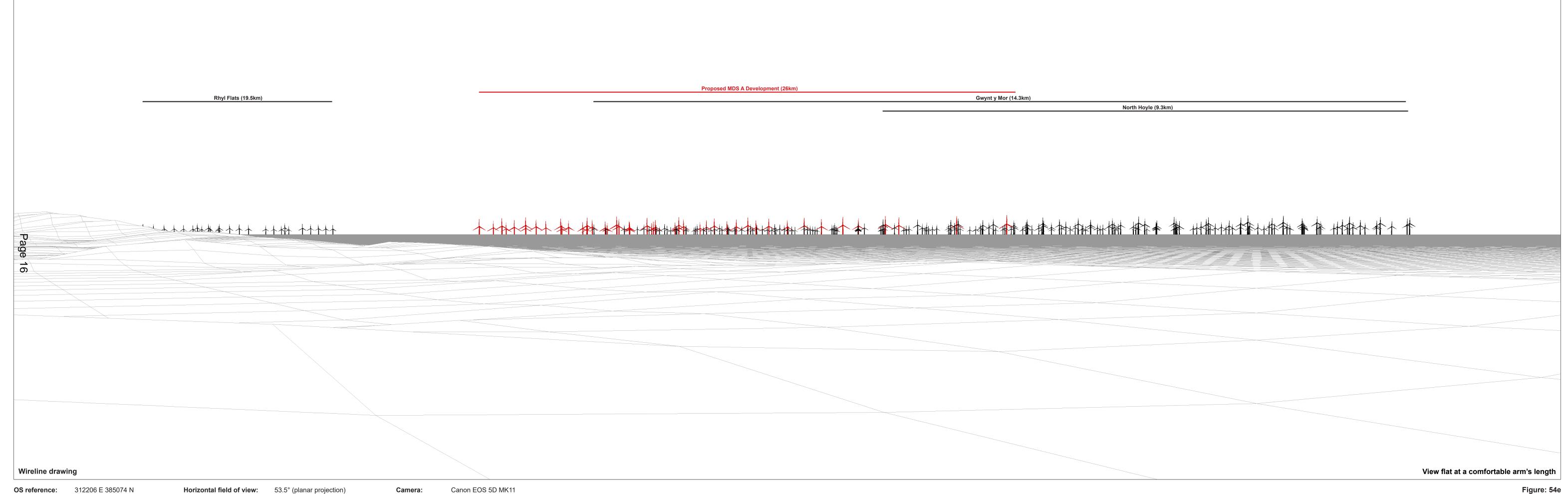
Paper size: 841 x 297 mm (half A1)

Correct printed image size: 820 x 260 mm

v: 53.5° (planar projection) Camera: Canon EOS 812.5 mm Lens: Canon EF S 841 x 297 mm (half A1) Camera height: 1.5 m

Camera: Canon EOS 5D MK11
Lens: Canon EF 50mm f/1.4
Camera height: 1.5 m
Date and time: 16.04.2021 11:21

Figure: 54f
Viewpoint 27: Point of Ayr
Awel y Môr Offshore Wind Farm
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9.3 mAOD

Direction of view: 298°

Nearest turbine: 25.98 km

Principal distance:

Correct printed image size: 820 x 260 mm

Paper size:

812.5 mm

841 x 297 mm (half A1)

Canon EF 50mm f/1.4

Camera height: 1.5 m

**Date and time:** 16.04.2021 11:21

Figure: 54e
Viewpoint 27: Point of Ayr
Awel y Môr Offshore Wind Farm
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## Landfall

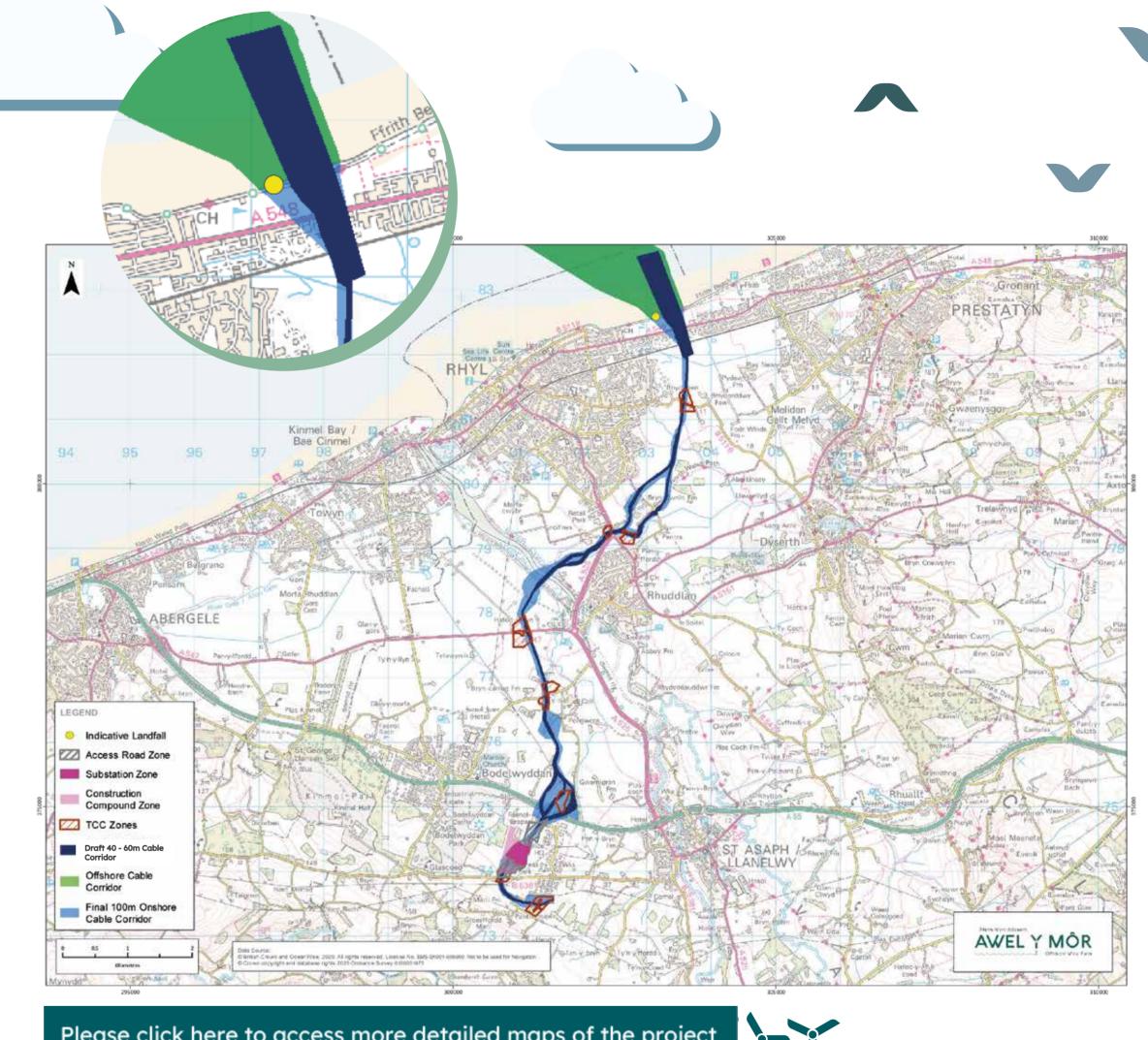
At our consultation in 2020, we presented three locations for the landfall, now refined to one. The project requires the construction of electricity cable connection pits which will receive the offshore cabling from Awel y Môr Offshore Wind Farm. All of the new structures will be below ground.

We are looking for your feedback on the key issues for us to take into account when refining our landfall design. Please share your thoughts here.

# The onshore cable route

The Onshore Export Cable Corridor (Onshore ECC) runs from the landfall at Ffrith Beach, east of Rhyl, to the project substation and onwards to the National Grid substation at Bodelwyddan (see map opposite). It is approximately 100 metres wide, with a narrower 'preferred cable route' identified within it. With your input, we intend to refine the Onshore ECC to a width of 40 to 60 metres.

Do you have any comments that could help our decision-making process for the onshore cable corridor or landfall design? Please share your thoughts here.



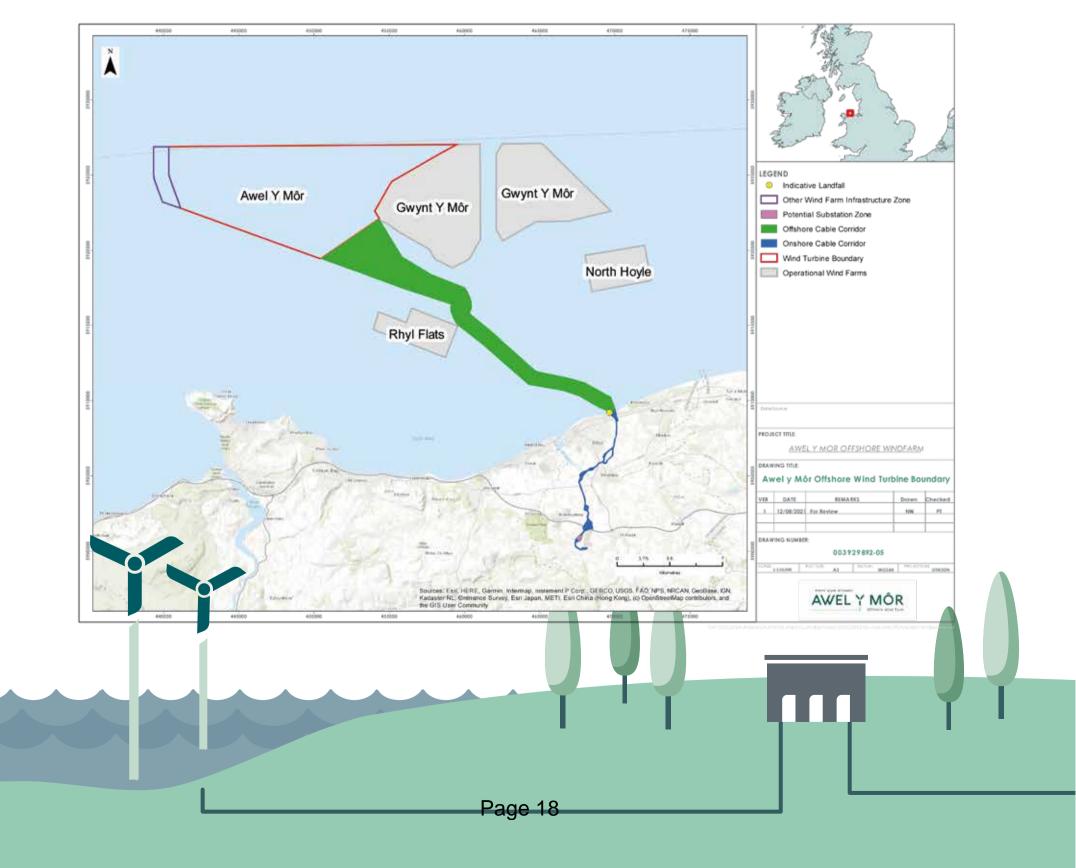
Please click here to access more detailed maps of the project



# The offshore cable route

The offshore array will be connected to shore by a cable laid on and under the seabed. At our consultation in 2020, we presented three options for the route of this cable. With feedback received from stakeholders and regulators, we have refined this to one preferred offshore cable route as shown in **green** (see map below).

The route avoids Constable Bank, an ecologically important sandbank west of Rhyl Flats Wind Farm. We have also introduced a zone for 'other infrastructure' (shown in **purple** below) in which we may place a meteorological mast (to monitor wind conditions) but no turbines.



#### **FLINTSHIRE COUNTY COUNCIL**

REPORT TO: PLANNING COMMITTEE

DATE: 29<sup>th</sup> SEPTEMBER 2021

REPORT BY: CHIEF OFFICER (PLANNING, ENVIRONMENT

AND ECONOMY)

SUBJECT: ERECTION OF THREE COMMERCIAL BUILDINGS

(B1 BUSINESS (LIGHT INDUSTRIAL), BUSINESS USES AND B8 STORAGE DISTRIBUTION USES) TOGETHER WITH THE CONSTRUCTION OF AN ACCESS ROAD AND PARKING, A PUMP HOUSE, SUBSTATION, INSTALLATION **OF ASSOCIATED** INFRASTRUCTURE AND PLATFORM BASES ADDITIONAL UNITS TO **FORM EXPANSION TO HAWARDEN BUSINESS PARK.** 

**APPLICATION** 

NUMBER: 062483

<u>APPLICANT:</u> <u>REDSUN PROJECTS LTD C/O CADNANT</u>

<u>PLANNING</u>

SITE: LAND AT MANOR LANE, HAWARDEN,

**FLINTSHIRE** 

**APPLICATION** 

VALID DATE: 18<sup>th</sup> FEBRUARY 2021

LOCAL MEMBERS: COUNCILLOR W MULLIN

TOWN/COMMUNITY

COUNCIL: BROUGHTON BRETTON COUNCIL

**REASON FOR** 

<u>COMMITTEE:</u> <u>SIZE OF THE PROPOSAL</u>

SITE VISIT: NO

1.00 SUMMARY

1.01 This is full application for the erection of three commercial buildings (Use Class B1, B2, B8) ranging from light industrial, business uses and storage uses including the construction of an access road, pump house, substation, installation of associated infrastructure and platform bases for additional units to form an expansion of Hawarden Business Park.

#### 2.00 <u>RECOMMENDATION: TO GRANT PLANNING PERMISSION,</u> SUBJECT TO THE FOLLOWING

- 2.01 That conditional planning permission be granted, subject to the following conditions and Section 106 Obligation to provide:
  - Bus stop improvements

#### **Conditions**

- 2.02 Time
  - Compliance with the approved plans
  - Preliminary risk assessment
  - Contamination verification report
  - Long term monitoring plan
  - Unsuspected contamination
  - Lighting plan
  - Improved pedestrian facilities via S278 Agreement
  - Siting, layout and design of means of site access
  - Forming and construction of the means of site access
  - Works associated with forming site access shall be kerbed and completed to carriageway base course layer
  - Visibility splays
  - Parking, turning, load and unloading facilities
  - Layout, design, means of traffic calming and signing, surface water drainage, street lighting and construction of internal estate roads
  - Prevention of surface water run-off onto highway via S278 Agreement
  - Construction Traffic Management Plan
  - Travel Plan and Transport Implementation Strategy (TIS)
  - Foul water drainage scheme
  - Environmental Management Plan for existing and proposed habitats
  - Tree Protective Fencing along the southern boundary to demark the edge of the site during development

#### 3.00 CONSULTATIONS

#### 3.01 Local Member W Mullin

Councillor Mullin agreed to the determination under delegated powers. However, the size of the proposal triggers the need for planning committee.

#### 3.02 Broughton Bretton Council

No objection to the proposals.

#### 3.03 <u>Highways Development Control</u>

Previously consulted by the applicant as part of the pre-application consultation process. Proposals have been modified and generally comply with highways requirements however further modifications relating to adoption standards need to be covered by condition and negotiated through the S38 process.

3.04 A S106 agreement for the payment of £12,000 to cover the cost of bus stop improvements is also required.

#### **Ecology**

3.05 Recommendations within ecological report are acceptable. Requests condition regarding the submission and agreement of a Management Plan for existing and created habitats.

#### 3.06 Community and Business Protection

No objection in principle but advises that the site is in an area where there is potential for the presence of historical contamination in all or part of the proposed site and therefore conditions are suggested.

#### 3.07 Business Development

Is supportive of the application as there is clear demand for new commercial units within Flintshire including Hawarden with high demand for B1, B2 and B8 uses. The proposal will support the economic resilience of the county including new employment sites and local workforce opportunities.

#### 3.08 Natural Resources Wales

Have concerns about the application but are satisfied that these can be overcome by attaching conditions regarding land contamination and protected species.

#### 3.09 Airbus

No aerodrome safeguarding objection.

#### 3.10 Welsh Water

In the absence of a detailed drainage plan / layout suggests condition requiring the submission and approval of a foul water drainage scheme.

#### 3.11 Development Plans

No objection to the proposed development in principle.

#### 3.12 Trees

No objection subject to a planning condition requiring the submission and approval of Tree Protective Fencing along the southern boundary to demark the edge of the site during development in accordance with the proposed plan.

#### 4.00 PUBLICITY

- 4.01 Neighbour notification letters posted. 2 letters of objection received raising the following:
  - Highways safety concerns regarding HGV movements;
  - Insufficient landscaping;
  - Substandard cycle infrastructure;
  - Increased traffic and speeding hazards;
  - Drainage;
  - Existing and unused land and business units elsewhere on brownfield land; and
  - Impact on badger population.

#### 5.00 SITE HISTORY

#### 5.01 050673

Variation of condition nos.1 and 2 attached to planning permission ref: 40732 to allow further time period for submission of reserved matters and to allow phased approach to commencement of development.

Approved 28/05/2013

#### 40732

Outline – extension to existing business park for employment 5.02 purposes to include B1, B2 and B8 uses.

Approved 30/03/2010

#### 6.00 PLANNING POLICIES

#### 6.01 Flintshire Unitary Development Plan

STR1 - New Development

STR2 – Transport and Communications

STR3 – Employment

STR7 – Natural Environment

GEN1 - General Requirements for Development

GEN2 - Development Inside Settlement Boundaries

EM1 – General Employment Land Allocations

EM3 – Development Zones and Principal Employment Areas

RE1 – Protection of Agricultural Land

D1 - Design Quality, Location and Layout

D2 - Design

D3 - Landscaping

AC13 - Access and Traffic Impact

AC18 - Parking Provision and New Development

EWP17 - Flood Risk

#### Supplementary Planning Guidance Notes

SPGN No 11. Parking Standards

National Planning Policy

Planning Policy Wales Edition 11

Future Wales Plan 2020-2040

Technical Advice Note (TAN) 12: Design

Technical Advice Note (TAN) 15: Development and Flood Risk

Technical Advice Note (TAN) 18: Transport

Technical Advice Note (TAN) 23: Economic Development

#### 7.00 PLANNING APPRAISAL

#### Introduction

- 7.01 This is a full application for the erection of three commercial buildings (B1 Business (Light Industrial), B2 Business Uses and B8 Storage and Distribution Uses) together with the construction of an access road and parking, a pump house, substation, installation of associated infrastructure and platform bases for additional units to form an expansion to Hawarden Business Park.
- 7.02 The site previously formed part of a wider outline planning consent for an extension to Hawarden Business park for employment purposes to include B1, B2 and B8 uses (ref. 040732) and a S73 permission to extend the submission of reserved matters (ref. 050673) however neither permission appear to have been implemented.

#### Site Description

- 7.03 The application site is located to the south of Manor Lane and the east of Chester Road (B5125) to the north of the defined settlement boundary of Broughton. The site is currently accessed via a field gate off Manor Lane.
- 7.04 The site currently comprises undeveloped greenfield land which is in agricultural use and slopes downwards to the south east. The land is designated as 'best and most versatile' agricultural land (Grade 2) in the predictive Agricultural Land Classification (ALC).
- 7.05 The site is located to the west of the existing Hawarden Business Park and forms part of a larger UDP employment allocation EM1.2 (Manor Lane / Hawarden Park Extension).
- 7.06 A watercourse is located to the south of the site (Broughton Brook) which is situated within Flood Zone C2, however the developable area of the site is not situated within a Flood Zone.

#### Proposed Development

7.07 The application proposes the erection of 3no. commercial buildings. The illustrative plans demonstrate that the 3 buildings could be subdivided, depending on operator requirements, to provide 4no. units measuring:

- 19,380sq.ft (A01)
- 10,298sq.ft (A02)
- 15,000sq.ft (A03)
- 15,000sq.ft (A04)
- 7.08 The units will be accessed off a new access point taken from Manor Lane, with an internal state road providing access to the parking and loading / delivery areas for each building.
- 7.09 A foul pump house and electricity substation are also proposed as part of the application with their locations illustrated on the submitted site layout plan. A separate layby will be provided for access to the pump house.
- 7.10 The application also proposes 2no. plateaus to be used as platform bases for future employment development on site. A gravel access road is proposed to connect the future uses to the internal estate road, separated from the proposed units via gated access.
- 7.11 An attenuation storage basin and associated earthworks are proposed to the southern extent of the site.

#### 7.12 Main Issues

- Principle of Development
- Best and Most Versatile (BMV) Land
- Flood Risk
- Drainage
- Design
- Impact on neighbouring living conditions
- Highways
- Impact on nature conservation sites, landscape & historic features

#### Principle of Development

- 7.13 UDP Allocation EM1.2 states that B1, B2 and B8 employment development is permitted subject to meeting the four criteria in the policy:
  - i. is of an appropriate type and scale for both the site and its surroundings;
  - ii. will not unacceptably harm residential or other amenity or restrict neighbouring uses;
  - iii. provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposal; and
  - iv. has no significant adverse impact on the integrity of nature conservation sites, the landscape and historic features.

- 7.14 This allocation is carried over into the Deposit Local Plan under Policy PE1.2. Within the Deposit Plan the site also falls within the Principal Employment Area of Hawarden Industrial Park, Chester Aerospace Park and Hawarden Airport under Policy PE2.16. Both policies allocate the site and permit development for B1, B2 and B8 employment uses.
- 7.15 It is therefore considered that the principle of B1, B2 and B8 employment uses on the application site is acceptable, subject to the consideration of the designation of the site as Best and Most Versatile Land and areas of C2 flood risk, the four criteria of Policy EM1.2 and other relevant UDP policies are met.
- 7.16 Best and Most Versatile Agricultural Land
  Whilst the application site is acknowledged to be Grade 2 'best and most versatile' agricultural land and would be sought to be protected under UDP Policy RE1. However, the site is also subject to an allocation for employment development.
- 7.17 As part of the Deposit Consultation on the LDP the Council produced a Background Paper on Agricultural Land (reference LDP-EBD-BP9) which documented how the Council sought to minimise the loss of employment land. Paragraph 7.3 of that document relates to the site, and states:
- 7.18 'The only employment allocation which does result in the actual loss of BMV is the Hawarden Park Extension near to Broughton. The site is allocated in the UDP and has previously had the benefit of outline planning permission and the principle of developing the site for employment development is well established. The site represents a logical extension to the existing industrial estate and is bounded by the Airbus operations at Hawarden Airport and by Manor Land and the B5125 Chester Road. The physically well-defined site is distinct from the wide agricultural landscape. It sits in a strategic location within the Deeside Enterprise Zone and close to key employment developments at Broughton. In this context, the loss of BMV is considered to be justified and necessary to the economic ambitions of the Country and sub-region.'
- 7.19 ln Welsh Governments (Development **Plans** Division) representations to the Plan they cover the issue of BMV agricultural land, noting that the Council has taken a pragmatic and sensible approach to protecting BMV land and minimising its loss in the pan. Allocations that would represent a loss of BMV have been well evidence for an overriding need (sequential test) and a balanced judgement has been made. In their conclusion, the Welsh Government were of the view that the Council has demonstrated a sensible and pragmatic approach to considering BMV loss in the context of national policy and on that basis no objection has been offered.

7.20 Whilst accepting that the allocation involves the loss of BMV, this is considered to be outweighed by the site's logical and well-defined extension to an existing employment development, its location close to Airbus and other employment operations, within the boundary of the Deeside Enterprise Zone and its contribution to the National Growth Area designation in Future Wales: National Plan.

#### 7.21 Flood Risk

During the application process, NRW raised concerns as to whether the proposal could demonstrate that the consequences of flooding could be acceptably managed over the lifetime of the development. Their primary concern was in relation to the impact of the proposal on flood risk elsewhere.

7.22 Consequently, the scheme has been amended through an addendum to the Flood Consequences Assessment which removes the requirement for any land raising within the flood outline area. NRW have subsequently removed their concerns and are satisfied the development will not impact adversely on flood risk elsewhere.

#### 7.23 Design

With regards to criterion i) of Policy EM1.2 the development is considered an appropriate type, comprising buildings for employment (B1, B2 and B8) use within an adopted and emerging employment allocation. The scale of development is also considered appropriate given the site's location within Hawarden Business Park extension and the proposed unit sizes would permit a range of future end users.

- 7.24 Whilst it is acknowledged that the units proposed to be sited on the platforms would be subject to a future planning application, the submitted Planning Statement indicates that six units in total would be ultimately proposed within the redline boundary.
- 7.25 The height, massing and design of the proposed buildings is also considered acceptable, with a mixture of coloured cladding design proposed to break up the massing of the buildings, and landscaping incorporate to buffer the site. The area within the C2 floodzone will remain undeveloped.
- 7.26 The proposals are considered to accord with criterion i) of Policy EM1, policies D1, D2 and D3.

#### 7.27 Neighbouring Living Conditions

With regards criterion ii) of Policy EM1 and the impact on residential and other amenity, the nearest residential property is Broughton Lodge, a detached dwelling located off Chester Road. Aside from this dwelling the nearest residential area is approximately 400m to the north-east of the site on Manor Lane.

- 7.28 It is proposed that the units could operate 24 hours. No objection has been raised by colleagues in pollution control and no requirement to apply a restriction on hours of operation.
- 7.29 In terms of visual amenity, the site is adequately screened from the nearest residential dwelling by virtue of existing hedging both around the site boundary and dwelling itself, and the proposed landscaping layout will provide additional buffering. The external lighting layout demonstrates that external lighting will be located mainly within the internal estate road and will not be situated along the site boundaries, which is considered acceptable.
- 7.30 The proposals are not considered to restrict the operation of neighbouring employment and industrial uses and would therefore not lead to unacceptable harm to residential or other neighbouring uses.

#### 7.31 Highways

In accordance with criterion iii) the proposal will provide satisfactory on-site parking. Whilst this is acknowledged to be below the minimum requirements set out with SPGN11 and AC18, Highways have raised no objection to the proposal and consider the proposal to generally comply with highways requirements.

- 7.32 With regards to servicing and manoeuvring space, each building and proposed internal road layout will provide sufficient turning areas, with a dedicated turning area in each service yard.
- 7.33 The proposals will take access from Manor Lane, and the highway network is capable of catering to the proposed traffic as a result of the proposal, which is considered to have a negligible impact.
- 7.34 Highways have advised that the whole of the proposed road layout does not confirm to adoption standard but could comply with minor modification, and it is envisaged that these modifications could be covered by condition and negotiated through the S38 process.
- 7.35 A Section 106 obligation of £12,000 towards bus stop improvements is also required.
- 7.36 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement have to be assessed under Regulation 122 of the Community Infrastructure levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.
- 7.37 It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following regulation 122 tests;

- 1. be necessary to make the development acceptable in planning terms;
- 2. be directly related to the development; and
- 3. be fairly and reasonably related in scale and kind to the development.
- 7.38 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure. From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.
- 7.39 I am advised that since the advent of the CIL Regulations that no more than 5 obligations have been entered into respect of the highways infrastructure contributions requested and am satisfied that on application of the tests set out above the contributions would satisfy these requirements.
- 7.40 It is therefore considered that, subject to the suggested conditions, S106 agreements and S278/S38 agreements outside of planning, the proposals accord with criterion iii) of EM1 and policies AC13, AC18 and SPGN11.
- 7.41 Impact on Nature Conservation sites, Landscape & Historic Features
  There are no historic features within the application site, nor is the site located within a Conservation Area. Green Lane Farm Moated Site Scheduled Monument is located approximately 1km to the southwest of the site. The site is not considered to have any impact on historic features in nearby proximity to the site.
- 7.42 The site is approximately 2.7km from the River Dee and Bala Lake SAC. NRW consider that the impacts on the SAC are not likely to be significant, both alone and in-combination with other plans or projects. The proposal is therefore not likely to have a significant effect on the SAC. NRW have, however, requested that a condition is included to require the submitted external lighting to considered foraging and dispersal of nocturnal protected species (bats and other).
- 7.43 It is noted that an area of riparian woodland is present to the southern boundary of the site, however the trees within the application boundary that edge the brook are not proposed to be affected by the works to create the proposed SUDs basin and the development platforms do not affect this area of the site. The proposed SUDs will act as a buffer between the built development and woodland.

7.44 With regards to landscape impact, the majority of habitat features will be retained and subsequently enhanced. The loss of Grade 2 agricultural land has already been considered acceptable as part of the site's continued allocation as an employment site, and therefore it is considered that the proposals accord with criterion iv) of Policy EM1 and Policy STR7.

#### 7.45 Drainage

It is proposed that foul water drainage will be disposed via the public sewerage system and surface water-run off discharged into an existing watercourse. Welsh Water have subsequently suggested a condition requiring the submission of a foul water drainage scheme.

#### 7.46 Other Matters

It is noted that objectors have raised concerns regarding highways, namely HGV movements, the submitted Framework Travel Plan, cycle routes, increased traffic and speeding hazards.

- 7.47 It is accepted that the swept path of an HGV turning left out of the site will cross the centreline of the road however this is not an unusual occurrence. Busses, refuse trucks and large articulated vehicles (similar in the nature of that assessed within the planning document), are likely to cross the centreline of a road when exiting the majority of junctions on the county road network. The road in this location is relatively straight, with good visibility and is subject to a 30mph speed restriction, the layout of the proposed junction arrangement is also subject to an independent Road Safety Audit. The safe operation of the proposed junction is not considered to be a particular issue.
- 7.48 The proposed development will add traffic to the highway network however the increased level is not considered to be significant in comparison to generation rates of other development in the area. Whist it is acknowledged that traffic flows through Hawarden village can cause concern, there is nothing related to the anticipated traffic movements of this development that would single it out from other developments. It would be unusual to restrict the movement of vehicles by the introduction of planning control but if considered necessary, however if required a condition requiring the submission and approval of delivery management plan could be attached to any permission. This could restrict HGV movements related to the development site to access/egress to/from junction 36/36A of the A55.
- 7.49 Regarding cycle access and the impact on existing cyclists and in particular that impact caused by vehicles accessing from the A494 via Sandycroft, it would be unusual to use planning conditions to restrict vehicular routing but it is possible if required. Due to the limited cumulative impact of the proposed development the provision of additional traffic management measures or off-site highway

- improvements is not commensurate with the scale of these development proposals.
- 7.50 The Council's Streetscene Department have recently reviewed the adequacy of Active Travel provision in the area and are in the process of implementing significant improvements in relation to the Sandycroft/Saltney/Broughton corridors. The design, delivery and purchase of land necessary to deliver the schemes has been commenced with the hope of completion within five years. The application site backs onto one of the proposed routes and this has been identified in the submitted Transport Assessment with a commitment within the Travel Plan to provide a future link from the application site.
- 7.51 It is pertinent to note that Highways have raised no objection to the application in respect of the above elements. It is therefore considered that the proposals are acceptable in this regard.
- 7.52 Concerns regarding the impact on current badger populations have also been raised, however, neither the submitted Preliminary Ecological Assessment, nor the Council's ecologist have highlighted the presence of badger in this area.

#### 8.00 CONCLUSION

- 8.01 The application proposes the erection of three commercial buildings (B1 Business (Light Industrial), B2 Business Uses and B8 Storage and Distribution Uses) together with the construction of an access road and parking, a pump house, substation, installation and associated infrastructure and platform bases for additional units to form an expansion to Hawarden Business Park.
- 8.02 It is considered that the submitted details are acceptable and I therefore recommend that planning permission be granted as set out in paragraph 2.01 of this report.

#### 9.00 Other Considerations

- 9.01 The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 9.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

- 9.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 9.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### LIST OF BACKGROUND DOCUMENTS

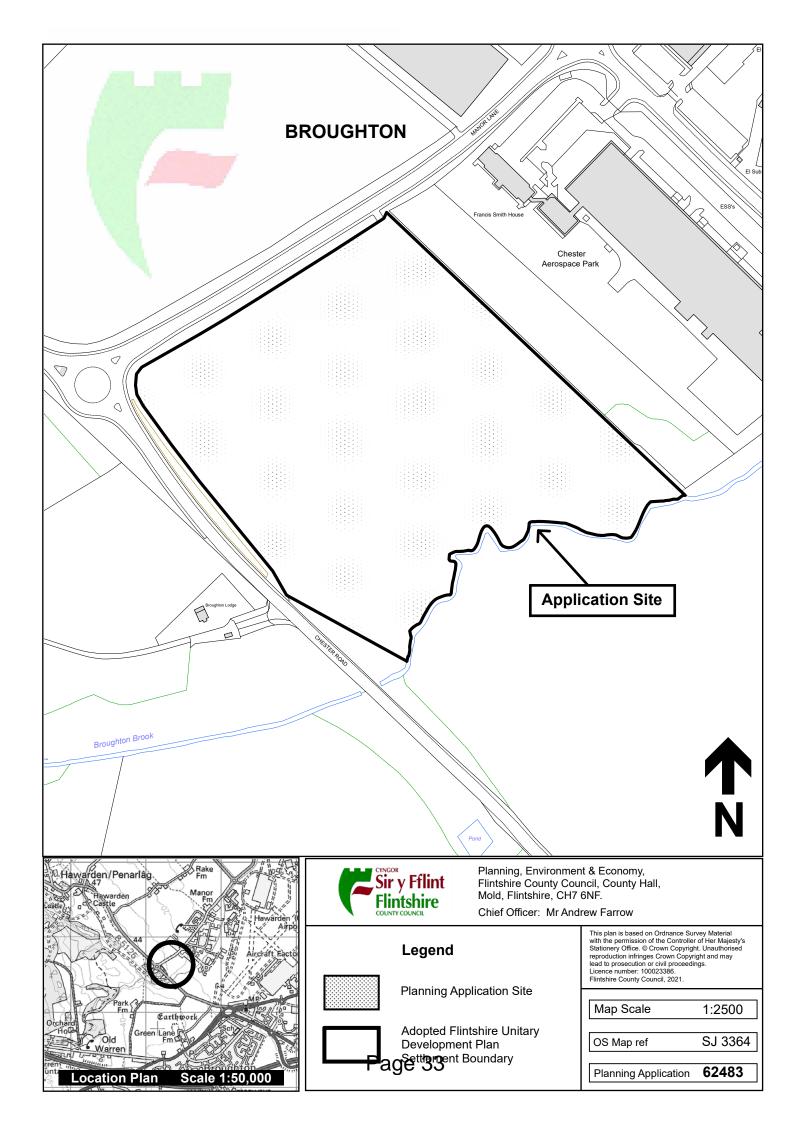
Planning Application & Supporting Documents National & Local Planning Policy Responses to Consultation Responses to Publicity

**Contact Officer: David Glyn Jones** 

Telephone: david.glyn.jones@flintshire.gov.uk

Email: 01352 703281

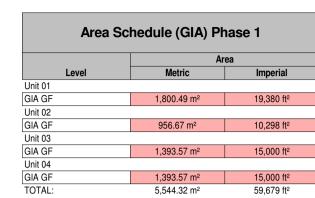






30m 60m 15m VISUAL SCALE 1:750 @ A1

This drawing shows design intent only, all site levels and gradients are to be confirmed / determined by the Civil Engineer.



Unit 01 Electric charging bay Standard car parking bay	
Standard car parking bay	
,	2
	26
Disabled parking bay	3
	31
Unit 02	
Electric charging bay	2
Standard car parking bay	14
Disabled parking bay	2
	18
Unit 03	
Electric charging bay	2
Standard car parking bay	21
Disabled parking bay	2
	25
Unit 04	
Electric charging bay	2
Standard car parking bay	17
Disabled parking bay	2

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Hazard Identification ref hazard date

Legend:

- Bicycle shelter. Provision for 8 long stay bicycles

- Double entrance gates - Electric vechicle charging

- Secure 2.4 high Paladin fence - No building or services yards within this zone

Proposed detention basin providing approx. 2630m<sup>2</sup> OF storage approx. 1500mm MAX

P20 Updated Following Comments

Future first floor office content circa 10% GIA

P19 Access Gates to the Phase 2 Area Added, Bund Removed P18 Updated Following Comments P17 Swale Boundary Amended Service AW 26.01.21 JP Road Added and Plateaus Area Amended P16 Phase 1 spine road reduced back toward Pump House P15 Updated Following Comments AW 14.01.21 DC P14 Phase 2 Plateaus Shown Only P13 The Units A06 and A05 Numbers AW 15.12.20 DC Changed. Pedestrian Path Area near the Pump House Amended P12 The Unit Numbers Changed AW 08.12.20 DC P11 The Unit Numbers Changed to Previous AW 13.11.20 DC P10 Retaining Walls added BC 04.11.20 DC P9 Units Numbers Changed AW 28.10.20 AW P8 Pedestrian Path Area near the Pump AW 09.10.20 AW House Amended Following Comments P7 Entrance to the Site Amended, Unit A06 AW 07.10.20 AW Service Yard Boundary Amended,
Pedestrian Access to the Pump Station, Unit A03a, Unit A03b and Unit A06 Amended Following Comments AW 30.09.20 AW P6 Detention Basin Area Added AW 23.09.20 AW P5 Legend Added P4 Red Line Boundary Amended AW 25.08.20 AW P3 Potential office area added and project AW 19.08.20 AW title amended P2 Parking numbers increased and road AW 14.08.20 AW layout amended accordingly P1 First Issue of Drawing AW 30.07.20 AW

AW 03.02.21 JP

Drawn Date Checked



Redsun Projects

Rev Revision Details

Project

Vista Business Park Manor Lane, Hawarden

**Drawing Title** 

Site Plan as Proposed

Status Purpose of Issue S2 SUITABLE FOR INFORMATION

JC Created

19143-C4P-AV-00-DR-A-0501

19-143 Scale As indicated @ A1





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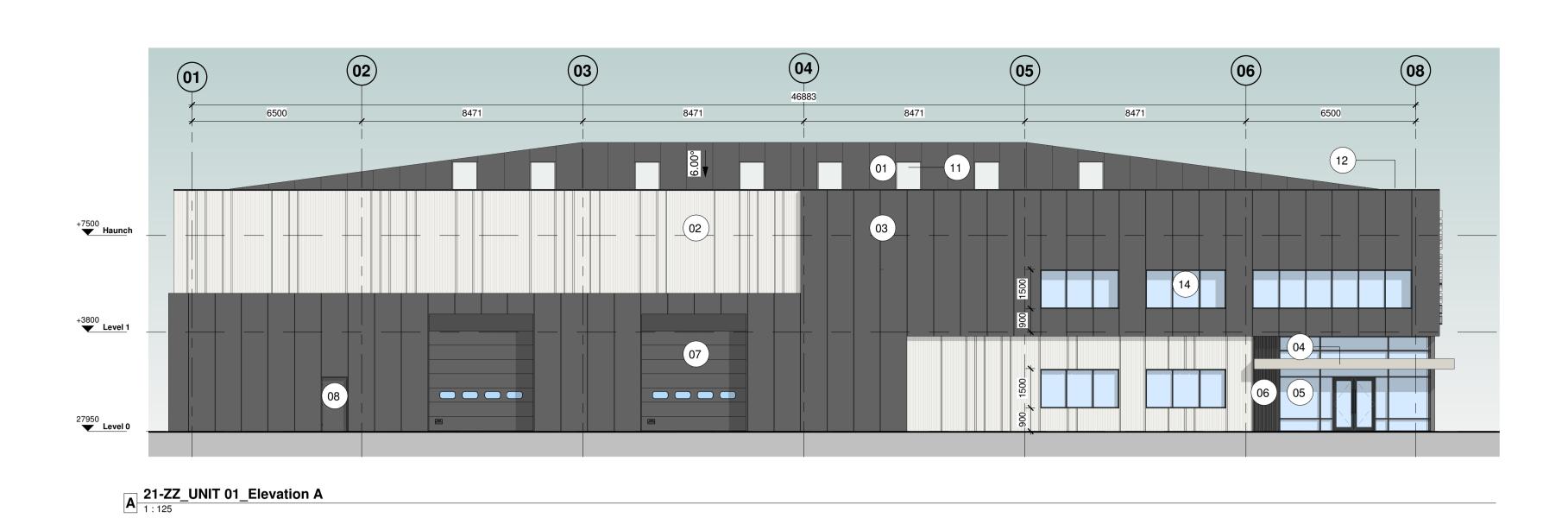
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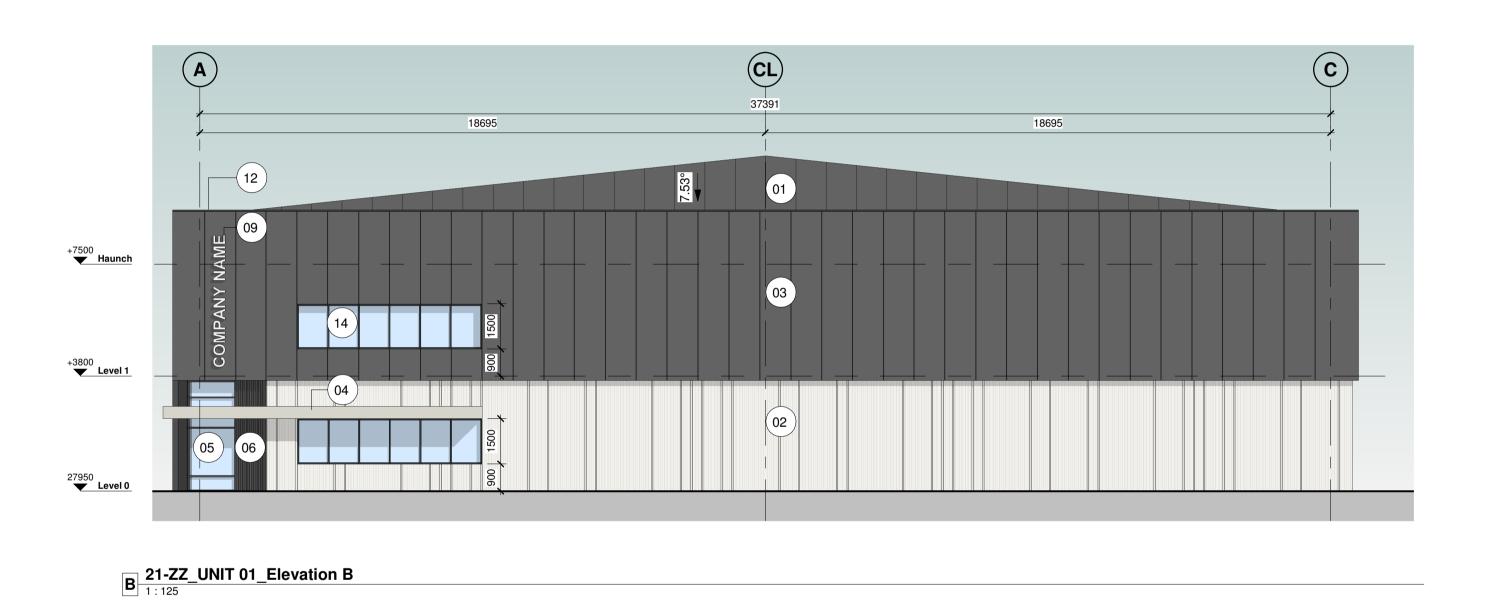
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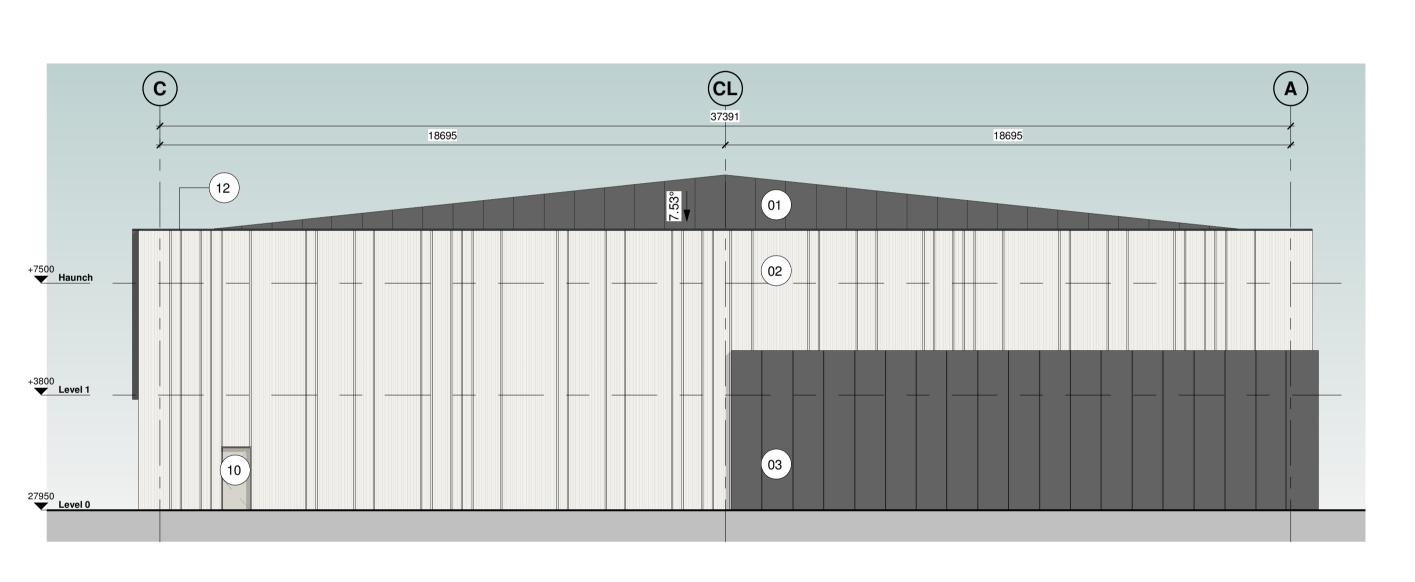
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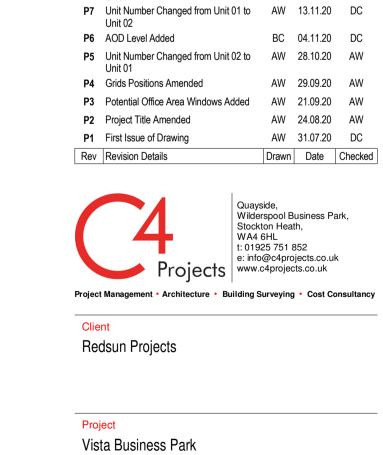
C 21-ZZ\_UNIT 01\_Elevation C



П	21-ZZ_	_UNIT 01_	_Elevation D
	1:125		

	08	06	<b>05</b>	<b>04</b> 46883	03	<b>02 01</b>
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			0.00.9	01	11	12
-7500 Haunch	-	-		03		
Level 1						
27950 <b>Level 0</b>						

	Material Key
Number	Material
01	Kingspan KS1000RW Insulated composite profiled cladding panel in Anthracite Grey (RAL 7016).
02	Vertical Microrib profile built up wall cladding system external capping sheet with tophat joints at panel junctions in Hamlet (RAL 9002).
03	Vertical laid flat panel built up system with exaggerated top hat joints in Anthracite Grey (RAL 7016).
04	Canopy, spec TBC in Hamlet (RAL 9002).
05	PPC Curtain wall framing with integrated entrance door system in Anthracite Grey (RAL 7016).
06	Louvre Vent in Anthracite Grey (RAL 7016).
07	Stertil insulated sectional overhead doors in Anthracite Grey (RAL 7016).
08	External steel fire escape doors in Anthracite Grey RAL 7016 (external) Pure White RAL 9010 (internal)
09	Company Signage, Aluminium
10	External steel fire escape doors in Hamlet RAL 9002 (external) Pure white RAL 9010 (internal).
11	Kingspan KS1000 DLTR Day-Lite Trapezoidal rooflight with 75mm endlap.
12	Aluminium parapet capping to all walls in Anthracite Grey (RAL 7016).
13	Siphonic drainage system to be designed by specialist contractor in Anthracite Grey (RAL 7016).
14	Windows set within cladding system; window frames to be in Anthracite Grey (RAL 7016) to match curtain walling system.



P8 Unit Number Changed from Unit 02 to AW 16.12.20 DC

AW 16.12.20 DC

P9 Project Title Amended

Status Purpos S2 SUIT	se of Issue ABLE FOR I	NFORMAT	ΓΙΟΝ
Drawn by	JC	Created	13.07.202

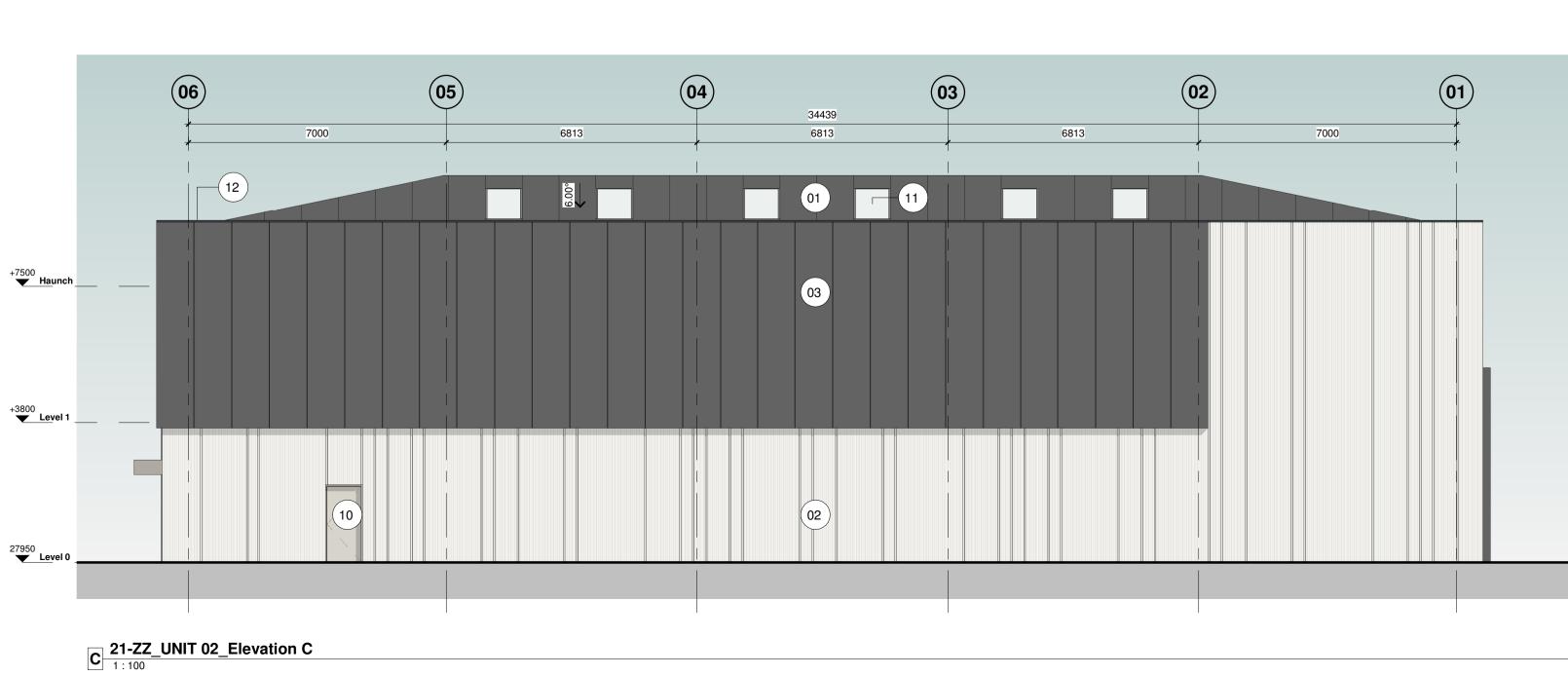
Manor Lane, Hawarden

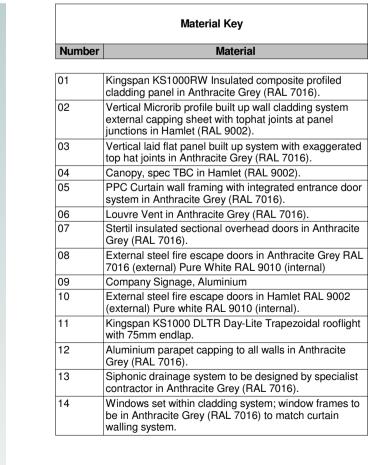
**Drawing Title** 

UNIT 01 Elevations

Rev P9 Drg no. 19143-C4P-B2-ZZ-DR-A-2100

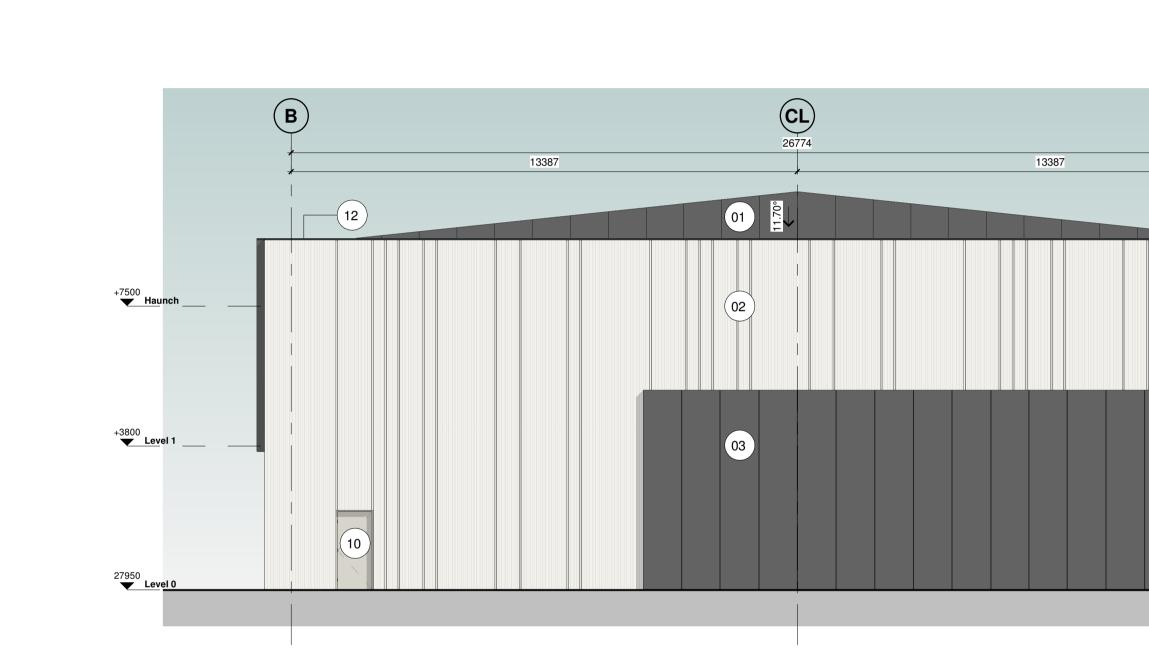
A 21-ZZ\_UNIT 02\_Elevation A





D 21-ZZ\_UNIT 02\_Elevation D

**CL** 26774 13387 13387 COMPANY NAME +7500 Haunch +3800 Level 1 B 21-ZZ\_UNIT 02\_Elevation B



03 02 04) 05 06 (01) 34439 7000 6813 6813 6813 7000 <u> (12</u>) +7500 Haunch 03 +3800 Level 1 

Hazard Identification ref hazard date

P9 Project Title Amended AW 16.12.20 DC P8 Unit Number Changed from Unit 01 to AW 16.12.20 DC P7 Unit Number Changed from Unit 02 to AW 13.11.20 DC P6 AOD Level Added BC Date 9 DC P5 Unit Number Changed from Unit 01 to AW 28.10.20 AW P4 Grids Positions Amended AW 29.09.20 AW AW 21.09.20 AW P3 Potential Office Area Windows Added P2 Project Title Amended AW 24.08.20 AW AW 31.07.20 DC P1 First Issue of Drawing Rev Revision Details Drawn Date Checked Quayside, Wilderspool Business Park, Stockton Heath, WA4 6HL t: 01925 751 852 e: info@c4projects.co.uk Projects www.c4projects.co.uk Project Management • Architecture • Building Surveying • Cost Consultancy Client Redsun Projects Project Vista Business Park Manor Lane, Hawarden **Drawing Title UNIT 02 Elevations** 

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other programme.

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VISUAL SCALE 1:100 @ A1

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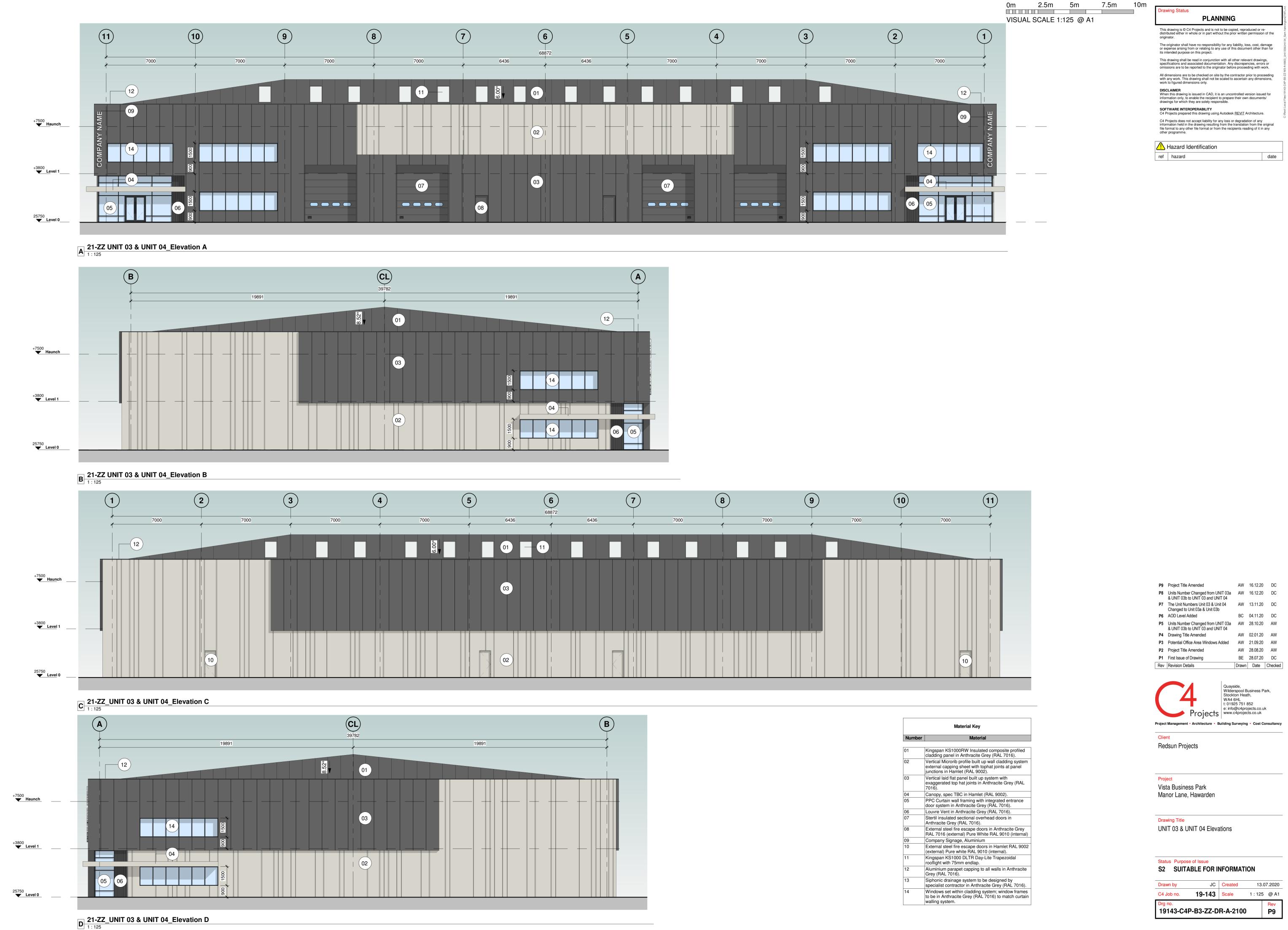
8m

13.07.2020 JC Created C4 Job no. **19-143** Scale 1:100 @ A1

S2 SUITABLE FOR INFORMATION

Status Purpose of Issue

19143-C4P-B1-ZZ-DR-A-2100 P9



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