

# Public Document Pack

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



CS/NG

21 October 2021

Sharon Thomas / 01352 702324  
sharon.b.thomas@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, 27TH OCTOBER, 2021 at 1.00 PM**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins'.

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 <https://flintshire.public-i.tv/core/portal/home>

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 29 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 27 OCTOBER 2021**

<b>Item No</b>	<b>File Reference</b>	<b>DESCRIPTION</b>
<b>Applications reported for determination (A = reported for approval, R= reported for refusal)</b>		
<b>6.1</b>	060696 - R	Outline Application for 28 dwellings at Land at Llys Newydd, Ruthin Road, Gwernymynydd (Pages 9 - 28)
<b>6.2</b>	061842 - A	Full application - Change of use of land for 2 traveller pitches to include 2 no. amenity block / dayrooms (part retrospective) at land near "Brier Lodge", Rhyddyn Hill, Caergwle (Pages 29 - 46)
<b>6.3</b>	063320 - A	Advertisement Consent - Erection and display of a freestanding 48-sheet sized digital LED advertisement at St David's Retail Park, High Street, Saltney (Pages 47 - 56)
<b>6.4</b>	063104 - A	Full Application - Erection of an advanced gasification plant and associated development at Land off Weighbridge Road, Deeside Industrial Estate (Pages 57 - 78)

***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 <https://flintshire.public-i.tv/core/portal/home>

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**PLANNING COMMITTEE**  
**29 SEPTEMBER 2021**

Minutes of the remote attendance meeting of the Planning Committee of Flintshire County Council held on Wednesday, 29 September 2021

**PRESENT: Councillor David Wisinger (Chairman)**

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

**APOLOGIES:** Councillors: Bernie Attridge, Veronica Gay and Gladys Healey

**ALSO PRESENT:** Councillor Marion Bateman (as an observer)

**IN ATTENDANCE:**

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

**20. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**21. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated prior to the meeting and were appended to the agenda on the Flintshire County Council website:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=490&MId=4990&Ver=4&LLL=0>

**22. MINUTES**

The minutes of the meeting held on 1 September 2021 were submitted.

The minutes were approved as a correct record, as moved and seconded by Councillors Chris Bithell and Richard Lloyd.

**RESOLVED:**

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

**23. ITEMS TO BE DEFERRED**

No items were recommended for deferral.

**24. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

**RESOLVED:**

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

**25. 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 2.20 pm)

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**Chairman**

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

**PLANNING COMMITTEE ON 29 SEPTEMBER 2021**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
<b>GENERAL MATTERS</b>				
063502		General matters – consultation under Section 42 of the Planning Act 2008; Awel y Mor (Denbighshire).	Mr A Herbert, the Applicant, spoke in support of the application.	That the final response on the Section 42 Consultation for the Awel y Mor Offshore Windfarm (Preliminary Environmental Information Report) be delegated to officers in consultation with the local Members (Ffynongroyw, Gronant and Trelawnyd Gwaenysgor).
<b>APPLICATION REPORTED FOR DETERMINATION</b>				
062483	Broughton Bretton Council	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, Flintshire.	Ms E Carpenter, Cadnant Planning - the Agent, spoke in support of the application.	<p>That planning permission be granted subject to the conditions set out in the report and the following two additional conditions, and Section 106 Obligation to provide Bus Stop improvements, in accordance with the Officer's recommendation.</p> <ul style="list-style-type: none"> <li>• That a detailed landscaping scheme and management plan be submitted and approved by the County Council's Planning Services; and</li> <li>• That the submission and approval of a delivery management plan be attached to any permission</li> </ul>

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **WEDNESDAY, 27 OCTOBER 2021**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

**SUBJECT:** **OUTLINE APPLICATION FOR 28 DWELLINGS AT LAND AT LLYS NEWYDD, RUTHIN ROAD, GWERNYMYNYDD**

**APPLICATION NUMBER:** **060696**

**APPLICANT:** **MRS AND MRS JANE AND CAROL JONES AND HOULT**

**SITE:** **LAND AT LLYS NEWYDD, RUTHIN ROAD, GWERNYMYNYDD**

**APPLICATION VALID DATE:** **11<sup>th</sup> DECEMBER 2019**

**LOCAL MEMBERS:** **COUNCILLOR ANDY HUGHES**

**TOWN/COMMUNITY COUNCIL:** **GWERNAMYNYDD COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

1.01 This is an Outline application for the residential development of 28 dwellings, with all matters reserved other than access at land at Llys Newydd, Ruthin Road, Gwernymynydd.

### **2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 1. The proposal would result in an inappropriate form of development in the open countryside which does not relate well to the existing pattern of development in the area, and would result in a uncharacteristic form of development which

does not integrate well with the existing built form and vernacular. As such the proposal represents an illogical and unsustainable extension to the settlement which would be contrary to Policies STR1, STR7, GEN1, GEN3 and HSG4 of the Flintshire Unitary Development Plan

2. In the opinion of the local planning authority insufficient information has been provided with regards to the access from the site to the A494 trunk road. It has not been demonstrated that it is possible to achieve a safe and satisfactory access to the site. As such the proposal is considered to be contrary to policies STR1, STR2, GEN1 and AC13 of the Flintshire Unitary Development Plan.
3. In the opinion of the local planning authority the proposal fails to maintain or enhance the natural beauty, wildlife and cultural heritage or preserve the natural tranquillity of the AONB and is therefore contrary to policy L2 of the Flintshire Unitary Development Plan.
4. In the opinion of the local planning authority, given the topography of the site and the amount of development proposed, the development is considered to be above a level that can sensibly be achieved. As such the proposal represents overdevelopment of the site which fails to reflect the characteristics of the locality and is therefore contrary to policies GEN1, D1 and HSG8 of the Flintshire Unitary Development Plan.
5. In the opinion of the local planning authority insufficient information has been submitted in order to demonstrate that the development would not lead to an increase in phosphate levels in the River Dee and Bala Lake SAC. As such it is considered that the development is contrary to policies WB2 and EWP16 of the Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member: Councillor Andy Hughes**

No response at time of writing

#### **Gwernymynydd Community Council**

The community council has no objection in principle to a proposed development on this site providing the said development is appropriate and in keeping with by design with the village and its topography. By satisfying these criteria any such development would then comply with the Gwernymynydd Village Development Plan, a document produced by full consultation and agreement with the respective community and Flintshire County Council.

The council consider that the application in its present form is not appropriate and it does not agree with what is required or needed in

Gwernymynydd. Therefore the members of the community council emphatically resolved to object to this proposal for the following reasons:

- Access/egress to site
- Surface water run off to neighbouring properties
- Potential contamination
- Potential overstretching of existing foul water drainage system
- Impact on fresh water well on site
- Impact upon public footpath
- Topography of site and its effect on design of houses, also its position outside settlement boundary.
- Ecological mitigation does not adequately resolve impact upon bats and birds.

#### Highways Development Control

The application is submitted in outline only with all matters reserved with the exception of access. Access is proposed direct to the A494 trunk road where Welsh Government are highway authority; comments regarding access should be sought from NMWTRA.

The planning agent submitted a PAC during October 2019 and although FCC highways were a consultee, the consultation was never received, hence no response was provided.

FCC Highway consideration is limited to the internal layout of the development, the adoptable roads and parking provision. Although the site layout is a reserved matter, the application is supported by a "Site Plan as Proposed". Albeit indicative, detail contained on the plan raises some concern to the extent that a recommendation of refusal would be made to a reserved matters consultation.

#### Highways (Right of Way)

Public Footpath 37 crosses the site. The applicant must contact the Rights of Way Section before proceeding with any works. The legally defined public right of way must be marked out in strict accordance with the definitive map and with the prior approval of the surveying authority before commencement of any of the development. The surface of the right of way must not be disturbed without lawful permission and development over the line of the public right of way must not commence until any necessary diversion or extinguishment has been lawfully authorized under the appropriate legislation.

#### Community and Business Protection

No objections in principle to this application, however, the site is in an area with an extensive mining history and as such there is potential for the land to be contaminated with lead and other minerals/metals associated with mining operations. Therefore, it is recommended that

the Land Contamination and Noise conditions are attached to any approval you may grant.

#### Welsh Government Highways

Welsh Government as Highway Authority for the A494 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must submit revised access drawings making best use of road space available on the A494 trunk road. The proposal must avoid conflicting vehicle movements with existing and permitted development. The revised drawing must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A494 trunk road carriageway
- c) Access width and radii dimensions
- d) Access surfacing type along with depth and width dimensions

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

#### CPAT

Information retained within the Historic Environment Record indicated that the proposed new dwellings may impact a former hollow way track (PRN 98674) running along the southern boundary of the northern plot and an undated well on the same southern boundary which is marked on the first edition OS mapping.

Any remains of the well revealed by the watching brief will need to be fully excavated if they cannot be preserved in situ. A cut across the width of the hollow way will be required to record a profile of this feature for the watching brief.

It is therefore recommend that appropriate archaeological monitoring should take place so that any archaeology identified can be fully recorded.

#### Welsh Water/Dwr Cymru

In principle it would advised that foul flows can be accommodated within the public sewerage system. Accordingly if you are minded to grant planning permission for the above development we would request the following conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment.

#### Natural Resources Wales

NRW have significant concerns with the proposed development as submitted. They recommend that planning permission should only be

granted if the following conditions are attached to the permission. They also recommend that a number of identified documents are included within the condition identifying approved plans and documents on the decision notice. Otherwise we would object to this planning application.

Area of Outstanding Natural Beauty Joint Advisory Committee

Although just outside the AONB the Joint Committee considers that the site is within the protected landscape and is disappointed that the Supporting Statement accompanying the application does not consider this as an issue. The site is outside the defined settlement boundary of Gwernymynydd in the current UDP and the emerging replacement LDP for Flintshire and its development is clearly contrary to current and proposed local planning policy. Furthermore the scale of development proposed appears to be an overdevelopment of the site and the indicative layout fails to take account of the need to respect and retain the rural character of the locality. In addition, no reference is made to the need to provide affordable housing for local people as part of the application.

**4.00 PUBLICITY**

4.01 Press Notice, Site Notice, Neighbour Notification

22 Letters of objection received

- Access and traffic issues
- Overdevelopment/ over urbanisation of village
- Land drainage issues
- Site contamination
- Overbearing impact of development
- Impact upon historic features- especially historic well
- Impact upon public footpath

**5.00 SITE HISTORY**

5.01 037375- Outline- Residential development- Refused 15/03/2006

**6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development

Policy GEN1 – General Requirements for Development

Policy GEN3 – Development Outside Settlement Boundaries

Policy D2 – Design, Location and Layout

Policy L2- Areas of Outstanding Natural Beauty

Policy HE8 Recording of Historic Features

Policy AC2 – Pedestrian Provision and Public Rights of Way

Policy AC13 – Access and Traffic Impact  
Policy AC18 – Parking Provision and New Development  
Policy HSG4 – New Dwellings Outside Settlement Boundaries  
Policy HSG8 – Density of Development  
Policy HSG9 – Housing Mix and Type  
Policy HSG11- Affordable Housing in Rural Areas  
Policy EWP13- Nuisance  
Policy EWP14- Development of Contaminated Land

**Local/Supplementary Planning Guidance Notes**

- SPGN 2 - Space around dwellings
- SPGN 4 - Trees and Development
- SPGN 9 - Affordable Housing
- SPGN 11 - Parking Standards
- SPGN 13 - Open Space Requirements
- SPGN23- Developer Contributions to Education

**National Planning Policies:**

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation

**7.00 PLANNING APPRAISAL**

7.01 Proposal

This is an outline application for the residential development of 28 dwellings, with all matters reserved other than access.

7.02 Site

The site is located in an area of open countryside adjacent to but outside the settlement boundary of Gwernymynydd. The site is located to the south of the A494 Mold to Ruthin road. The site covers an area of 1.53 hectares of unmanaged grassland and it is characterized by its steep rise in elevation from the highway. It is currently screened by trees to the site frontage. Public footpath 37 runs across the site.

7.03 Main Issues

In determining this proposal it is necessary to establish whether the proposal represents sustainable development and the weight to be attached to increasing housing land delivery. In other words, are there material planning considerations which warrant development contrary to the adopted development plan.

7.04

Whilst the application is made in outline an indicative layout has been provided and it is possible to consider likely impacts of the development upon the character and amenity of the locality, albeit mindful of the indicative nature of the details provided.

7.05

The main issues are therefore considered to be:

- Principle of Development
- Housing Delivery
- Access and Highways
- Character and Appearance
- Drainage

#### Principle of Development

7.06

The site is located outside the settlement of Gwernymyndd. In areas outside of recognized settlement boundaries there is a presumption against such a form of development, in accordance with policy HSG4 of the Flintshire Unitary Development Plan. However, appeal decisions have established that with the time expired UDP, and the lack of a 5 year housing land supply, existing settlement boundaries should carry limited weight.

7.07

In the adopted UDP Gwernymyndd is a category B settlement and in principle is a sustainable location for development. Although Gwernymyndd did not have a housing allocation, the settlement boundary included several large parcels within it which were designated as 'white land'. Category B settlements had an indicative growth band of 8-15% but this does not represent a target or quota and it is not the case that every settlement had to achieve growth over the Plan period. By the end of the Plan period (April 2015) Gwernymyndd had only achieved 2% growth. However, this must be compared with the present situation during the early part of the LDP period, where there are several planning permissions within the settlement and one under construction. The site at the Rainbow Inn has planning permission for 17 units and is under construction, with some units completed. Outline planning permission also exists for 10 dwellings at Siglen Uchaf and for 3 units on an adjacent site at Fernleigh.

7.08

In the emerging LDP Gwernymyndd is identified in the 5 tier settlement hierarchy as a tier 4 Defined Village where new housing allocations will not be made. Rather, the role of the settlement is to

facilitate development which delivers local needs affordable housing through windfalls and small sites of a scale related to the settlement. The preceding paragraph demonstrated that there already is growth occurring in the settlement and further potential exists through planning permissions. The settlement hierarchy is based on detailed settlement audits which were prepared at an earlier point in the Plans preparation. These settlement audits looked at the location, size, form, character and role of each settlement and its sustainability in terms of accessibility and services and facilities. Despite its proximity to Mold, Gwernymymydd was not considered to have the services and facilities to warrant its positioning higher up the settlement hierarchy. The sustainability of this location will be looked at further into this report.

7.09 Given the above there does not appear to be an argument in favour of supporting this speculative development outside of a settlement boundary. The development does not comply with policies GEN1, GEN3 and HSG4 of the Flintshire Unitary Development Plan.

#### 7.10 Housing Delivery and LDP

With the permanent revocation of TAN1 there is no longer a requirement to maintain a 5 year supply of housing land. Instead, housing delivery for each authority will be measured against the trajectory of the adopted LDP. For those authorities who adopt a Plan following the publication of the revised Development Plan Manual guidance, applicable to Flintshire, the Anticipated Annual Build Rate (AABR) method will be used.

7.11 Welsh Government have confirmed that in relation to the new approach to measuring housing provision against the LDP trajectory, that whilst the LDP is not yet adopted the use of the draft LDP trajectory is a material consideration in assessing speculative applications such as this proposal. In terms of present LDP performance in enabling the delivery of housing, in the first 4 years of the LDP Plan period, the County has seen annual completions of 662 (2016), 421 (2017), 608 (2018), 454 (2019) and 464 (2020) which gives a total of 2,609 completions or an average of 521 units per annum. This is in excess of the Plan requirement of 6950 dwellings (or 463 units per annum) and is very close to the Plan's overall housing provision of 7,950 dwellings (or 530 units per annum). The LDP is therefore on track to deliver not only the amount of housing it is required to meet, but also the rate provided in the Plan taking account of the flexibility allowance of 18.1%.

7.12 The evidence base alongside the Deposit LDP clearly demonstrates that the Plan has and will continue to deliver its housing requirement. In the context of the new arrangements for monitoring housing



provision, notwithstanding that the LDP is not yet adopted, evidence of actual housing provision in the first four years of the plan period demonstrates that the plan is in line with its draft trajectory, which is a material consideration in determining this application for speculative development on a site outside a defined settlement boundary and not allocated in the UDP or emerging LDP. It is also important to mention that Welsh Government, in their formal representations on the Deposit Plan have no fundamental concerns about the soundness of the Plan. In their covering letter Welsh Government states '*The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect*'. In the supporting document the Welsh Government 'support in principle' the scale and location of homes and jobs. This formal response does not suggest that there are concerns about the Plan 'not delivering' or being unsound.

7.13 The site is close to Mold, which is a category A settlement in the UDP and a Tier 1 Main Service Centre in the Deposit LDP. Mold saw actual growth of 10.1% over the UDP period and is presently seeing development at Broncoed (86 units) and Maes Gwern (160 dwellings). In the Deposit LDP a new allocation has been made on land between Denbigh Rd and Gwernaffield Rd for 246 units. The application site lies only 1.5km from the Maes Gwern site.

7.14 In the context of Gwernymynydd, where there is still land within the settlement boundary for development, and Mold where provision exists for a significant amount of housing (some of which is close to the application site) it is not clear what the justification is for the erection of 28 dwellings on a site outside the settlement boundary. Whereas the UDP spatial strategy distributed growth across all three categories of settlements, the Deposit LDP takes a more focused approach where growth is focused on only in the top three tiers of the settlement hierarchy.

#### Sustainability Considerations

7.15 Gwernymynydd no longer has a shop, but has a primary school, village hall and pub. The nearest shop would be Loggerheads PFS, some 2.4km to the west. The settlement is served by bus services between Ruthin and Mold (eleven services of which two services per day continue on to Chester) and Mold and Pantymwyn (10 services per day). For most services and facilities it will be necessary to travel into Mold or further afield, and despite the bus services, this is likely to be largely car based travel. Given the distance of the site from The Cross in the centre of Mold at 2.4km, this is beyond reasonable walking distance for most people.

7.16 Despite the supporting statement quoting PPW in relation to affordable housing, there is no reference as to what proportion / type

of affordable housing will be provided on the site. Given that the number of units is 28 units then the threshold in HSG10 is triggered in terms of a requirement for 30% affordable housing. This would equate to 8 units.

7.17 Development is taking place in Gwernymynydd and further consented development can also take place on appropriate/suitable sites. At a County wide level housing completions are being delivered at a rate which is above what the LDP is seeking to achieve. The Deposit LDP has set out how it seeks to meet its housing requirement and more specifically, development of 160 units is presently taking place in Mold, only a short distance from the site. In this context it is not considered that there is justification for a housing development outside the existing settlement boundary of Gwernymynydd. This is also qualified by the need for the proposed development to demonstrate more fully that it does represent sustainable development in terms of its location relative to services and facilities and whether it represents a logical extension to the settlement, or loss of open countryside, to the detriment of the character and appearance of the locality. In this case it is not considered that the proposal has sufficiently demonstrated that weight should be attached to increasing housing land delivery, or robustly demonstrated its sustainable credentials as required by the relevant policies.

#### Access and Highways

7.18 Access is proposed directly from the A494 trunk road. Welsh Government Highways are the Highways Authority for the trunk road. They have raised concerns over this development, particularly in conjunction with planning permissions on the opposite side of the highway in this location. The juxtaposition of these new accesses onto the trunk road would create what would be in essence a crossroads in this location. The application has been delayed due to meeting being required between the applicant and Welsh Government Officers, which ultimately have not taken place as a result of Covid restrictions. It appears that there may be a solution, although this would require substantial intervention into the existing highway. To date the information required by Welsh Government has not been provided. Given the in principle objections to the scheme discussed in this report it is not considered that waiting for any more time is beneficial to any party.

7.19 As Welsh Government are the Highways Authority for the adjacent highways network, FCC Highway consideration is limited to the internal layout of the development, the adoptable roads and parking provision. Although the site layout is a reserved matter, the application is supported by a "Site Plan as Proposed". Albeit indicative, detail contained on the plan raises some concern to the extent that Highways have commented that a recommendation of refusal would be made to a reserved matters consultation.

Of prime concern are proposed road gradients, indicated to be up to 1 in 7. A standard FCC planning condition would limit the gradient of adoptable roads to 1:15 although, in difficult locations, gradients of up to 1 in 12 could be considered with the inclusion of additional measures. Due to the topography of the site and the indicative road layout, the steepest gradients are likely to be on the inside of the bends and not the road centerline.

7.20 The minimum acceptable road centerline radius is generally accepted as 30m (with localized road widening); the radii as drawn appear to be in the order of 20m. A swept path analysis indicating the passage of an 11.5m re-cycling truck will be required. Any changes that are required to the road layout, could have implications on the maximum number of building plots that could be accommodated on the site.

7.21 The number of properties served from the private drive at the end of the cul-de-sac appears excessive; 5 plots would be the usually accepted maximum although Manual For Streets does accept a greater number where the road is covered by some form of management agreement and covered by a Section 106 agreement.

7.22 The number of parking spaces is appropriate for the number and size of proposed dwellings. The provision of 3 spaces in tandem has been shown to be impracticable in operation where three cars are in frequent use; this tends to lead to increased levels of on-street parking. Whilst this can be accommodated in certain areas, the layout of Plot 8 causes concern where any on-street parking is likely to obstruct passage/visibility around the bend in the road.

7.23 The layout drawing indicates the provision of retaining structures; the design of any structure retaining the highway or land in the vicinity of the highway, will need to be submitted for full technical approval.

7.24 Although it is acknowledged that the layout drawings are indicative the fact that they do identify difficulties and unacceptable situations with regard to the road layout and parking arrangements indicates that the site constraints make the development of the site to the level indicated is inappropriate, and therefore contrary to policy.

7.25 Public Footpath 37 crosses the site. It is noted that the Public Rights of Way department have not objected to the scheme, although have commented that the definitive route of the public right of way should be protected and any alteration would have to be undertaken through a diversion application.

#### Character and Appearance

7.26 As with the access arrangements, the indicative layout identifies issues regarding the character and appearance of the site. Although

the plan is indicative, such a plan is the strongest indication of the developer intention of how they are likely to develop such a constrained site and therefore the Council are entitled to attach weight to the indicative design when considering the matter in the overall planning balance.

7.27 The site as proposed in the layout plan shows 6 plots on the site frontage, with 2 behind and then the remaining 20 plots further onto the site. The topographic survey plan shows that the southern portion of the site is located approximately 6 metres higher than the site where it lies adjacent to the highway. Not only does this mean that the internal roads will require supporting structures as part of their engineering, but the impact of the development as a whole will be far greater when viewed from the roadside. The site is currently screened almost completely from public view by trees located on the north western boundary of the site, along the boundary with the highway, but these are to be removed. Whilst some internal trees and hedges are to be retained to act as landscaping and screening I do not consider that this would adequately screen the development, which would completely alter the character of the streetscene.

7.28 It is worth noting that the topography of the site is a significant constraint and appears to inhibit its development. In a site of 1.53 hectares it is proposed that 28 houses be built, which equates to a density of 18 dwellings a hectare. Policy HSG8 identifies a density of 30 dwellings per hectare being desirable in a category B settlement.

7.29 The site is bounded by the settlement on three sides but detailed consideration needs to be given as to whether this represents a logical extension to the settlement. Gwernymynydd has a linear form with development strung out along the A494(T). In places, modern estate type development has taken place whereby blocks of development have extended away from the road. One such example is Minffordd Fields to the east of the site. The development is bounded though by a mature belt of trees and the dwellings are viewed against this green backdrop. At the other end of the site is a ribbon of development comprising four dwellings served by Paddock Way. However, these dwellings are set back from the road and screened by substantial trees and vegetation. When viewed along the frontage of the application site, there is a green corridor along the A494(T) for a considerable distance. As such it is my view that a development in the form of the proposal would not reflect the characteristics of its immediate vicinity, which is characterised by this linear or sporadic form of development. The proposal would represent a more suburban form of development that is out of character with its immediate surroundings.

- 7.30 Given the fact that the site is an unacceptable incursion into the open countryside, as already discussed, it will undoubtedly have a significant and adverse impact upon the character of the locality. This is compounded by the topographical prominence of the site and it is my view that the development is likely to have a pronounced visual impact upon the streetscene, failing to reflect the characteristics of the locality and contrary to policies GEN1, D1 and HSG8 of the Flintshire Unitary Development Plan.
- 7.31 Furthermore, the site is outside but in close proximity to the boundary of the designated Area of Outstanding Natural Beauty. It has been considered that the development of the site will have an impact upon this designated area. The Joint Advisory Committee of the AONB have objected to the scheme and consider that “the scale of development proposed appears to be an overdevelopment of the site and the indicative layout fails to take account of the need to respect and retain the rural character of the locality.” I consider that the development fails to maintain and enhance the natural beauty and cultural heritage of the AONB, and fails to meet the requirements of policy L2 of the Flintshire Unitary Development Plan.
- 7.32 Drainage
- As this application has been submitted in Outline with the details of the site layout and other matters reserved till later there has been no full drainage scheme submitted. Dwr Cymru Welsh Water have confirmed that the proposal would not result in capacity issues at the waste water treatment plant that would service the site.
- 7.33 Natural Resources Wales has set new more stringent phosphate standards for the River Dee and Bala Lake SAC. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a Habitats Regulation Assessment (HRA) to determine whether they are likely to have a significant effect on the SAC.
- 7.34 Dwr Cymru Welsh Water has not confirmed whether or not the relevant waste water treatment plant has the required phosphate license, which is information that would be required in order to be able to screen out the need for a HRA. As such it is not possible to demonstrate that the development would not adversely impact the river SACs by increasing phosphate levels.
- Planning Obligations
- 7.35 The infrastructure and monetary contributions that can be required from a planning application through a S106 agreement have to be

assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'.

7.36 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.

7.37 Members will be aware that where it is recommended that planning permission be granted, I would set out the consideration of this issue in relation to the CIL Regulations and its impact upon any suggested S.106 Agreement that would cover Education contributions, Public open space and secure the number and tenure of affordable homes to be provided by the development, in accordance with the relevant policies. However, in view of the recommendation that permission be refused, I have in this case refrained from doing so at this stage.

#### Other Matters

7.38 There are a number of matters that are not directly relevant to the recommendation but would be important considerations should the Planning committee consider that this application should be approved. They relate to various matters that it would be important to consider and, if necessary, condition.

7.39 Clwyd Powys Archaeological trust had advised that there are suspected archaeological remains of a hollow way track and a well upon the site. They have recommended that an archaeological watching brief is undertaken during the development of the site. This would need to be secured by a suitably worded condition.

7.40 Given the location of this proposed development in close proximity to a busy road it is considered that noise from this road may affect some of the proposed properties. Pollution control have recommended that any consent should include a condition requiring a Noise Impact assessment to be submitted with the reserved matters application. As this submission is in outline only and reserves layout details I do not recommend that the absence of this information is a reason for refusal as this matter would have more significance upon consideration of the final layout of the dwellings.

7.41 Similarly it would be necessary, on any permission, to require the submission of a Land contamination report to the satisfaction of the local planning authority prior to development commencing. This is due to the extensive local mining legacy.

7.42 The Ecological survey submitted in support of the application shows that the site is used for foraging and commuting by low numbers of bats and that there is a likelihood of nesting birds also using the site. No signs of amphibians, Badgers or other protected species were found on the site or in the immediate areas. The central hedgerow on the site is species rich and it is noted that this is retained on the indicative layout as suggested by the Ecological appraisal. It is considered that the undertaken surveys and appraisal are acceptable and the proposed mitigation appropriate for the proposed development.

## 8.00 CONCLUSION

The site is located in an area of open countryside, in an area where the presumption is against residential development. No special circumstances have been advanced as to why this development should be granted as a departure from the policies of the adopted development plan.

Furthermore I have concerns over the impact of the development upon the character and appearance of the locality due to the topography of the site, which is especially important given the close proximity of the site to the AONB. It has also not been demonstrated that the proposal can provide safe access from the trunk road, nor avoid harm to the SAC as a result of foul water disposal.

Given the above I recommend that the proposal is refused for the reasons given in paragraph 2.01.

### 8.01 Other Considerations

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.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

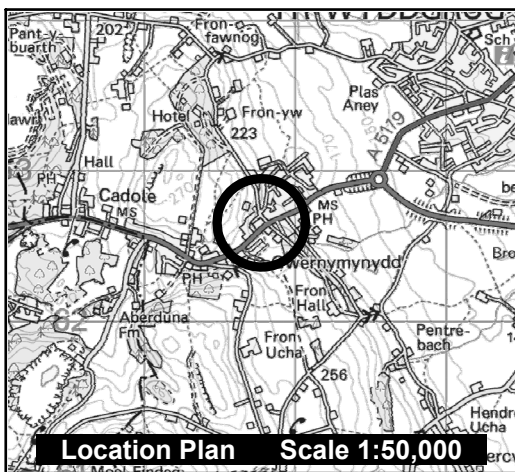
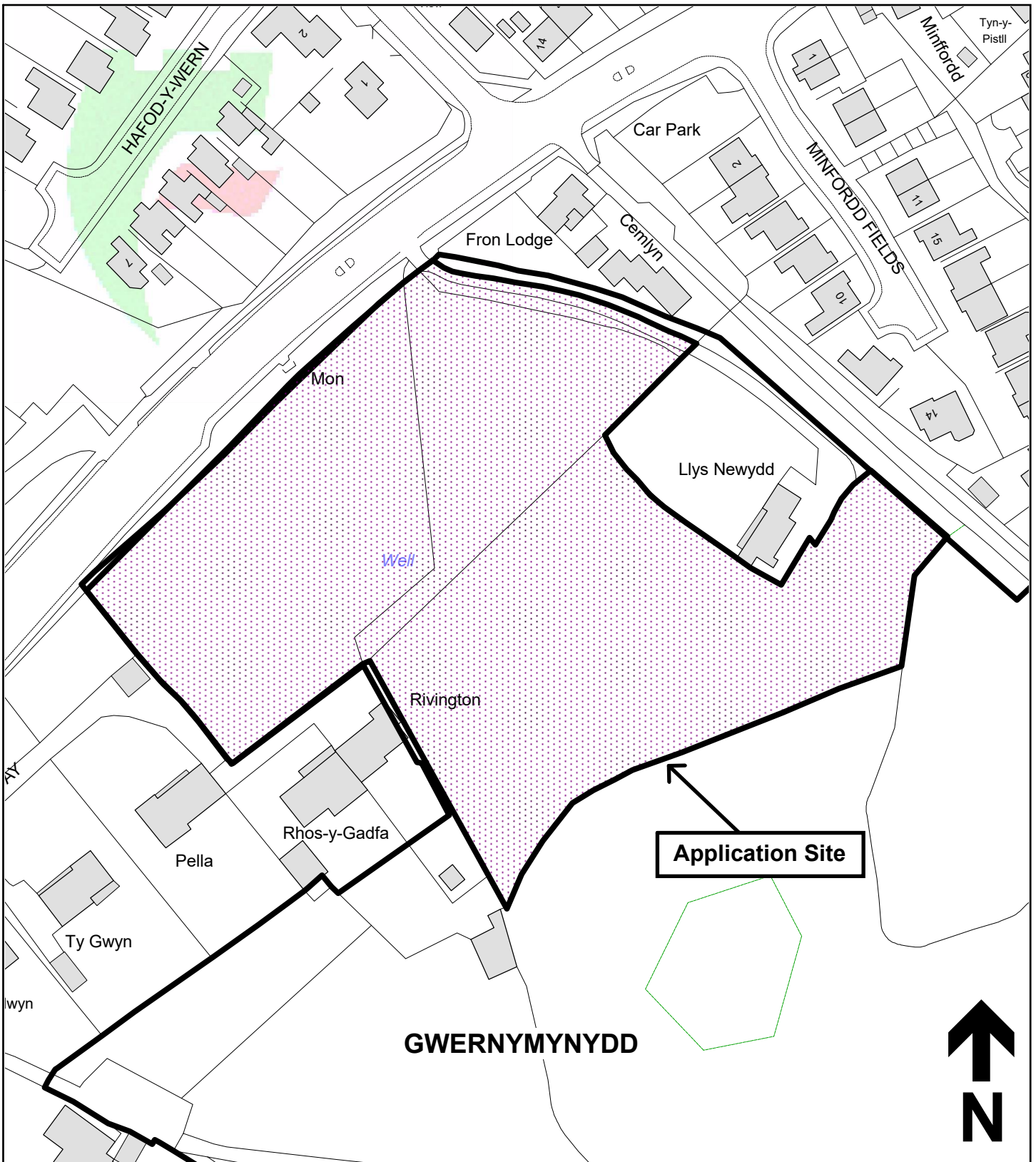
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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



**Contact Officer: James Beattie**  
**Telephone: 01352 703262**  
**Email: [james.beattie@flintshire.gov.uk](mailto:james.beattie@flintshire.gov.uk)**





Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

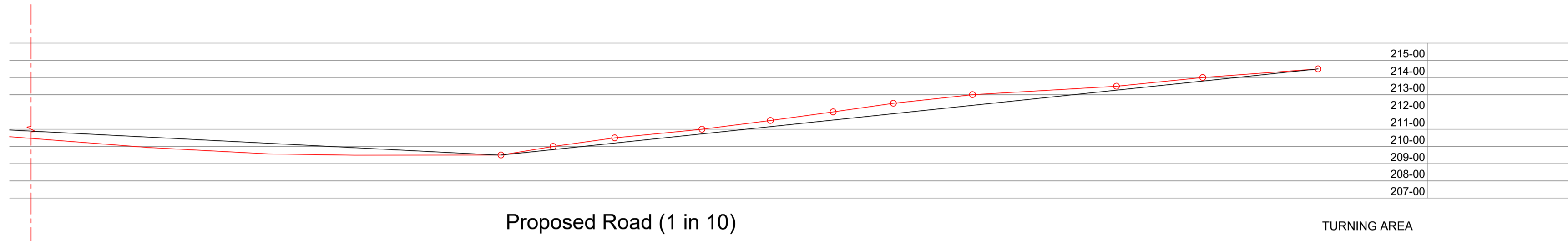
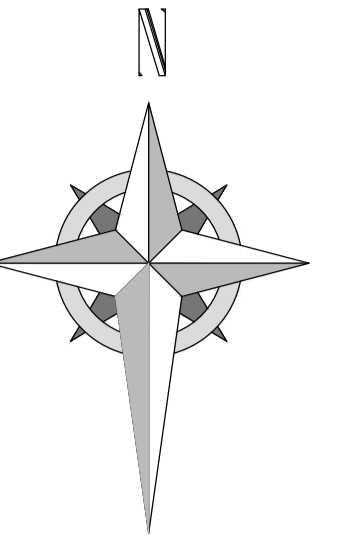
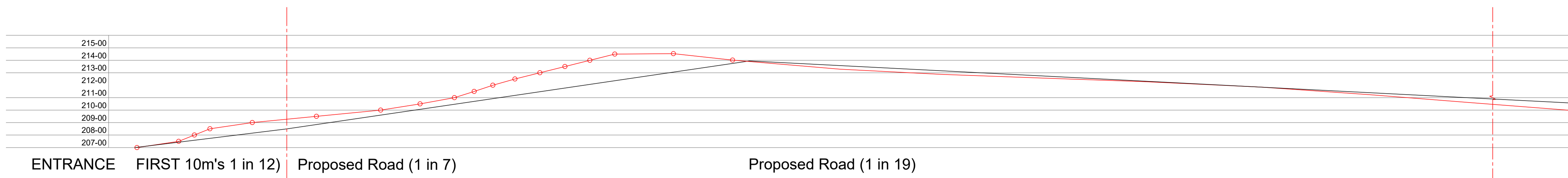
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Map Scale 1:1250

OS Map ref SJ 2162

Planning Application **60696**





# CROSS SECTION 1:200

- Legend**
- Type A - 4 Bed Detached House - 182 sq m
  - Type B - 2 Bed Semi-Detached - 75 sq m
  - Type C - 3 Bed Detached - 96 sq m

- Notes**
- Bats**  
All linear features are to be retained & protected during construction and during occupancy of the proposed development bat boxes to be installed as per recommendation of Ecological assessment by Wild banks conservation. Biodiversity management plan will be created to provide an ongoing site management & maintenance schedule
- Nesting birds**  
Bird boxes to be installed in line with recommendations of the Ecological assessment
- Other protected species**  
excavations to be covered at night or fitted with a ramp as a means of escape for badgers

- Possible locations of retaining walls
- Existing trees/hedges to be retained
- Root protection area of trees to be retained

# BLOCK PLAN SCALE - 1:500



**HDS ARCHITECTURAL SERVICES**  
Fernside Villa, 25 Manley Road,  
Wrexham, LL13 9JG  
Tel: (01978) 353445  
www.hdsarchitectural.co.uk

**Project:**  
Proposed Residential Development to Land at Llys Newydd, Gwernymynydd, Mold

**Title:** Site Plan as Proposed      **Scale (A1):** 1:200/500

**Dwg No:** LNF001      **Date:** September 2018

**Revision:**  
Rev. A: Add visibility splay, add cross section to road, add boundary to existing house - 04-10-18  
Rev. B: Site section added, Ecology recommendation added - 14-10-18  
Rev. C: Add boundary to existing house - 30-10-18

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **27<sup>th</sup> October 2021**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

**SUBJECT:** **FULL APPLICATION- CHANGE OF USE OF LAND FOR 2 TRAVELLER PITCHES TO INCLUDE 2 NO. AMENITY BLOCK / DAYROOMS (PART RETROSPECTIVE) AT LAND NEAR "BRIER LODGE", RHYDDYN HILL, CAERGWRLE, WREXHAM, FLINTSHIRE**

**APPLICATION NUMBER:** **061842**

**APPLICANT:** **MR E PURCELL**

**SITE:** **LAND NEAR "BRIER LODGE", RHYDDYN HILL, CAERGWRLE, WREXHAM, FLINTSHIRE**

**APPLICATION VALID DATE:** **5<sup>TH</sup> OCTOBER 2020**

**LOCAL MEMBERS:** **COUNCILLOR G HEALEY**

**TOWN/COMMUNITY COUNCIL:** **HOPE COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST- LOCAL AND COMMUNITY COUNCIL CONCERNS REGARDING HIGHWAYS AND AMENITY ISSUES**

**SITE VISIT:** **YES**

### **1.00 SUMMARY**

- 1.01 This is a full application made partly in retrospect for the change of use of land for the retention of two gypsy pitches ,two day buildings (for welfare purposes) and the associated access and parking provision within the site at land near to Brier Lodge, Rhyddyn Hill, Caergwrle.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

- 2.01
1. Time limit on commencement
  2. In accordance with approved details
  3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 2 of Welsh Government Circular 005/2018.
  4. No more than 2 pitches to be on site
  5. No commercial activities shall take place on the land, including the storage of materials.
  6. Landscape implementation
  7. Details of any external lighting to be submitted and approved
  8. Site and finished floor levels of static units to be submitted and approved.

**3.00 CONSULTATIONS**

3.01 Local Member

Councillor G Healey

I would like to object to the application on several grounds but the most pertinent seems to be the existence of a main gas pipe buried along the route of the bridle path to the site in question and across the site itself.

Concerns have been expressed that this pipe may not be robust enough to take the weight of vehicles which will use the bridle path and those located at the site. According to local knowledge the gas pipe developed a serious leak on the nearby farm as a result of deteriorating drip taps which allowed gas to escape to the surface. It is therefore vital that this issue is fully investigated in consideration of this application.

Concerns have also been expressed about the location of the septic tank and its close proximity to a stream which enters the River Alyn. As there is a danger of contamination of the River Alyn this too should be taken into consideration.

Hope Community Council

1. We object in principle to retrospective applications as it demonstrates a flagrant disregard for the planning process and the rules that all persons should follow. It sets a dangerous precedent if the Council gave retrospective permission in any case and in particular this case.

2. The community of Hope already has a travellers site. There is already a settlement within the community less than a mile from the applicant site. Provision for traveller sites is within the process of the LDP consultation and should not be permitted.

3. There is capacity at the existing travellers site on Gwern Lane, Caergwrle and Llay. The Gwern Lane site is part of the LDP proposals for significant extension. Therefore such accommodation has already been assessed and allocated. Should this application be permitted, the overall allocation within the LDP for traveller pitches should be reduced accordingly within the LDP otherwise it constitutes over allocation which is not necessary in our area.

4. This site is outside the settlement boundary and in open countryside and therefore should not be permitted.

5. TAN1 was also suspended to avoid overdevelopment in our area. This is tantamount to overdevelopment as it is new development outside of the LDP.

6. We also prey in aid the fundamental need for consistency of approach in planning. We as a council are aware of an application (App 060474) which was objected to by ourselves as it was outside the settlement boundary, in open countryside, did not comply with HSG5 and undermined the UDP and LDP. That application was refused by Flintshire Council. The principles of that application are no different in our submission, save for the aggravating feature in this case that this application is retrospective which adds to the reasons for refusing this application.

**Site issues/breaches:**

7. The bridle path is not appropriate for overuse by large vehicles and caravans.

8. The location of the septic tank which is close to a stream which feeds into the river Alyn, poses a risk of the septic tank overflow entering the stream and the river.

9. A gas main should normally be laid with a minimum depth of cover of 750mm in a road or verge and 600mm in a footpath. As a matter of urgency there is a need to establish the safety of the gas pipe with the increased traffic and heavy goods vehicles.

10. The above mentioned gas main also passes directly under the applicant site and causes concern for any future building excavations and those already completed on the site by the applicant. The gas main in an agricultural field and on private land and may be closer to the surface. Has the applicant checked with the gas company before commencing work?

Highways Development Control

No objection to the proposal

Public Rights of Way

No objection. Standard Note attached to planning permission regarding protection of public right of way.

Community and Business Protection

No adverse comments to make regarding this proposal.

Welsh Water/Dwr Cymru

No objections raised

Natural Resources Wales

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued Planning Advice (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

From the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. We note that the intention is to connect to the existing septic tank. However, we advise you to seek further information as identified in the bullet point list given in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Provided you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Airbus

No aerodrome safeguarding objection to the proposal

SP Energy

Standard guidance and hazard avoidance notes. No objection.

#### **4.00 PUBLICITY**

4.01 Site Notice, Neighbour Notification

2 letter of objection received:



- Already a settlement for the same family within 1 mile of application site
- The application plot has grown considerably in size from that occupied by former residents of the application site.
- Inadequacy of bridlepath access. Rhyddyn Hill is already a busy road
- What guarantees that present occupiers will remain on site?
- The services are not “existing” as claimed in the application. The water main was laid during the lockdown
- A gas main passes directly under the applicant site.
- The location of the septic tank, together with the topography of the site (close to a stream which feeds
- into the River Alyn) poses a risk of the septic tank outflow entering the stream and the river.
- The majority of the work on the site was completed during the first COVID lockdown in close proximity to the gas main. The hardcore, and the post and rail fencing were erected after the previous occupier vacated the site. The application would have us believe it was already in situ when the previous occupier lived on the plot. This is misleading.
- There is no environmental statement attached to this application
- Occupation of the site would lead to a widening of the bridle path, in order to facilitate further development of the land. This work has already started, in order to accommodate the transporting of the Static Caravans
- The accommodation area is extremely generous for 2 families. One family comprises of only 2 persons. Yet the application misleadingly presents this as “small in scale and extends to 2 pitches...”
- Previous anti-social and threatening behaviour by residents
- There is already a caravan park on Rhyddyn Hill, one which draws hundreds of visitors to the local area each year. Local businesses benefit from this.

## **5.00 SITE HISTORY**

5.01 No relevant history

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 STR1 New Development  
 GEN1 General Requirement for Development  
 GEN3 Development in the Open Countryside  
 D2 Design

D3 Landscaping  
L1 Landscape Character  
HSG14 Gypsy Sites  
AC 13 Access and Development

#### National Policy and Guidance

- Welsh Government Circular 005/2018 'Planning for Gypsy, Traveller and Showpeople Sites'
- Welsh Government Circular C 008/2018 'Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants
- Planning Policy Wales Edition 11 (February 2021)
- Future Wales 2020 - 2040

### **7.00 PLANNING APPRAISAL**

#### 7.01 Proposal

This full application seeks part retrospective consent for the change of use of land for the retention of two gypsy pitches, two day buildings (for welfare purposes) and the associated access and parking provision within the site .

#### 7.02 Site

The site is located in an open countryside location close to but outside of the settlement boundaries of Hope, Caegwrle, Abermorddu and Cefn y Bedd as designated in the Flintshire Unitary Development Plan.

7.03 The site previously housed a static caravan and then became vacant during which time it suffered from significant fly tipping, the site has since been cleared of this rubbish. The site has been subsequently occupied for a period of 9 months prior to the submission of this planning application which seeks to regularise the use and the siting of the caravans, as well as the erection of day buildings and establishment of associated access/ parking and turning facilities provided by the hard cored area.

7.04 The site is a level grassed field and has mature woodland to the eastern boundary and mixed hedge row to the west boundary. The site is segregated from the rest of the field by a post and rail timber fence. As part of the application it is proposed to supplement the existing hedgerow and carry out soft landscaping within the site.

#### 7.05 Principle of Development

The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and

- Travellers are properly assessed and that the identified need for pitches is met. More recently Welsh Government have published a Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites which reflects provisions contained in the Housing ( Wales ) Act 2014, to ensure local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning system.
- 7.06 UDP policy HSG14 also acknowledges the requirement for development plans to make adequate provision for the accommodation needs of gypsy families, but this policy predates the 2014 Act as well as Circular 005/2018, both of which place a different emphasis on assessing applications for Gypsy and traveler sites. Whilst the LDP has a similar criteria based policy to the UDP, it is still subject to the findings of the LDP Examination which has resulted in its two criteria a. and b. being deleted as they do not comply with the guidance in the above circular.
- 7.07 The above criteria require a proven need for a Gypsy and Traveler site to be demonstrated, as well as there being no suitable alternatives elsewhere. Welsh Government raised this matter in their representations to the LDP Examination Inspector, highlighting that the Circular notes that policy requirements to 'demonstrate unmet need' would act against freedom of movement for gypsies and travelers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The Circular clearly states that criteria based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites.
- 7.08 The Council has an approved Gypsy and Traveller Accommodation Assessment (2016) that is still extant for the purposes of the LDP Examination evidence base and for Development Management purposes. This shows a plan period need for 19 additional pitches. In addition the LDP has made suitable site specific provision to meet this need, made via site allocations as extensions to three existing Gypsy and Traveller sites, 1 of which is Council owned and the others in private ownership. None of these allocations have yet been confirmed by the LDP Examination Inspector and neither do they have planning permission, although applications are under consideration for the two privately owned sites, and a further application is being prepared for submission on the Council owned site.
- 7.09 Suitable provision to meet this level of need has therefore been identified in the LDP, however the plan has yet to be adopted and this is a material factor in the consideration of the need and provision presented by this application. In any event, circular 005/2018 states that criteria based policies are required in development plans, to cater

for what is in effect new or windfall demand for pitches, and the UDP and LDP have similar criteria based policies.

7.10

Paragraph 7 of the Circular advises that the Well-being of Future Generations (Wales) Act 2015 sets a framework for local authorities to ensure the sustainable development principle is met. In terms of wellbeing goals the guidance reference a 'Wales of cohesive communities'. Paragraph 8 goes on to advise that '*Housing is a fundamental issue that affects the lives of people across Wales, including our Gypsy and Traveller communities*'. In particular the guidance requires that '*...Gypsies and Travellers should have equal access to culturally appropriate accommodation as all other members of the community*'.

7.11

Paragraph 12 recognises that '*Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage*'. Paragraph 14 explains that the Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure 'that accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met'.

7.12

Paragraph 36 explains that '*when identifying sites the planning authority should work with the Gypsy and Traveller Community*'. Paragraph 37 explains that 'issues of site sustainability are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks'.

7.13

Whilst the Circular advice supersedes criterion a. and b. of policy HSG14 of the UDP, on the basis that this would be unduly restrictive to applications such as this, the other UDP policy criteria are still relevant. These are in line with the Circular and essentially seek to assess the suitability of the location of the proposed gypsy and traveller site by ensuring that in a sequential sense, sustainable locations within or adjacent to existing settlements with access to local services are considered first. That said, the Circular goes on the state that 'Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries'

7.14

The circular itself provides expanded guidance at paragraph 37 in respect of the sustainability of sites and the site should be assessed in this context. Whilst not an exhaustive list, the items to consider when assessing whether or not a site is suitable includes:

- *opportunities for growth within family units;*
- *the promotion of peaceful and integrated co-existence between the site and the local community;*
- *access to health and education services;*

- *access to utilities including water, waste water disposal and waste collection services;*
- *access by walking and cycling, public transport and private motor vehicles (including emergency vehicles);*
- *suitable nearby or on-site safe play areas;*
- *contribution to a network of transit sites which reduce the need for long-distance travelling or unauthorised encampments;*
- *not locating sites in zone C2 risk of flooding and only considering sites for location within zone C1 risk of flooding in line with guidance contained in TAN 1512, given the particular vulnerability of caravans; and*
- *regard for areas designated as being of international, national and local importance for biodiversity and landscape*

7.15

I consider that the site meets the specified criteria, specifically as it both offers the opportunity for growth within the family units on site by promoting an appropriate location for a permanent home, but that it also provides good connectivity to the local communities and the facilities they offer, as whilst the site itself is away from the settlements. The site is close to the edge of the four villages which together makes up Hope, Caergwrle, Abermorddu and Cefyn y Bedd (HCAC) which is a category B settlement in the adopted UDP. It is a sustainable location for new development given the availability of services and facilities and also proximity to other settlements in both Flintshire and Wrexham.

7.16

The advice and guidance within this circular provides the framework when determining this types of planning applications. In my view the principle of this development is acceptable with due regard to all relevant National and Local policies and advice. The site represents a sustainable location, appropriate for the level of development proposed and in addressing a specific housing need. There is no issue of prematurity given the position with provision in the LDP which is yet to be adopted. In any event, the advice in the Circular is clear that each proposal should be considered on its individual merits.

7.17

The Community Council has cited a planning permission, reference 060474, refused due to its open countryside location. This application was for the erection of a dwelling and was therefore contrary to the relevant policies directing development in the open countryside, specifically UDP policy HSG5, which specifically restricts residential development other than for very specific reasons and with sufficient justification. As mentioned previously there is no policy objection to Gypsy and traveller sites in open countryside locations, subject to other considerations. Policy HSG5 does not apply to the development subject to this application.

7.18

Best Interests of Children

As the residents of the site include children the proposal has been assessed with due regard to their best interests. The Best Interests of the Children is primary consideration for this application, as the the applicants have confirmed that two dependants reside on the site.

7.19

One child is now 9 years old and has attended the Local Primary School for the last 2 years. His elder sister is over 16 and attends a local College. The applicant has stressed that there are no family Council pitches available, as confirmed by the GTAA. The applicants have a settled home on the application site and other than travelling for work both families have lived on the site approximately 2 years. They are settled in the location and this has a great deal of benefits for the well-being of the children and their access to schooling, further education and local healthcare.

7.20

The benefits of enabling the provision of a stable and secure environment is a material consideration in the planning balance with the rights to respect for family and private life as identified in Article 1 and Article 8 of Protocol 1 of the European Convention on Human Rights.

7.21

It is acknowledged that children live. And would continue to live, on the site were permission to be granted, and the Local Planning Authority has a statutory duty under the Children's Act 2004, to safeguard and promote the welfare and well-being of the children.

7.22

There is also a national and international obligation continued in article 3(1) of the United Nations Covention of the Rights of the Child (UNCRC)

7.23

*"In all actions concerning children, whether undertaken by public or private or social welfare institutions, courts or law, administrative authorities or legislative bodies, the best interests of the child shall b a primary consideration."*

7.24

These considerations are therefore a primary material consideration in the site assessment. The implications of the applicant/family having a settled base for the needs of the children is a significant material consideration in the overall planning balance. In these circumstances the best interests of the children would be best served by occupation of the site.

7.25

#### Access

The application site is located off Ryddyn hill and accessed off the access presently serving Brier Lodge. This access is a Bridlepath, however Rights of Way have confirmed that they have no objection to the proposal.

7.26

The site is located 1 mile from Caergwrle a sustainable service and shopping centre and 5 miles away from Wrexham for major services. The site has vehicular access to the nearby highways network, as well as pedestrian access to the local area through the close proximity of public footpaths.

7.27

Highways have assessed the application and confirm that they have no objection to the proposal. The site proposes sufficient parking for its residents.

7.28

Design and impact upon local living conditions

Design guidance is published in the Welsh Government document 'Designing gypsy and traveller sites' (May 2015.) The application is of a relative small scale and proposes the installation of two pitches which includes two day/amenity buildings. These buildings will provide for bathroom, kitchen, dining-room/meeting room facilities . The amenity buildings are to be single storey 4m high, 2.4m to the eaves, 6m in width and 6m in length. The buildings are proposed to be constructed of a pitched tile effect roof and timber effect wall construction. There is already a hard core area to the frontage of the site and this is proposed to be retained as part of the proposal to provide independent parking provision for each pitch, clear of the highway and provides for turning facilities within the site. Each pitch will allow for a Touring caravan and Static caravan. I consider the proposed layout and facilities offered is in accordance with the aforementioned guidance.

7.29

There is presently some natural screening of the site afforded by the existing hedgerow boundaries and the mature woodland to the east of the site and it is proposed to reinforce the boundary treatments by additional planting and soft landscaping within the site. This can be secured by condition.

7.30

Given that the site is in an open countryside location, it is consequently away from other residential properties, as such it is unlikely to have an unacceptable impact upon the living conditions of existing residents of the area by adverse impact upon privacy, traffic or parking problems.

7.31

It should be noted that when assessing the impact of the Gwern Lane site at the planning Appeal, the Planning Inspector noted how any amenity impact could be suitably mitigated by the suggested landscaping. That particular site was larger and located closer to residential properties. I suggest that the same considerations apply and that in the case of this application the likely impact to local amenity is acceptable.

7.32

Drainage

The site presently benefits from a water supply and a septic tank facility will be utilised for sewerage provision. Third parties have queried whether this is suitable for the location. It appears, however, that it is not possible to connect the site to the public sewerage system and therefore a private solution would be appropriate.

7.33

Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

7.34

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 20<sup>th</sup> January 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice: Private sewage treatment systems discharging domestic wastewater to ground into drainage fields constructed to the relevant British Standards and which are located more than 50m from the SAC (or a hydrological pathway to the SAC), and which have a daily discharge rate of less than 2 cubic metres (m<sup>3</sup>)

7.35

As mentioned above, it is considered that the use of a private sewage treatment system is considered to be appropriate in this location, as connection to the public sewerage system is not possible. The installation is in accordance with the advice in Welsh Government Circular 008/2018.

7.36

After receiving further advice from the applicant, and with due regard to NRW's published advice, I am able to conclude that the development is not likely to have a significant effect on the SAC. NRW therefore have no objection to the proposal.

7.37

#### Other Matters

Third party objectors have expressed concern over the possible existence of a Gas pipeline running under the highway to the front of the site, and queried whether or not there is sufficient depth to safely allow for the weight of vehicles accessing the site. I have not been made aware of any specific constraint concerning this matter, or been



advised by any statutory consultee that this is a concern. There does not appear to be a weight restriction on the adjacent private way.

7.38

Where main Gas pipelines exist that require easements or other protection from development these are identified on the Constraints information held by the Council. This does not appear to be the case in this instance. As such this matter would be one for the landowner to investigate as part of their own due diligence and I do not consider it to be a material planning matter which would attract significant weight.

7.39

An objection has been received regarding the impact of the proposal upon a local caravan site business. The proposal subject to this application is of a wholly different scale and character to that commercial enterprise and I do not consider it likely that the existence of this residential traveller site will cause undue confusion for holiday goers looking for the caravan site, or otherwise have a detrimental effect on this business.

7.40

The Community Council have expressed concern over the retrospective nature of this development and cited this as a reason that the application should be refused. This should not be a matter given any material weight in the assessment of this application. Retrospective applications are allowed for within the regulations.

7.41

Finally third parties have raised issues regarding potential anti-social behaviour arising from the proposal. There is no evidence to support this assertion.

## **8.00 CONCLUSION**

By considering this planning application on its own merits and with due regard to all relevant National and Local policies and advice, It is my view that the proposal represents an appropriate and proportionate Gypsy and Traveller site that will benefit from its close proximity to the local communities that surround it but will not give rise to any undue or detrimental impact to the amenity of these communities. With full consideration to the benefits the establishment of this site will give to its residents and their individual needs, as well as all other material issues, I recommend that the application is approved subject to the Conditions outlines in paragraph 2.01

### **8.01 Other Considerations**

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.

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.

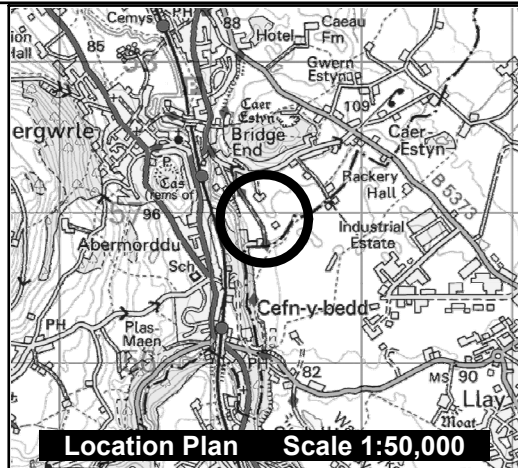
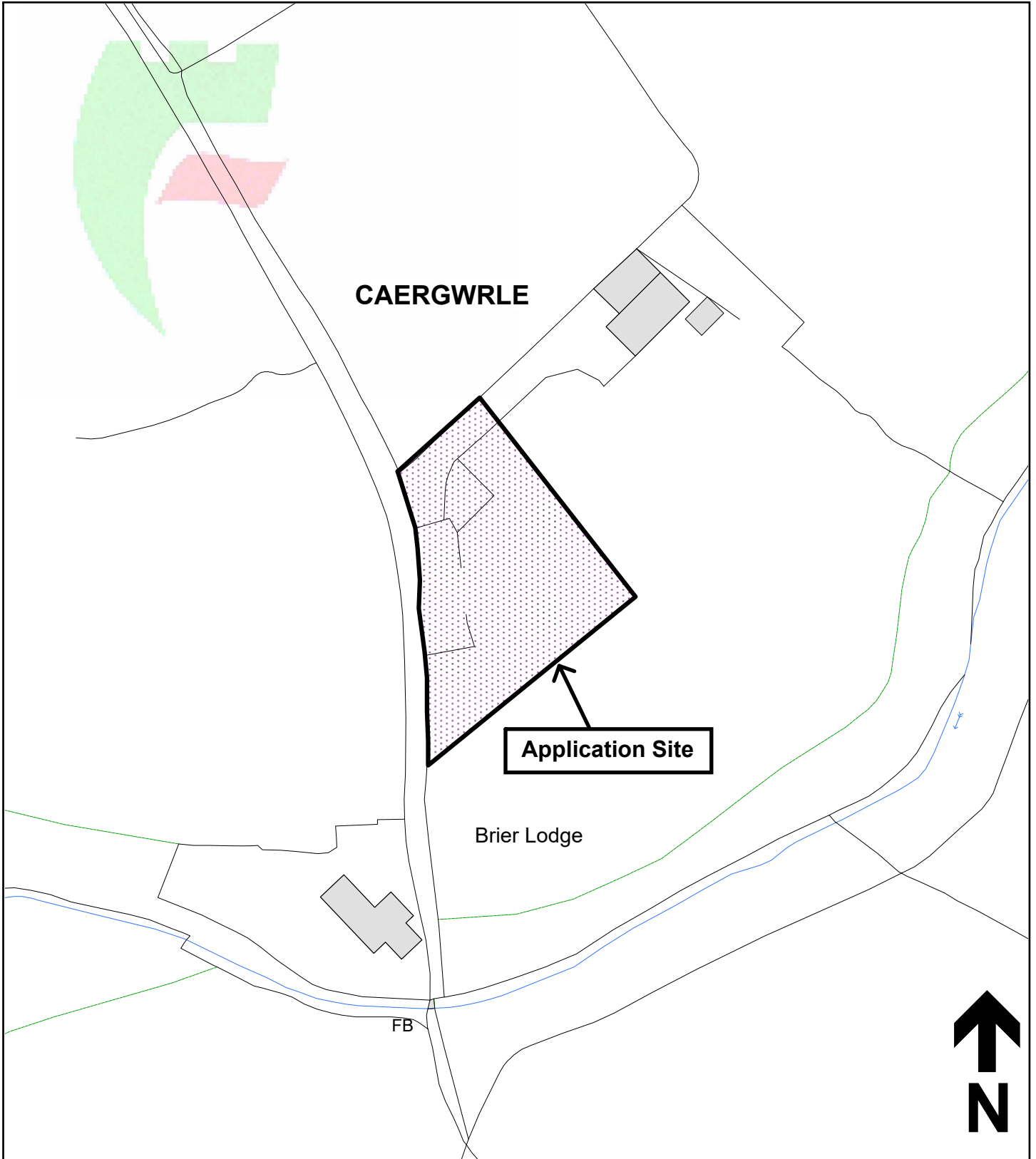
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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: James Beattie**  
**Telephone: (01352) 703262**  
**Email: james.beattie@flintshire.gov.uk**



Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale	1:1250
OS Map ref	SJ 3156
Planning Application	<b>61842</b>

# Location Plan - Land Adjacent to Briar Lodge, Caergwrle



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4

71257/N Purcell

Location Plan





Bin Storage

Car Parking & Turning Area

Adjacent Field

Existing Gated Entrance Relocated 5m from road edge

Existing Hardcore Area (M.O.T. Type 1)

New Tree Planting & Grassed Area

Flush Kerb

Unadopted Lane

Proposed Cotswold Gravel Finish

New Hedge Planting as screening

Access for Vehicle to empty septic tank

Septic Tank

Top Tap

Post and Rail Fence Extended to Road Edge

Existing Woodland

New Tree Planting & Grassed Area

Adjacent Field

Landscaping

Field Maple (Acer Campestre)

Hedge (Native Species Mix)

Grassed Area

Cotswold Gravel

Existing Gravel (M.O.T. Type 1)

Static Caravan

Tourer

Amenity Block / Dayroom

NOTES:  
All dimensions must be checked on site and not scaled from this drawing.

Client

Mr E Purcell

Job Title

Proposed Change of Use of land to 2 no. Gypsy / Traveller Pitches on land near Brier Lodge, Rhyddyn Hill, Caergwrle Easting: 331405 Northing: 356831

Drawing Title

Proposed Block and Landscaping Plan

Scale 1:500 A3

Date AUGUST 2020 Drawn by T.M.

Drg No. 71257:1002

Rev -

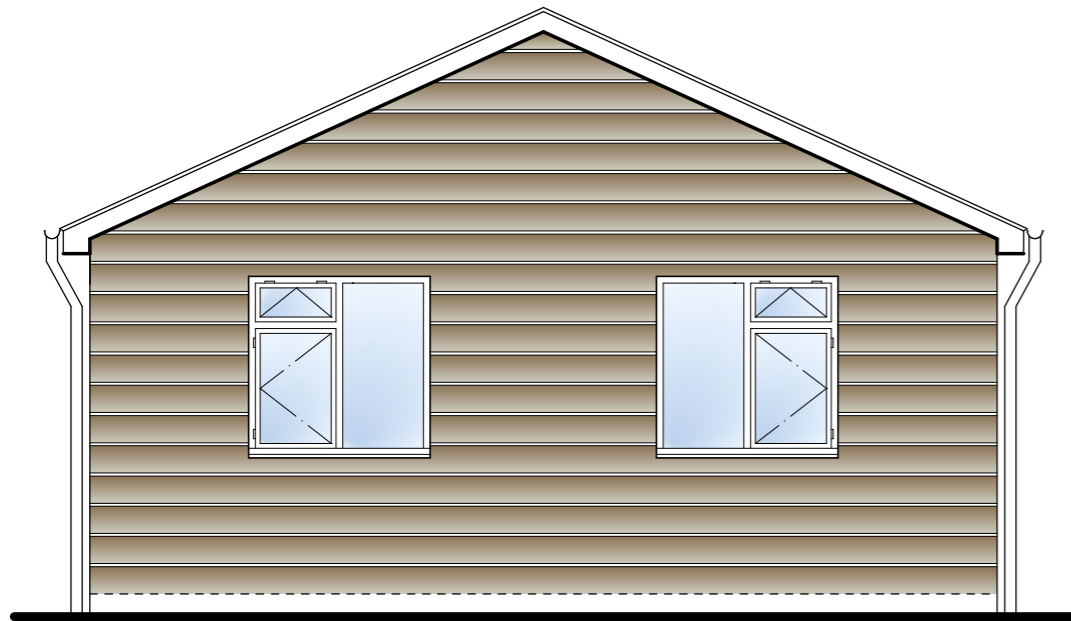


Typical Static Caravan

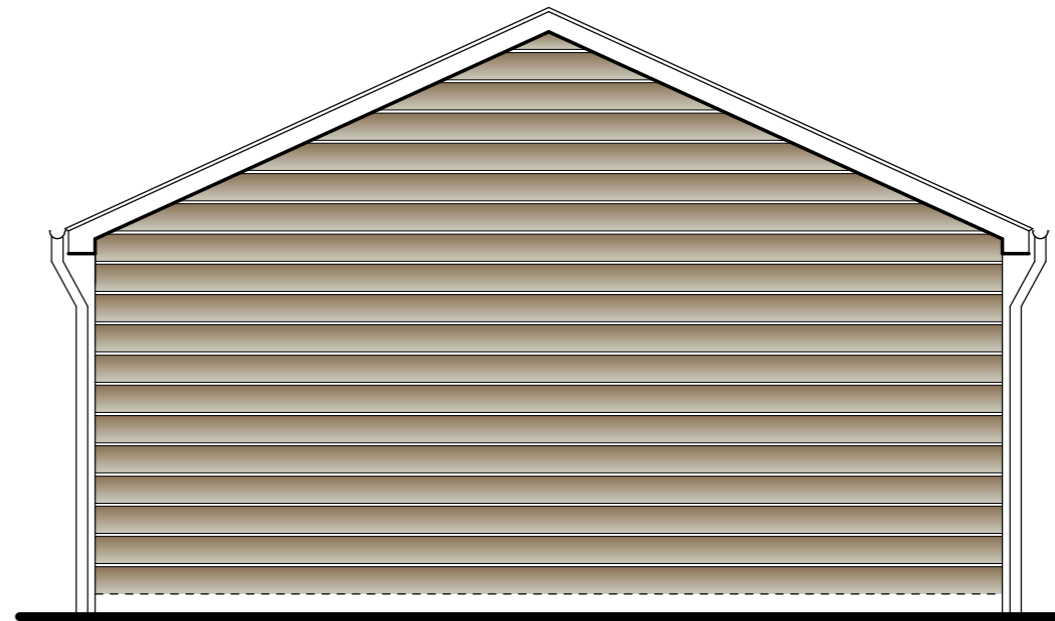
Trevor Mennell Planning  
Planning & Architectural  
Consultants

The Gables | Kendricks Bank |  
Bayston Hill | Shrewsbury |  
Shropshire | SY3 0EH

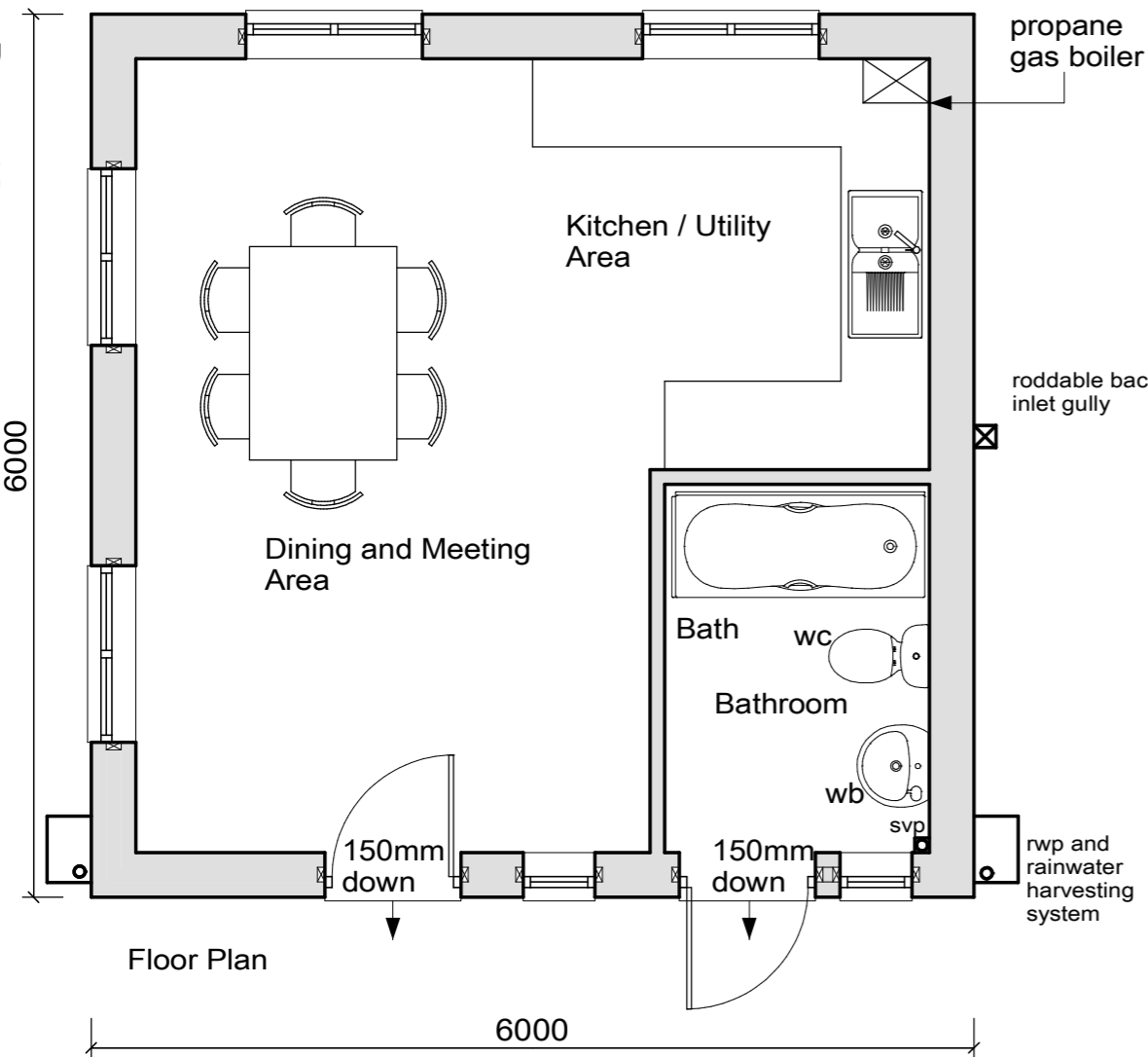
**NOTES:**  
All dimensions must be checked on site and not scaled from this drawing.



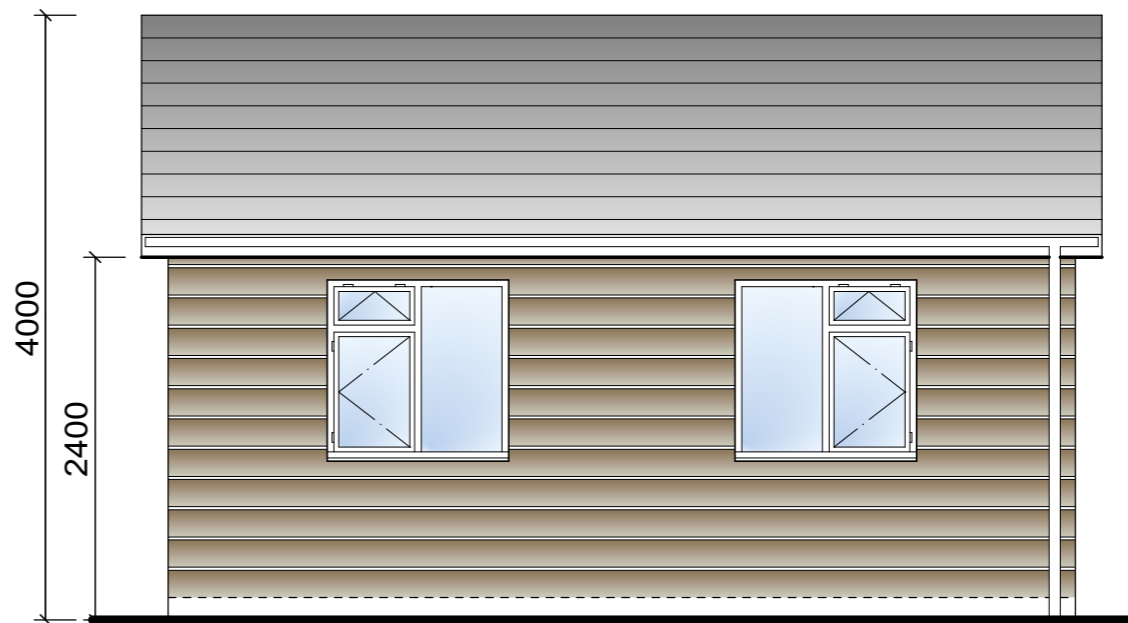
Rear Elevation



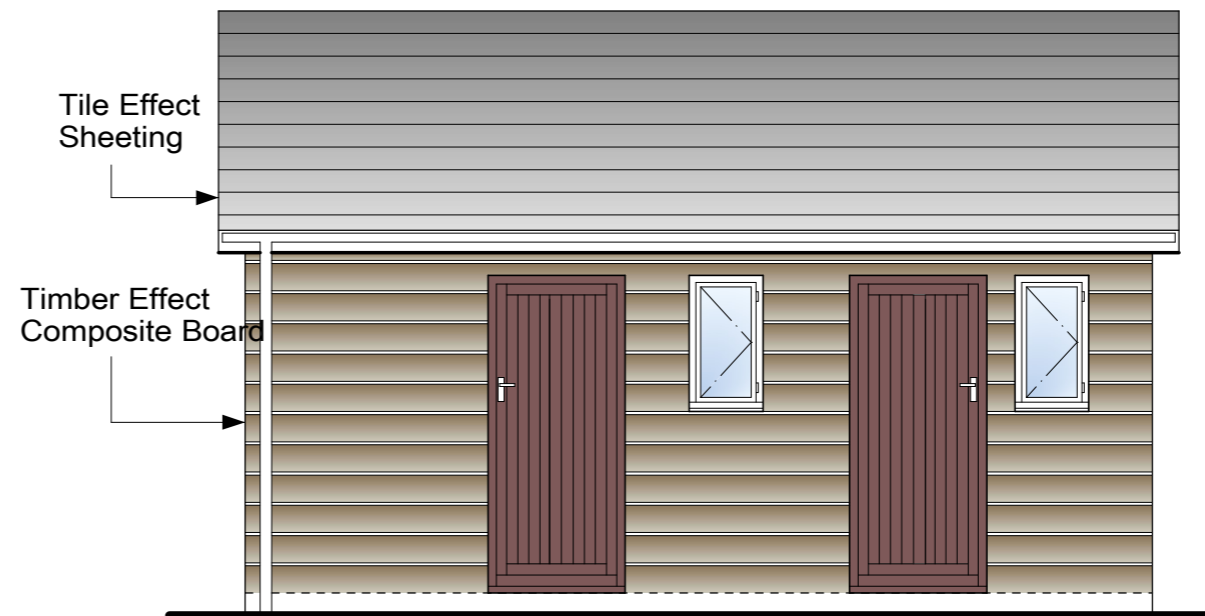
Side Elevation



NB: Orientation may change to suit location on site



Side Elevation



Client

Mr E Purcell

Job Title

Proposed Change of Use of land to 2 no. Gypsy / Traveller Pitches on land near Brier Lodge, Rhyddyn Hill, Caergwrle Easting: 331405 Northing: 356831

Drawing Title

Typical Amenity Block / Dayroom  
Floor Plans and Elevations

Scale 1:50 A3

Date AUGUST 2020

Drawn by T.M.

Drg No.

71257:1003

Rev

-

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **27<sup>th</sup> October 2021**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

**SUBJECT:** **ERECTION AND DISPLAY OF A FREESTANDING, 48 SHEET SIZED DIGITAL LED ADVERTISEMENT**

**APPLICATION NUMBER:** **063320**

**APPLICANT:** **VIVID OUTDOOR MEDIA SOLUTIONS LTD**

**SITE:** **ST DAVIDS RETAIL PARK, HIGH STREET SALTNEY, FLINTSHIRE**

**APPLICATION VALID DATE:** **2<sup>ND</sup> AUGUST 2021**

**LOCAL MEMBERS:** **COUNCILLOR R LLOYD**  
**COUNCILLOR V GAY**

**TOWN/COMMUNITY COUNCIL:** **SALTNEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **Request by Local Member due to concerns regarding highway safety and visual impact**

**SITE VISIT:** **No**

### **1.00 SUMMARY**

1.01 This is an application for advertisement consent to display a free-standing, digital LED display advertisement, at St David's Retail Park, High Street, Saltney.

### **2.00 RECOMMENDATION: TO GRANT ADVERTISEMENT CONSENT, SUBJECT TO THE FOLLOWING:-**

#### **2.01 Conditions**

1. T02 – in accordance with approved plans and detail

2. Notwithstanding the submitted detail, the illumination levels and sign transition detail shall be agreed prior to the commencement of development and retained thereafter.

Reason: In the interest of Highways Safety and in compliance with Policy D7 of the Flintshire Unitary Development Plan.

### **3.00 CONSULTATIONS**

#### **3.01 Local Members**

Councillor R Lloyd

Requests determination by planning committee given concerns over driver distraction/highway safety.

Councillor V Gay

No response at time of writing report

#### **Saltney Town Council**

Objects to this application on the grounds of its inappropriate location, its distraction to drivers and pedestrians on an extremely busy junction.

#### **Highways Development Control**

Does not object to the erection of the sign, however requires the applicant to agree levels of illuminations.

#### **Community and Business Protection**

No adverse comments

#### **Airbus**

No objection.

### **4.00 PUBLICITY**

#### **4.01 Neighbour Notification**

No representations received

### **5.00 SITE HISTORY**

#### **5.01 No relevant site history**

### **6.00 PLANNING POLICIES**

#### **6.01 Flintshire Unitary Development Plan**

- GEN1 General Requirements for Development
- GEN2 Development Inside Settlement Boundaries
- D7 Outdoor Advertisements



## **Supplementary Planning Guidance**

- (draft) SPG 16 - Advertisements

## **National Planning Policies:**

- Planning Policy Wales – Edition 11 (Feb.2021)
- Future Wales: The National Plan 2040 (FWP 2040)

It is noted and acknowledged that the national planning framework as set out within Planning Policy Wales Edition 11 and Future Wales: The National Plan 2040 sets out the most up to date planning principles against which to consider development proposals. The Development Plan and associated supplementary planning guidance remain broadly consistent with these changes to legislation.

## **7.00 PLANNING APPRAISAL**

### **7.01 Site Description**

The application site comprises a small landscaped area at the edge of the car park which serves the St. Davids Retail Park, at the junction of High Street and Bridge Street, Saltney. There are a variety of buildings types in the vicinity, including a Public House to the west, Supermarket and other retail units to the north and to the south lies the smaller, local retail units of Moorcroft Mews with residential properties beyond. The site is not located within a conservation area and there are no heritage assets nearby.

### **Proposed Development**

The application seeks consent to erect and display (for a temporary period of 4no. years) a single, freestanding, 48 sheet digital LED display. The unit would be mounted 2.5m above ground level, having a width of 6.4m, a height of 3.4m and a depth of 0.65m, and be constructed from a pressed metal frame. Content would be controlled remotely and the screen would display static advertisements which will change no more often than every 10 seconds. The content of such advertisements have not been stated within the application.

### **Principle of Development**

Policy D7 (Outdoor Advertisements) of the Flintshire County Council Unitary Development Plan (2011) states that advertisements will be permitted where “they are sensitively designed and located in respect of amenity and public safety; and the applicant has provided sufficient information to demonstrate that they will not have a detrimental impact on: the character or use of any building or the surrounding landscape / townscape; the safe operation of any form of transport; and the free passage of pedestrians.”

### **The Main Issues**

The main issues in considering the application are :-

- (i) Impact upon character and appearance and;
- (ii) Highways safety implications
- (iii) Impact on living conditions of nearby occupiers

#### Impact upon character and appearance

The site is located in a predominantly retail/commercial area where free standing signage such as the proposed is considered to be an appropriate form of advertising. There are a variety of signs situated on existing retail premises in the vicinity. The presence of 2no. maturing ornate trees immediately behind the sign, would help it blend with its immediate surroundings. The unit itself will be of a slim, modern, and uncluttered design and I consider that there would be limited impact upon the character and appearance of the site. The closest residential properties to the south of the site are adequate distance away that living conditions would be unaffected. I consider the proposal to be compliant with Policies GEN, D1 and D7 of the Unitary Development Plan.

#### Highways Safety Implications

The proposal would occupy a setback and offset position from the adjacent highway, ensuring sight lines and visibility splays are maintained. It is acknowledged within the applicants planning statement that the sign would occupy a position within close proximity to a traffic light controlled junction therefore creating a potential for the illumination/change of display of the advertising sign to cause distraction to motorists. This point is re-iterated within the consultation response from the Highways Development Control officer. I acknowledge that advances in technology means that methods of advertising are becoming more digital in nature, and remote control of the advertisement allows advert content to change. The County has seen the safe operation of digital signs in Flintshire. The application is devoid of the substantial information pertaining to illumination and sign content and it is therefore considered that whilst not a reason to refuse advertisement consent, this detail requires further agreement from the Local Planning Authority prior to the commencement of development. Therefore a condition will be imposed requiring specific details of illumination levels and the time interval in which the change of the display occurs.

Additionally, I should like to draw attention to other sites within the County where digital signs of this type are sited. Specifically, to the front of Airbus, Broughton, stands a digital TV Display, similar to the one proposed. It too is near to a controlled junction. Having queried with our Streetscene Team, it has been confirmed that they have received no complaints about the signage in the location and are not aware of any incidents near the location either which have been a factor due to the sign.

#### Impact Upon Living Conditions of Nearby Occupiers

It is considered that any adverse impact upon living conditions would be attributed to illumination levels displaying at night time. In this regard, I note that the sign is south west facing and therefore the properties likely to be affected would be those located closest to the junction with Victoria Road. These properties consist of commercial units at ground floor with first floor flats above and are some 33m away from the proposed sign. Further approval of illumination levels and sign transition will be required from the LPA and at that time, it can be ensured that night time illumination can be limited so as to mitigate against adverse impact. The applicant has made reference within the submitted planning statement to illumination, stating that “the Institute of lighting practitioners (ILP) guidance specifically considers the use of digital technology. It sets recommended maximum luminance levels per surface area. This guidance recommends that advertisements in urbanised, well lit, areas ‘*should not exceed 300cd/m2 at night*’. During the daytime, the illumination will be adjusted by light sensors to make the image visible but never overly bright or dazzling in the ambient light”. I also note that there have been no adverse comments raised by the Community and Business protection team. I resolve that impact upon living conditions of neighbouring occupiers is negligible.

#### Other Matters

I refer to the issue of a previous refusal of advertisement consent at Lucky Takeaway Meals, 148 High Street, Saltney. The proposed hoarding sign was to be positioned on the side elevation of the building, at first floor height, measuring 3.9 metres wide by 1.9 metres high and protruding from the wall by 50mm. The proposed sign would consist of a red background with gold text.

The refusal was issued in September 2014 for the following reason:-

“It is the opinion of the Local Planning Authority that the proposed sign, by virtue of it’s size, scale and design, is an inappropriate advertisement at this location given it’s prominent position. As such, the proposed advertisement is contrary to Policies GEN1 and D7 of the Flintshire Unitary Development Plan.”

Having examined application reference 52437, and the reasons that particular application was refused, there are differences between the two proposals which are material to the recommendation of approval for this application.

Firstly, the sites differ in nature. The proposed signage at no 148 High Street was to be positioned on a side elevation of a building of which it would of dominated. It is considered the purpose designed free standing sign, although having a larger surface area would not appear inappropriate at the proposed location, framed as described by mature trees.

Furthermore during the assessment of this application there were no issues raised in respect of highway safety or impact upon living

conditions and therefore it is not considered there is a conflict with planning policy.

## **8.00 CONCLUSION**

In conclusion, I consider that the proposal as described within the application complies with Planning Policy and subject the inclusion of the conditions stated above, that the application be recommended for approval.

### **8.01 Other Considerations**

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.

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.

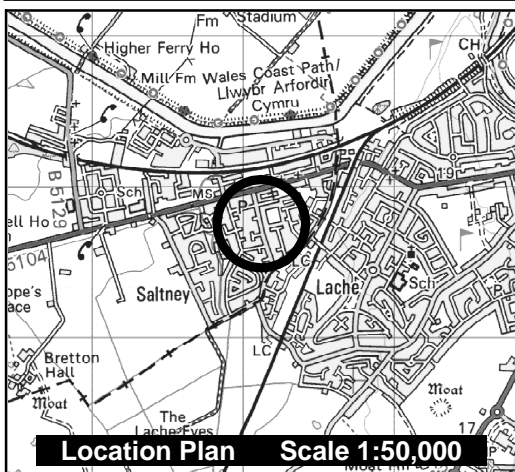
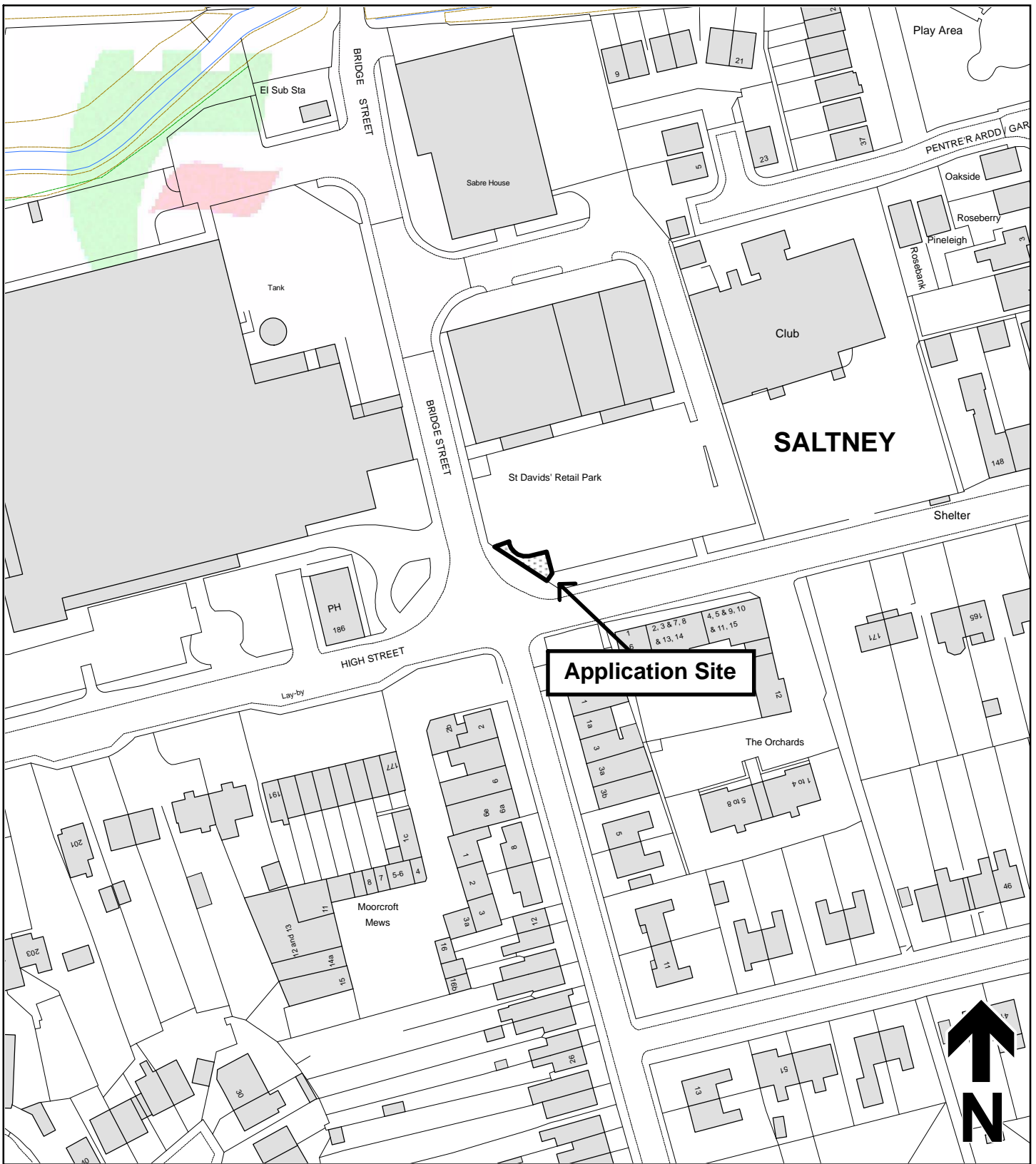
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The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of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

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer: Jenni Perkins**  
**Telephone: 07825 342 969**  
**Email: [jenni.perkins@flintshire.gov.uk](mailto:jenni.perkins@flintshire.gov.uk)**



Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**

-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale 1:1250

OS Map ref SJ 3764

Planning Application **063320**



Vivid Outdoor Media Solutions  
Limited

Landmark House  
Station Road  
Cheadle Hulme  
Stockport  
SK8 7BS

SITE LOCATION

Saint David's Retail Park  
High Street  
at corner of Bridge Street  
Saltney  
Chester CH4 8SN

DRAWING NAME

SDRPS2 Location Plan

DRAWING SCALE

1:1250 @ A4

DATE

20<sup>th</sup> July 2021

**63320 - EXISTING VIEW – St. Davids Retail Park, High Street, Saltney**



**63320 – PROPOSED VIEW– St. Davids Retail Park, High Street, Saltney**



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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **27<sup>th</sup> October 2021**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

**SUBJECT:** **ERECTION OF AN ADVANCED GASIFICATION PLANT AND ASSOCIATED DEVELOPMENT**

**APPLICATION NUMBER:** **063104**

**APPLICANT:** **LOGIK WTE LTD**

**SITE:** **LAND OFF WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL ESTATE, DEESIDE, CH5 2LL**

**APPLICATION VALID DATE:** **15/ 6/2021**

**LOCAL MEMBERS:** **CLLR M WHITE**

**TOWN/COMMUNITY COUNCIL:** **CONNAHS QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MAJOR DEVELOPMENT**

**SITE VISIT:** **NO**

### **1.00 SUMMARY**

- 1.01 This is a full application for the erection of an advanced gasification plant and associated development. The development has the capacity to treat up to 80,000 tonnes of RDF per annum. The plant will produce 9.9MW of electricity, the majority of which will be used to power the overall waste development site together with powering adjacent business operations. The plant will also produce heat which will be used to dry the incoming waste contained within the (approved) adjacent RDF building.
- 1.02 The proposal site is the location of the former Gaz De France power station, on the Deeside Industrial Park, which is in the process of being development into a waste management facility comprising a materials recycling facility and anaerobic digestion facility.

- 1.03 The site has previously been raised up out of the flood plain but is located within a wider area which is subject to flood risk. The site is within 2km of a number of statutorily designated sites including the Dee Estuary SAC/SPA/Ramsar/SSSI, Inner Marsh Farm and Shotton Lagoons and Reedbeds SSSI and River Dee SAC/SSSI.
- 1.04 The main planning issues are considered to be:
- Principle
  - Sustainability/Need
  - Employment
  - Visual Impact and Design
  - Highways
  - Ecology
  - Trees
  - Air Quality
  - Noise and Vibration
  - Contaminated Land
  - Flood Risk
  - Drainage
  - Fire Risk
- 1.05 The proposed facility would enable the use RDF produced in the adjacent waste management facility to produce up to 9.9MW of energy along with heat which will be used in the adjacent RDF building. Subject to the inclusion of conditions it is considered that there would be no harm to protected species or designated sites or the amenity of the local area. The proposal would enable the beneficial reuse of land which is currently vacant and would provide economic benefit through the provision of both direct and indirect jobs. The proposal is therefore recommended for approval subject to the conditions outlined below

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

- 2.01 Conditions to include:-
1. Commencement
  2. Approved Documents
  3. Site shall only be used for non-hazardous waste.
  4. Sheeting of vehicles
  5. Contaminated land
  6. Construction/Decommissioning Environmental Management Plan including noise and dust management/mitigation
  7. Operational Environmental Management Plan – Noise, odour, vibration, litter, dust
  8. Ecology and Bio security measures
  9. Landscaping and fencing
  10. Lighting scheme

- 11.Hours of operation
- 12.Lifetime of development
- 13.Decommissioning
- 14.Restoration

### **3.00 CONSULTATIONS**

3.01 Local Member – Councillor M White  
No response at the time of writing.

Connah's Quay Town Council  
No response at the time of writing.

As this application is for a major development and the site running along different ward boundaries it was decided to consult members and community councils of adjacent wards and not only the present ward members.

Councillor C M Jones  
No comment to make on the development.

Councillor I Dunbar  
No response at the time of writing.

Councillor I Smith  
Objects to the planning application due to the airborne pollution which will be emitted by the operation of this incinerator type plant. The area where this plant is to be situated is already quite heavily polluted. There will be a lot of vehicle movements of diesel powered HGV's, delivering waste to be burnt, which will generate a lot of particulate pollution as well.

There is a large incinerator already in operation very close to the proposed gasification plant, which is already a large polluter and has numerous diesel powered HGV'S delivering there every day.

Councillor A P Shotton  
No response at the time of writing.

Councillor J B Attridge  
No response at the time of writing.

Councillor S Bibby  
No comment to make on the development.

Sealand Community Council  
No response at the time of writing.

Queensferry Community Council  
No response at the time of writing.

#### Highways Development Management

The proposed development is remote from the adopted highway and anticipated traffic movements will not generate significant highway impacts; the highways officer raises no highway objection or further comment on the proposal.

#### Community and Business Protection

No adverse comments to make regarding this proposal.

#### Welsh Water/Dwr Cymru

The proposed development site is crossed by a public sewer. Under Section 159 of the Water Industry Act 1991, DCWW has rights of access to its apparatus at all times, and as such would require a protection zone of 3m either side of the centreline of the public sewer. Should the proposed development be located within the protection zones of the sewer crossings, there would be a requirement to divert the public sewer, which can be applied for under Section 185 of the Water Industry Act 1991.

The developer proposes to dispose of foul flows via the public sewerage system and discharge surface water run-off into an existing watercourse. Domestic foul flows from the proposed development can be accommodated within the public sewerage system. However DCWW requests that a condition is included to ensure no surface water and/or land drainage connect either directly or indirectly with the public sewerage network.

#### Natural Resources Wales

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching conditions to any planning permission granted:

#### National Grid

National Grid has no Objection to the above proposal which is in close proximity to their high voltage transmission underground cable. A location plan of the apparatus along with advice for working in close proximity to high voltage cables is been provided and will accompany any decision as an advisory note.

#### Network Rail

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land has provided guidance for working in close proximity to the rail line.

#### Welsh Government Department for Economy and Infrastructure

Welsh Government as highway authority for the A494 trunk road does not issue a direction in respect of this application.

Airbus

No response at the time of writing.

RSPB Cymru

No response at the time of writing.

#### **4.00 PUBLICITY**

4.01 This application was originally advertised by way of press notices, site notices. Neighbour notification letters were dispatched to nearest properties. In response to the public consultation exercise; the application received one letter raising the following points:

- With SPA/RAMSAR sites nearby the cumulative effects of the development need to be satisfactorily assessed.
- The noise assessment should be a cumulative noise assessment taking into consideration the operation of the proposed facility with Parc Adfer.
- EfW facilities will not be required post 2050 (as set out in National Policy).
- The option of exporting the RDF to the Parc Adfer needs to be considered.

#### **5.00 SITE HISTORY**

5.01 Application 97/390 (26890) Shotton Power Station is a 210 megawatt (MW) gas-fired CHP generating station. The station was constructed in 2001 primarily to supply heat to the adjacent UPM Shotton Paper Mill. The station ceased generating power in June 2012 and the decision was taken to close the power station.

5.02 The power station operated under a deemed planning permission which was issued on 3 December 1998 by the Secretary of State for Trade and Industry in accordance with Section 36 of the Electricity Act 1989 and Section 90 of the Town and Country Planning Act 1990. Condition 50 required the site to be restored to the satisfaction of the Council and an application for the restoration of the site, reference 051485, was approved on 20.03.2014. A letter was sent by the Local Planning Authority on the 31.05.2017 confirming that the restoration undertaken within the site was in accordance with the approved scheme.

5.03 Application reference 058270 was approved on 09.08.2018 for the construction of a waste management facility. The development promised of a materials recycling facility and anaerobic digestion facility which would manage residual waste of up to 182,000 tonnes per annum. Development was approved subject to a number of detailed prior to commencement conditions, which have recently been discharged.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

STR1: New Development

STR3: Employment

STR7: Natural Environment

STR10: Resources

GEN1: General Requirements for Development

D1: Design Quality, Location and Layout

D2: Design

TWH2: Protection of Hedgerows

WB2: Sites of International Importance

WB3: Statutory Sites of National Importance

WB5: Undesignated Wildlife Habitats

AC13: Access and Traffic Impact

AC18: Parking Provision and New Development

EM1: General Employment Land Allocations

EM3: Development Zones and Principle Employment Areas

EM7: Bad Neighbour Industry

EWP6: Areas of Search for New Waste Management Facilities

EWP7: Managing Waste Sustainably

EWP: Control of Waste Development and Operations

EWP12: Pollution

EWP13: Nuisance

EWP14: Derelict and Contaminated Land

EWP17: Flood Risk

#### Supplementary Planning Guidance

Supplementary Guidance Note 3: Landscaping

Supplementary Guidance Note 8: Nature Conservation and Development

Supplementary Guidance Note 11: Parking Standards

Supplementary Guidance Note 21 – Environmental Impact Assessment (2017)

Supplementary Guidance Note 29: Management of Surface Water for New Development

#### Planning Policy Wales Edition 9

Technical Advice Notes

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Note 11 – Noise

Technical Advice Note 12 – Design

Technical Advice Note 15 – Development and Flood Risk

Technical Advice Note 18 – Transport

Technical Advice Note 21 – Waste

Technical Advice Note 23 – Economic Development

## **7.00 PLANNING APPRAISAL**

### The Site and the Proposed Development

- 7.01 This is a full application for the erection of an advanced gasification plant and associated development. The development has the capacity to treat up to 80,000 tonnes of RDF per annum. The plant will produce 9.9MW of electricity, the majority of which will be used to power the overall waste development site together with powering adjacent business operations. The plant will also produce heat which will be used to dry the incoming waste contained within the (approved) adjacent RDF building.
- 7.02 The main elements of the proposal are:
- Gasification Building
  - Gasification Island
  - Aero-coolers
  - Emergency Flare
  - 2 x Ash Silos
  - Emergency Flare Stack, measuring up to 15m
  - Storage Silo and Covered Conveyor from (approved) RDF Building
  - Fuel / Ammonia Tanks
  - Odour Control Scrubber Plant
  - 2 x Sprinkler Tanks and Sprinkler Tank Pump House
  - Heavy Reject Bunkering / Storage Building including 3 x Covered Conveyors from (approved) RDF Building
  - Vehicle Maintenance / Parts Storage and Workshop Building
  - Customer HV Switchroom
  - HV Transformer Compound
  - SPEN HV-Switchroom
  - SPEN Substation
  - Car Park comprising of no. 19 car parking spaces
  - 2 x Customer Substations
  - Internal Road including weighbridge (between Zone 03 and (approved) RDF Building).
- 7.03 The proposed development will operate 24 hours a day, 7 days a week. The gasification island and building will be staffed on a shift basis. Management and admin staff within the gasification building offices will typically work on one shift between 8am and 6pm. The site would employ up to 35 full-time employees.
- 7.04 The proposal site is located within Zone 4 of the Deeside Industrial Estate and forms reclaimed marsh land which was developed as part of the Steel Works, comprising made ground underlain by tidal flat deposits and coal measures at depth. The majority of the site elevated approximately 4m above Weighbridge Road. The site was

previously occupied by the Gaz de France power station which has now been cleared.

- 7.05 The site is accessed via the A548 Weighbridge Road, which links to the east with the A494(T)/A550, which in turn provides access to the strategic road network via the M56/M63 and the A55(T). The site is bound to the north by Parc Adfer, an Energy from Waste Facility (EfW), a Converter Station to the south, is bound by the railway line to the east and a number of industrial uses to the west, including, but not limited to, Tata Steel and UPM.
- 7.06 There is mature landscaping to the east of the site, along the railway line and vegetation along the western boundary and either side of the access road into the site. The nearest watercourse is approximately 15m to the east (a drain) and a primary river (main river) approximately 80m to the east. There are no source protection zones or abstraction points within 1km and the underlying strata is a Secondary Aquifer. The Dee Estuary is located approximately 2km to the west of the site and the River Dee is approximately 1.4km to the South/South West of the site.
- 7.07 The nearest sensitive receptor is located approximately 1.9km south west of the site (Connah's Quay) and 2km south east of the site (Garden City). The site is approximately 1.27km from the Northern Gateway site which is currently under development for mixed use including residential which would be located approximately 1.7km from the site.

#### Principle

- 7.08 The site is allocated under Policy EM1 for B1, B2 and B8 employment uses and is within an area identified under Policy EWP 6: Area of Search for Waste Management within which proposals for waste management are supported subject to meeting other relevant Plan policies. The site is also within an area designated under Policy EM3: Development Zones and Principle Employment Areas, which directs B1, B2 and B8 uses to this location subject to a number of detailed tests and Policy EM7: Bad Neighbour Industry which supports development which is potentially polluting on sites designated under policy EM3. Emissions from the proposed facility would be tightly controlled via an Environmental Permit which would be issued by Natural Resources Wales.
- 7.09 The site is located within an area characterised by heavy industry and was formerly part of the steel works before being redeveloped for a power station. Part of the site is allocated for employment uses, including B1, B2 and B8. Although the proposal is sui generis, it is akin to a B2 use, would generate employment and is therefore, considered acceptable, in principle, in this location, in accordance with policies EM1, EM3, EM7 and EWP 6 of the adopted Flintshire.



## Sustainability

- 7.10 Policy EWP7 of the adopted Flintshire Unitary Development Plan seeks to ensure that proposals for waste management facilities are rigorously tested to ensure that the facilities proposed are required to meet an identified need within the Regional Waste Plan. Since the Unitary Development Plan was adopted, the requirement to consider the Regional Waste Plan during consideration of proposals for waste management facilities has been removed through the publication of a revised Technical Advice Note (TAN) 21. The revised TAN 21 instead requires consideration of proposals against national waste policy.
- 7.11 TAN 21 cautions against overprovision of certain facility types, particularly landfill and EfW for which there are statutory caps placed on local authorities. Regional Annual Monitoring advises that any proposals for further residual waste treatment should be carefully assessed to ensure that the facility would not result in overprovision. The Collections, Infrastructure and Markets Sector Plan identifies a requirement for between 203 to 468 thousand tonnes per annum capacity of infrastructure for the treatment of residual waste in North Wales. Since the CIMSP was published Parc Adfer secured planning permission in Flintshire which has been procured following a collaboration of five of the North Wales Authorities and would manage up to 200,000tp residual waste, comprising local authority collected waste with head room for commercial and industrial wastes of a similar composition. A facility has also been developed on Bryn Lane in Wrexham, itself an MBT facility, to manage up to 70,000tpa procured as part of a PFI. There have also been a number of planning permissions granted within Flintshire for facilities which would be able to manage residual waste, including a facility which produces an RDF.
- 7.12 The Collections, Infrastructure and Markets Sector (CIMS) Plan which is one of the suite of waste sector plans which is part of the National Waste Strategy, looks to create conditions to enable as much waste as possible to be managed in Wales. In order to achieve this, Wales will have to establish a network of facilities to deal with the current and future waste arisings in accordance with the waste hierarchy.
- 7.13 Towards Zero Waste established targets for the level of recycling in Wales with the target for 70% of all waste being recycled by 2025 to the ultimate goal of zero non-recycled residual waste by 2050. This trajectory leads to a recycling level of around 80% within the mid-2030s. It is therefore considered that the proposed facility will not be required beyond 2050 and should be subject to a temporary permission. The conditions outlined above allow for the lifetime of the development to run until 2050 or until the facilitate ceases to operate,

whichever is the sooner. At which point conditions relating the Decommissioning the facility and restoration of the land will ensure the built development is removed and land restored to allow future development. In the event that circumstances change and the facility is still required beyond this date, a fresh planning application will have to be made for the continuation of the site.

- 7.14 It is also important to note the recent update from Lesley Griffiths, Minister for Environment, Energy and Rural Affairs advising of Welsh Government's moratorium on new energy from waste plants of over 10MW. This scheme is 9,9MW and the plant will produce heat which will be used in the adjacent RDF building. Some of the resulting green electricity will be utilised by the nearby Toyota factory and they will also be contributing to the waste arriving at the site. The energy provided to Toyota will power and heat their plant.

### Employment

- 7.15 The site is located within an area designated under Policy EM3: Development Zones and Principal Employment Areas, which supports B1, B2 and B8 employment uses subject to a number of detailed tests. Part of the site is also allocated for employment uses under policy EM1 (11). Alternative sites were considered by the Applicant but identified as either unavailable or unsuitable.
- 7.16 The proposal is predicted to generate 35 additional jobs during the operational phase. The site is currently vacant land within the Deeside Industrial Park. Development of the site would enable the beneficial reuse of land. The Employment Land Review carried out in support of the Local Development Plan (LDP) demonstrates that there is currently an oversupply of employment land within the County and that the Deeside Industrial Estate has a comparatively high vacancy rate.
- 7.17 Technical Advice Note 23 provides advice on weighing the economic benefit of a proposal. The TAN identifies three tests to assist in weighing the economic planning balance: alternatives; jobs accommodated; and special merit. The site is considered suitable in principle for this type of use and is not considered to cause harm to sensitive receptors, subject to the inclusion of conditions. The planning statement considered the suitability of alternative sites and concluded that given supply of the RDF can be obtained from the adjacent site, via a covered conveyor the proposal site is the most appropriate for this development. The number of jobs that would be generated are considered to be low compared to employment densities which could be generated by a typical B2 use. In relation to 'special merit' PPW advises that the planning system should particularly support the low carbon economy.

- 7.18 The proposed development would enable the beneficial reuse of land which is currently redundant. If planning permission was refused it is considered unlikely that there would be a more suitable site elsewhere which would cause less harm because the proposal site itself is adjacent to its fuel source. There would be economic benefit during both the construction phase and the operational phase and whilst the number of jobs provided would be lower than other industrial uses the vacancy rate in this area is comparatively high. As discussed above, the need for the facility in terms of North Wales waste management capacity is not compelling and in the event that the facility ceases operating it is considered undesirable to leave redundant buildings and plant within the site. However, planning permission has already been granted for the main waste management facility, and this represents a different means of generating the power for the process than was originally proposed. It is recommended that a condition is included to require that the site is restored in the event that the site ceases operating.

#### Visual Impact and Design

- 7.19 Policy GEN 1 seeks to ensure that development harmonises with the site and surroundings. Policy Policies D1 and D2 seek to ensure that development is of a good standard of design, taking into account location. To the east, south and west, views of the site are prevented by the existing RDF building, Converter Station building and industrial units respectively. The site is located within the Deeside Industrial Park within an area characterised by large scale industrial buildings with varying design and use of colour. Whilst there is limited landscaping within the site there is mature vegetation outside of the site, along the railway line, which acts as a wildlife corridor and provides important screening. Proposed landscaping comprises tree planting along the eastern elevation of the main process building, either side of the main entrance, adjacent to the car park and in the loop adjacent to the weighbridge.
- 7.20 The site is within the Garden City coastal and estuary urban area, classified within Landmap as an extensive, often linear and interconnected urban area along the edge of the coast & estuary, with larger towns, sprawling suburban edges and large scale heavy industry including docks with a low visual and sensory value. The main nearby receptors would be users and customers of the industrial sites on the Deeside Industrial Park and are not be regarded as sensitive receptors. Railway users will have transient views of the site and are not regarded as sensitive receptors either. Although there may be more distant views possible from the north of the site, the impact of the development would be limited because of the wider industrial landscape. The main building would extend up to almost 35m in height and the main stack to 65m but this would be viewed in the context of other buildings within the industrial estate which are of

similar scale. For comparison, the main building of the adjacent site, Parc Adfer, extends to 42m with a main stack of 85m in height.

- 7.21 The use of different colour tones and orientation in the cladding to break up the mass of the building help minimise the visual impact of the development.
- 7.22 Subject to a landscaping scheme condition to secure retention of existing vegetation along the western periphery of the site and additional planting within the site, the proposal is considered unlikely to have a significant adverse visual impact, in accordance with policies GEN 1, D1 and D2 of the adopted Flintshire Unitary Development Plan.

### Highways

- 7.23 Policy AC13 permits proposals where approach roads to to the development are of an adequate standard and safe vehicular access can be provided to and from the main highway network. The access to the site was retained from the former Gaz de France site and rises up into the site from the industrial estate road which links up to Weighbridge Road and the A548 which connects to the motorway network.
- 7.24 The Applicant submitted a Transport Statement in support of the application which demonstrated the gasification plant proposals would be expected to result in a small increase in staff car movements to/from the site with possibly a minor reduction or neutral impact on HGV activity when compared to the consented development. The Highways Officer has not objected to the proposal on highway grounds and has advised that the anticipated level of traffic generation is not considered to be significant. The site is accessed off an un-adopted section of road, therefore access/egress does not directly affect highway users.

### Ecology

- 7.25 Policy WB1 supports development where it would not have a significant adverse effect on important species or their habitats. Policy WB2: Sites of International Importance seeks to ensure that development will not have an adverse effect on internationally designated sites. Policy WB3 Statutory Sites of National Importance states that there is a presumption against development which would have a significant adverse effect on the nature conservation interest of the site. Policy WB4 Local Sites of Wildlife and Geological Importance and Policy WB5 Undesignated Wildlife Habitats seeks to protect habitats of local importance. The Dee Estuary SSSI/SPA/Ramsar/SAC is 200m to the north of the application site while the River Dee SSSI/SAC over 1.5km to the south west. The Dee

Estuary is designated for its wintering bird populations (SPA/Ramsar site) and for its estuarine habitats (SAC). The River Dee SSSI/SAC is primarily designated for its migratory fish eg Atlantic Salmon but also for Otter. The Shotton Lagoon and reedbeds SSSI is 830m to the south west and Burton Mere and Wetlands RSPB reserve (includes Inner Marsh Farm SSSI) is over 1km to the north west, both contribute towards breeding and wintering bird populations of the Dee Estuary and form part of the Dee Estuary SPA and Ramsar designations.

- 7.26 The Applicant has submitted an Preliminary Ecological Appraisal in support of the application. The report confirms that to the north of the site is an area of rough grassland which provides grassland habitat suitable for reptiles and which has moderate ecological value. A Reptile Mitigation Strategy and Biodiversity Enhancement Strategy are suggested which can be secured via condition.
- 7.27 Planning permission can only be granted if it can be demonstrated that there is no likely significant effect on the designated features of the Dee Estuary SAC/SPA/Ramsar and the River Dee SAC. Under the precautionary principle if there is an element of doubt then permission cannot be granted. The applicant has carried out a Test of Likely Significance, and concluded that In summary, the emissions from the proposed installation are predicted to be insignificant at all designated ecological sites within 10km, with the exception of a portion of the Dee Estuary, which are predicted to be of minor adverse significance. A number of measures are proposed in order to prevent or minimize impacts. In line with the requirements of the Conservation of Habitats and Species Regulations the LPA has carried out an Appropriate Assessment which has considered the impacts of the development, alone and in combination with other plans and projects.
- 7.28 An Air Quality Assessment submitted in support of the application considered the impact of emissions on air quality at the above ecological receptors. The emissions from the proposed installation are predicted to be insignificant at all designated ecological sites within 10km, where impacts are predicted to be <1% of the Critical Levels and Critical Loads. NRW has advised that they agree with the conclusions of the air quality assessment in relation to designated sites and conclude that emissions from this development are not likely to cause a significant effect on the features of the designated sites.
- 7.29 Within the site itself the unimproved neutral grassland is considered to be habitat of value and mitigation should be provided and secured via condition including appropriate management. Reptiles could be present within the site and it is therefore recommended that a survey is carried out prior to commencement of development. Subject to the inclusion of conditions to address the matters raised above and to secure reptile surveys and reasonable avoidance measures; lighting to minimise impacts on protected species; the submission of a biodiversity enhancement plan; and ground nesting bird surveys or

avoidance of the nesting season, the proposal is considered in accordance with policies WB1, WB2, WB3, WB4 and WB5v of the adopted Flintshire Unitary Development Plan.

### 7.30 Air Quality

Policies GEN 1, EWP 8 seek to ensure that development does not have a significant adverse impact on recognised habitats or the safety and amenity of nearby residents as a result of the adverse effects of pollution. Policy EWP 12 supports development where it would not create or increase risk to the general public outside the boundaries of the site.

7.31 Gasification is a process which heats feedstock to a very high temperature with a restricted supply or absence of oxygen to change the feedstock into a gas with a residual char or ash. The exhaust gas is in turn used to power generating turbines. The process is inherently cleaner than traditional energy from waste incineration and produces very little emissions other than the normal gases of combustion such as carbon dioxide and water once it has been burnt in the generating turbine or piped to a customer for heating. The solids recovered can be sold for commercial use.

7.32 The Applicant has carried out an Air Quality Assessment (AQA) in support of the application which considered the impact of the development on air quality during the construction phase and operational phase. The assessment confirmed that there are no Air Quality Management Areas (AQMA) within close proximity of the site and the closest sensitive receptors are located at distance. Ecological receptors within 2km include River Dee and Dee Estuary SAC/SPA/RAMSAR/SSSI. The AQA concluded that the impact of the development on human health would be negligible and that the impact on ecological receptors would be insignificant and is discussed in more detail under the Ecology section. The Assessment does not appear to consider the impact of the development on the Northern Gateway site, however, given the distance from the site the findings are considered to remain of relevance.

7.33 The site would require an Environmental Permit and would be regulated by Natural Resources Wales (NRW) and would be required to employ Best Available Techniques (BAT), which means the available techniques which are the best for preventing or minimising emissions and impacts on the environment. Permitting is a separate consenting process but both planning and permitting would be required to operate the site. It is understood that the Applicant is in discussion with NRW regarding the submission of a Permit application, however, no Permit has been determined to date.

7.34 Subject to the inclusion of conditions to ensure that the development is carried out in accordance with the proposed mitigation measures it

is considered unlikely to have an adverse impact on amenity, in accordance with policies GEN 1 and EWP 8 of the adopted Flintshire Unitary Development Plan.

### 7.35 Flood Risk

Policy EWP 17: Flood Risk supports development within areas at risk of flooding where it is justified and subject to detailed tests to ensure that any flood risk can be effectively managed and would not increase the risk of flooding off-site. The development is classified as highly vulnerable land use, in accordance with Figure 2 of the Technical Advice Note 15 (TAN15) (July 2004). Our Flood Risk Map confirms the application site is fully within Zone B of the Development Advice Maps (DAM) as contained in TAN15. There are no records of historical flooding on the site.

7.36 Given the flood zone designation and the lack of historical flooding NRW have no objections to this application on flood risk grounds. A Flood Consequences Assessment (FCA) has been submitted. The FCA confirms that the site is not at risk. The FCA confirms that the site is not at risk from fluvial or tidal flooding due to its elevation and location.

## 8.00 CONCLUSION

8.01 The proposed facility would enable the use RDF produced in the adjacent waste management facility to produce up to 9.9MW of energy along with heat which will be used in the adjacent RDF building. Permission will be temporary and will expire in 2050. In the event that circumstances change and the facility is still required beyond this date, a fresh planning application will have to be made for the continuation of the site.

8.02 Subject to the inclusion of conditions it is considered that there would be no harm to protected species or designated sites or the amenity of the local area. The proposal would enable the beneficial reuse of land which is currently vacant and would provide economic benefit through the provision of both direct and indirect jobs. The proposal is therefore recommended for approval subject to the conditions outlined in section 2.0.

### 8.01 Other Considerations

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.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

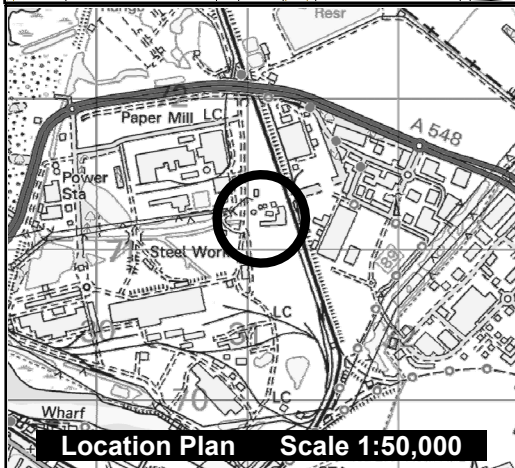
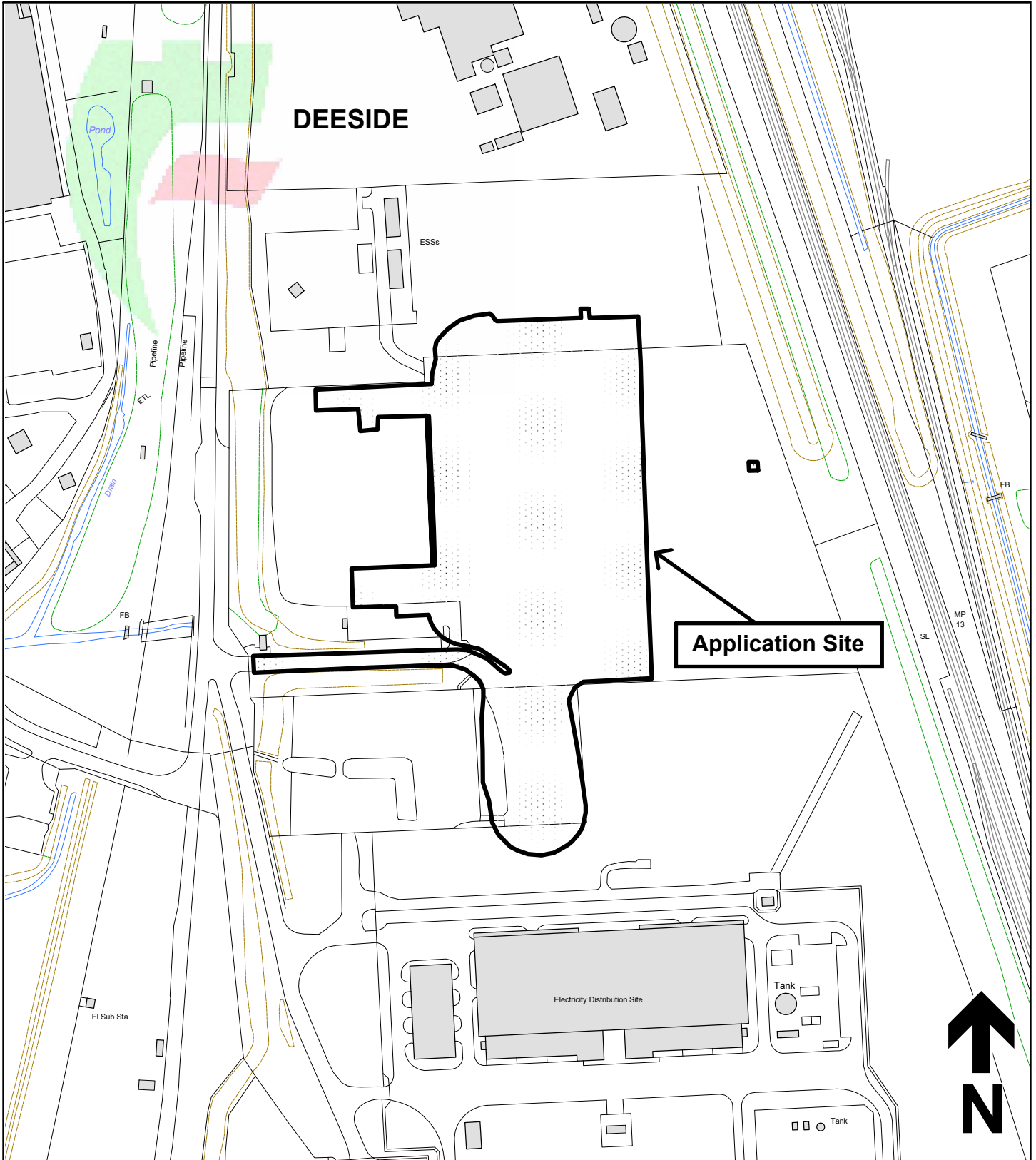
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer: Mr D J McVey**  
**Telephone: 01352 703266**  
**Email: [daniel.mcvey@flintshire.gov.uk](mailto:daniel.mcvey@flintshire.gov.uk)**





Planning, Environment & Economy,  
 Flintshire County Council, County Hall,  
 Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale 1:2500

OS Map ref SJ 3171

Planning Application **06310**

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**Planning**

**SITE NOTES:**

- Tarmacadam Roads
- Concrete/ Vehicle Hardstanding Areas
- Hardcore/ Gravel Areas
- Pedestrian Paved Areas
- Soft Landscaping/ Maintained Areas
- Attenuation Basins
- Existing Grassland to be retained
- Existing Woodland Plantation retained
- New Wildflower Grassland Area
- Grassland/ Scrub Edge - Boundary Corridor
- Grassland Edge - Boundary Corridor
- Grassland Receptor Area
- Area Covered Under An Existing Consent
- New Trees
- Existing Trees Retained
- Development Boundary
- Fencing Line

Refer also to Civil & Structural Engineer's drawings & specifications for further details.



**Site Plan**  
1:500

Rev.	Description	Date	By	App.
P02	Issued for Planning	06.05.21	CH	JC
P01	Preliminary Issue for Planning	30.04.21	CH	JC
Rev.	Description	Date	By	App.

As Indicated	
Status	@ AD Initial Issue
Drawn By	CH
Checked By	ME
Date	April 2021

Client: **LOGIK WTE**

Project: **Gasification Unit, Weighbridge Road Deeside Industrial Park**

Sheet Name: **Site Plan Gasification Unit**

Project No.	Orig.	Zone	Level	Type	Role	Cl.	Drawn No.	Rev.
20034-FRA-03-ZZ-DR-A-10-0002	P02							

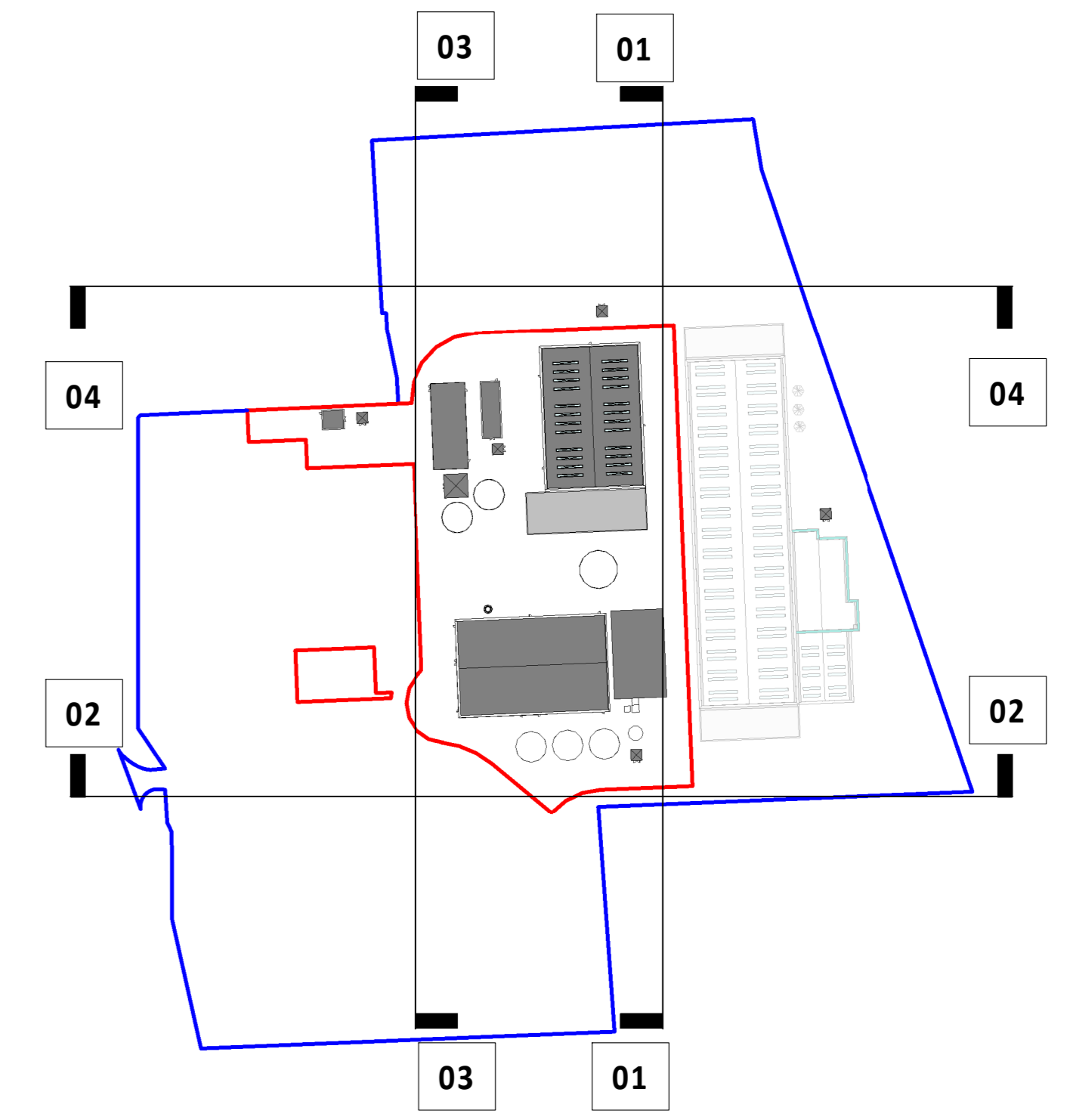
Architects | Master Planners | Designers  
 Hill Quays, 5 Jordan Street, Manchester, M15 4PP

T +44 (0) 161 242 1140  
 www.fletcher-rae.com  
 info@fletcher-rae.com

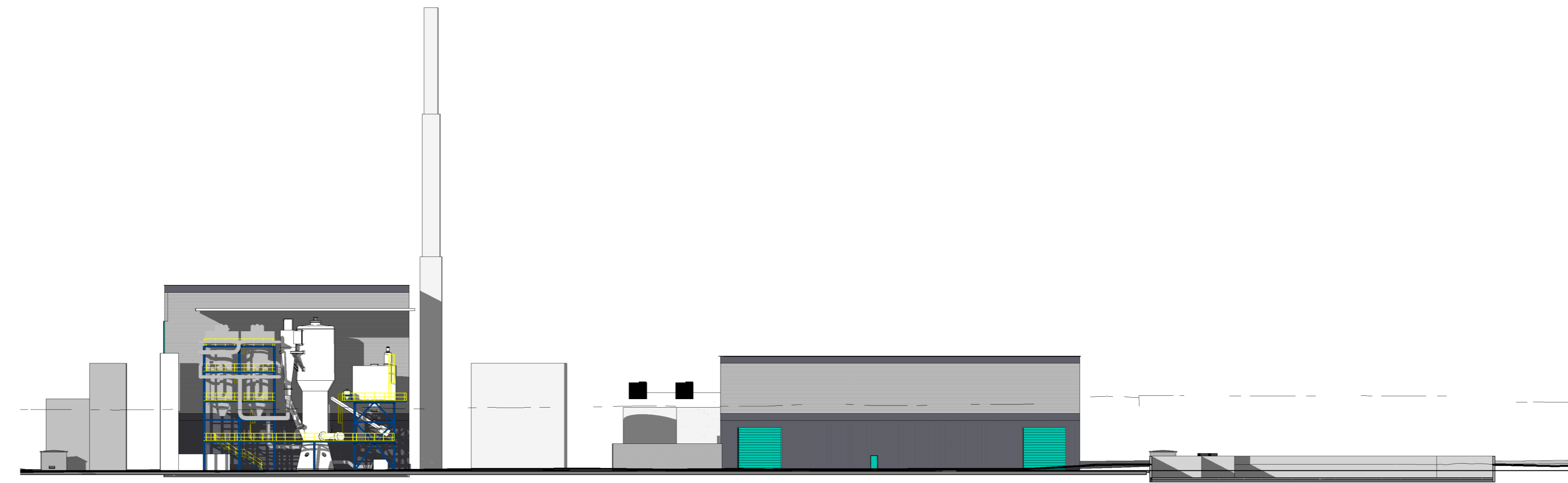
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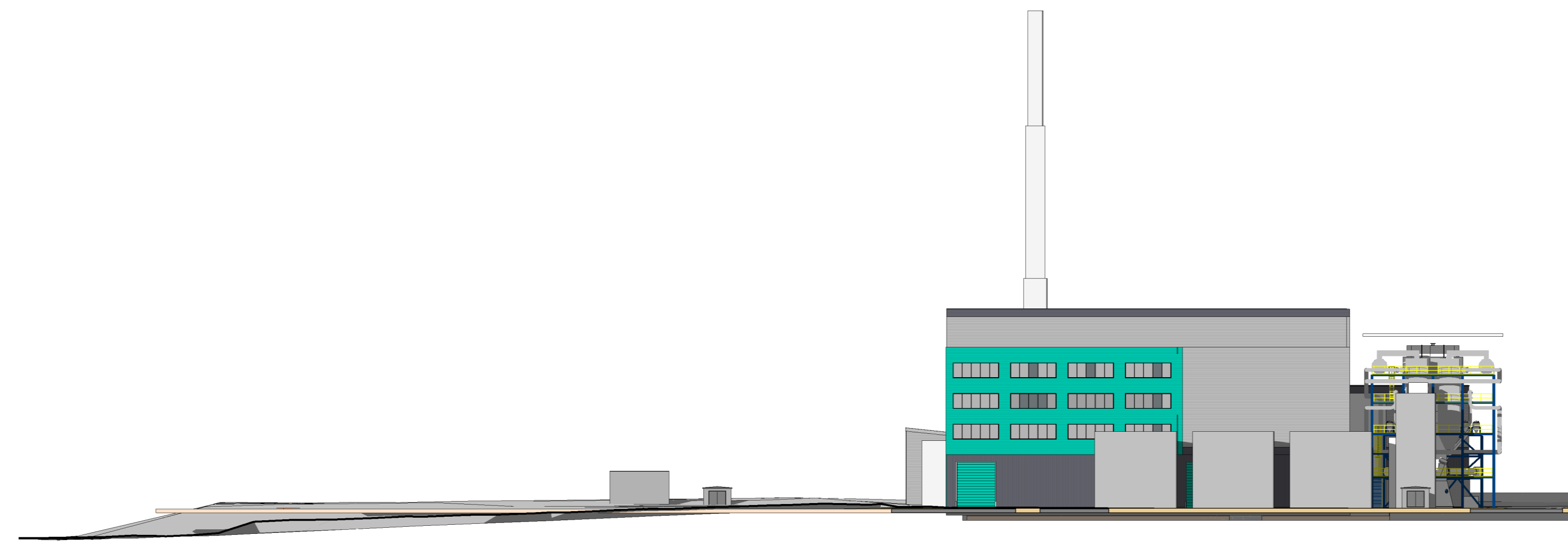
**Planning**



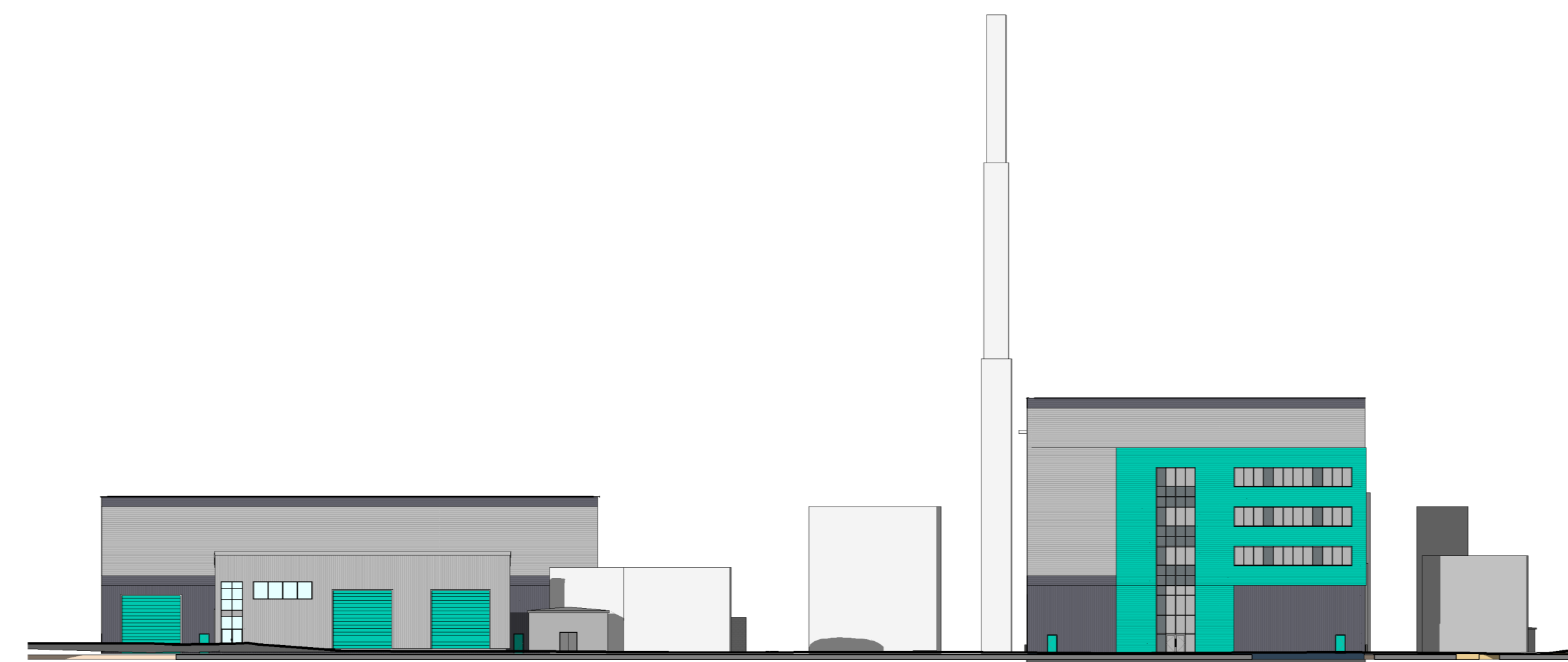
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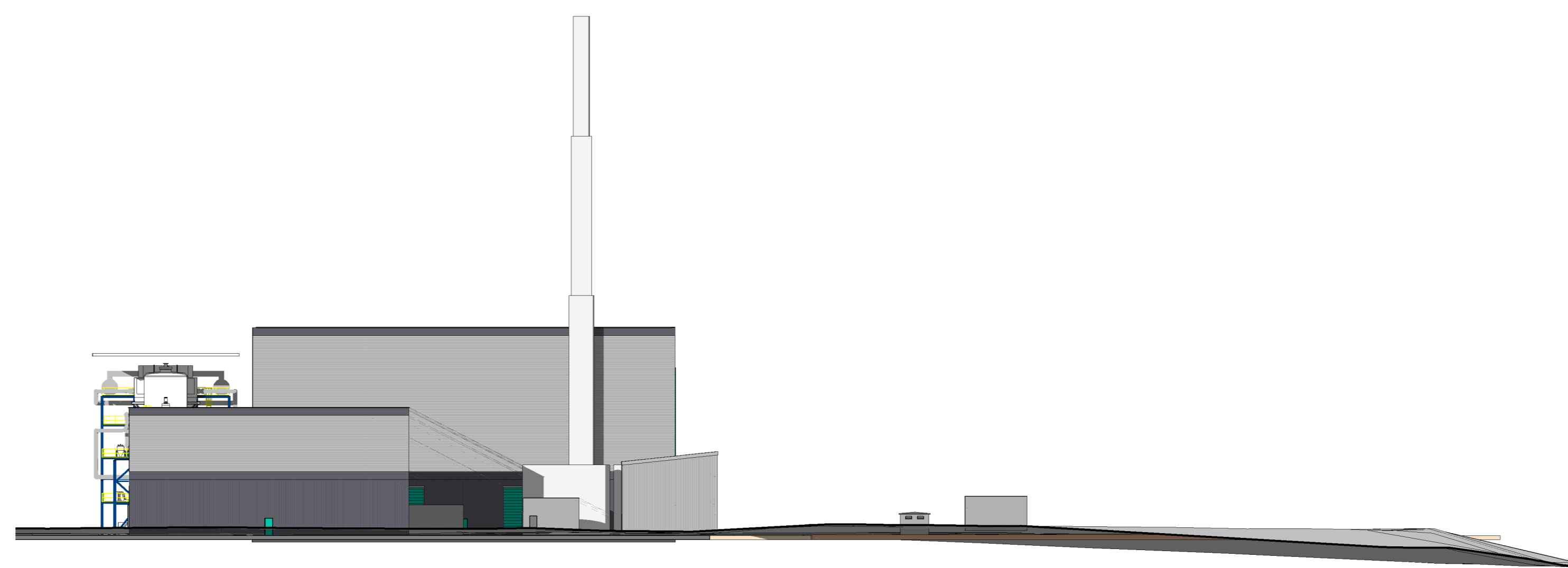
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1:500



Site Section - 02  
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Site Section - 03  
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Site Section - 04  
1:500

Rev.	Description	Date	By	App.
P02	Issued for Planning	06.05.21	CH	JC
P01	Preliminary Issue for Planning	30.04.21	CH	JC

Scale: As indicated  
 Status: @ A0  
 Drawn By: CH  
 Checked By: ME  
 Date: April 2021

Client: LOGIK WTE  
 Project: Gasification Unit, Weighbridge Road  
 Deeside Industrial Park  
 Sheet Name: Gasification Unit

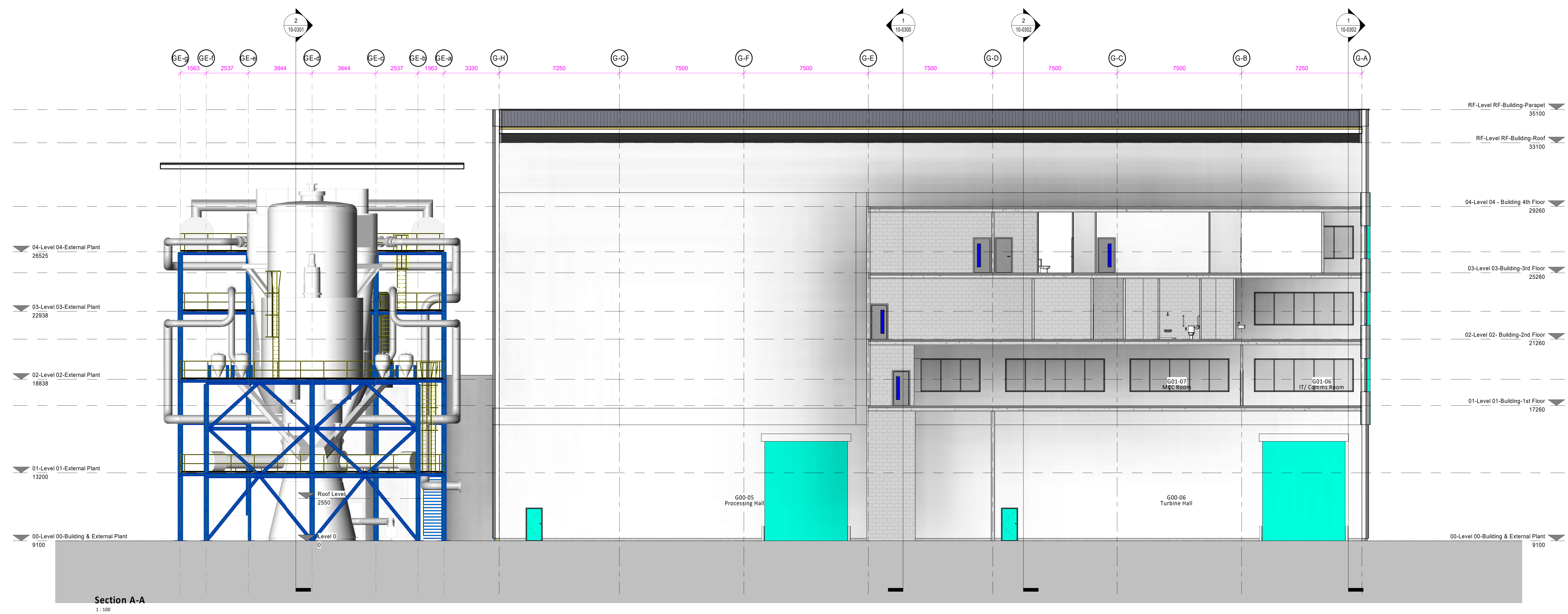
Project No.	Site	Zone	Level	Type	Role	Drawn No.	Rev.
20034-FRA-ZZ-ZZ-DR-A-10-0003							P02

**fletcher|rae**  
 Architects | Master Planners | Designers  
 Hill Quays, 5 Jordan Street, Manchester, M15 4PY

t +44 (0) 161 242 1140  
 w www.fletcher-rae.com  
 e info@fletcher-rae.com

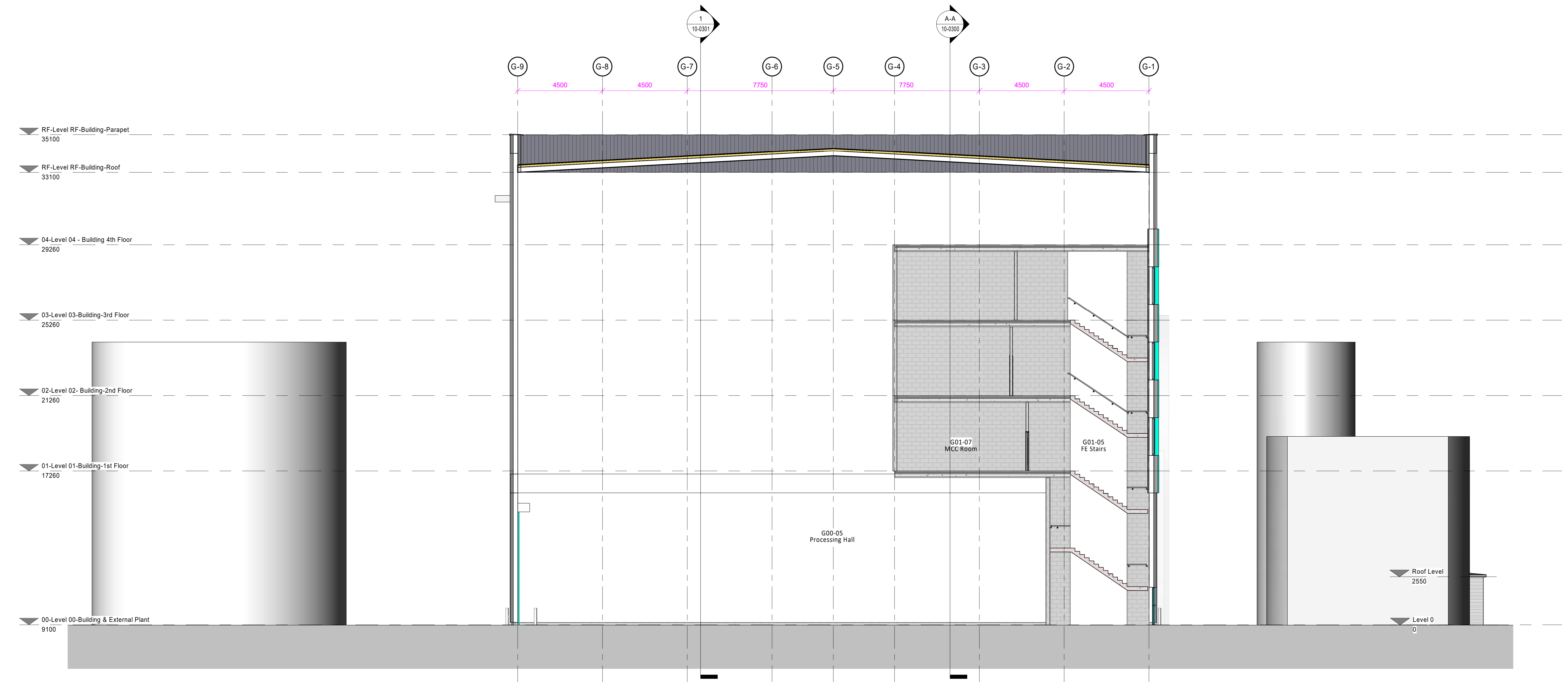
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# Planning



**Section A-A**  
1:100

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**Section B-B**  
1:100

P02	Issued for Planning	06.05.21	CH	JC
P01	Preliminary Issue for Planning	30.04.21	CH	JC
Rev.	Description	Date	DS	APP

Scale: 1:100 @ A0  
 Status: S0 - Initial Issue  
 Drawn By: CH  
 Checked By: ME  
 Date: April 2021  
 Client: LOGIK WTE

Project: Gasification Unit, Weighbridge Road Deeside Industrial Park  
 Sheet Name: GA Sections  
 Gasification Unit  
 Sections A-A & B-B

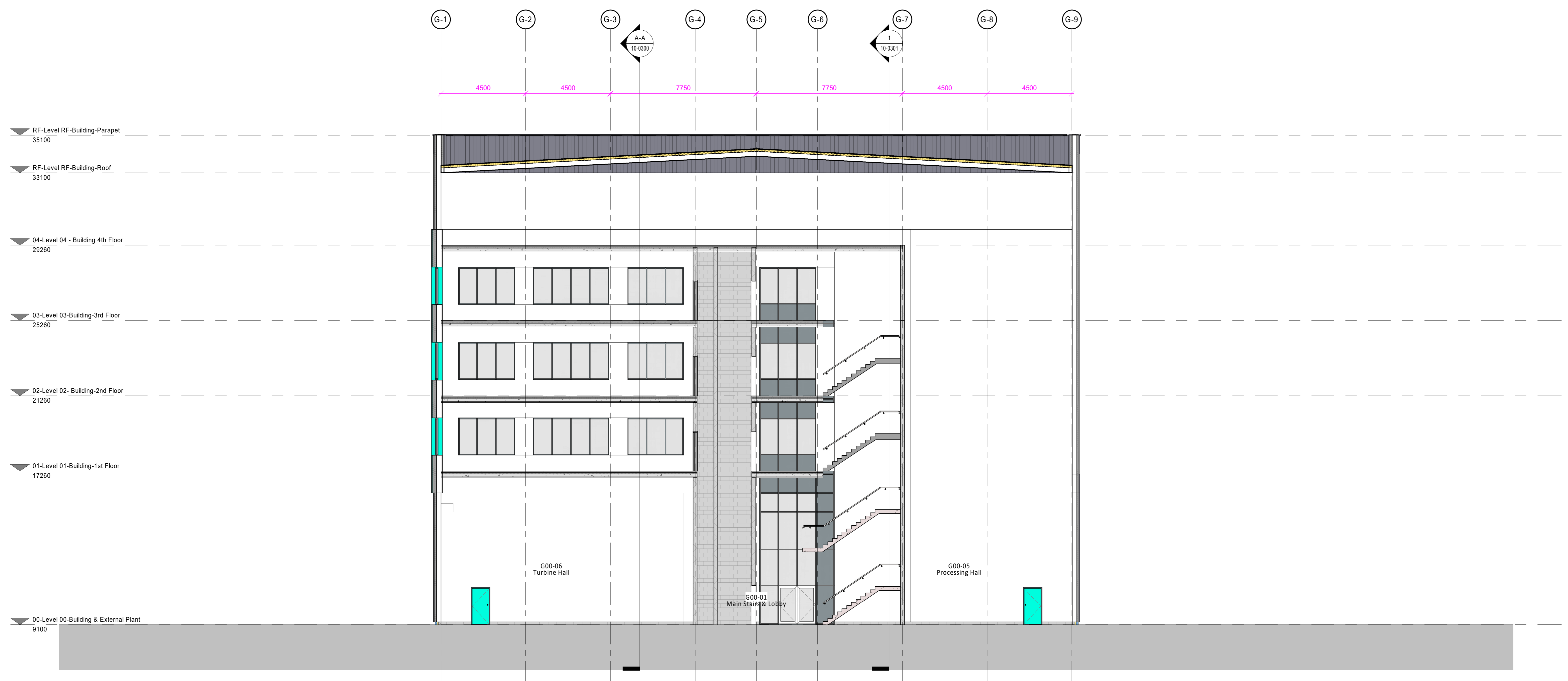
Project No.	016	Zone	Level	Type	Role	Clr	Drawn No.	Rev
20034-FRA-03-ZZ-DR-A-10-0300							P02	

fletcher|rae  
 Architects | Master Planners | Designers  
 Hill Quays, 5 Jordan Street, Manchester, M15 4PY  
 t +44 (0) 161 242 3140  
 w www.fletcher-rae.com  
 e info@fletcher-rae.com

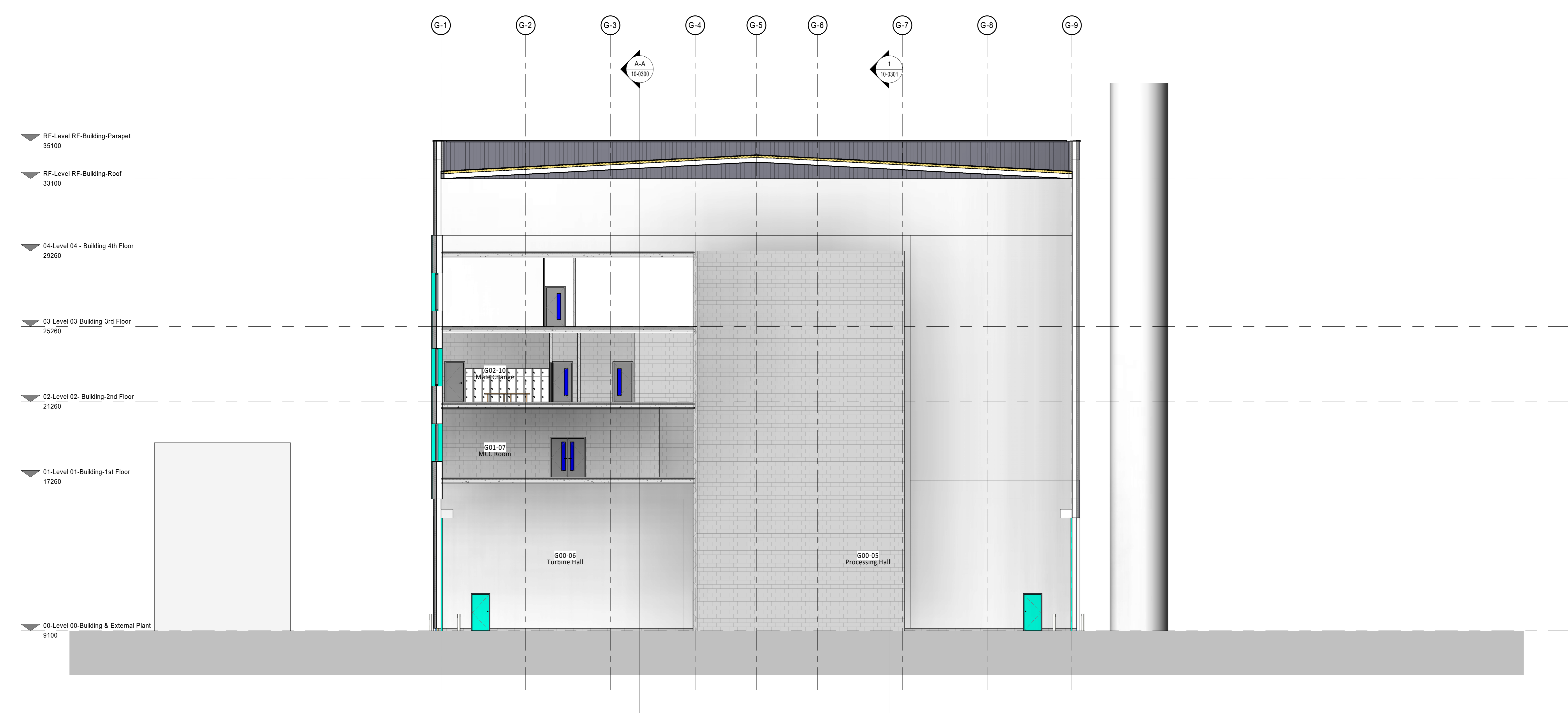


**General Notes**  
 Do not scale from this drawing. Only work to written dimensions.  
 All site dimensions shall be verified by the Contractor on site prior to commencing any works.  
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# Planning



**Section E-E**  
1:100



**Section F-F**  
1:100

P02	Issued for Planning	06.05.21	CH	JC				
P01	Preliminary Issue for Planning	30.04.21	CH	JC				
Rev.	Description	Date	DS	APP				
Scale	1:100 @ A0							
Status	SD - Initial Issue							
Drawn By	CH							
Checked By	ME							
Date	April 2021							
Client:	LOGIK WTE							
Project:	Gasification Unit, Weighbridge Road Deeside Industrial Park							
Sheet Name:	GA Sections Gasification Unit Sections E-E & F-F							
Project No.	016	Zone	Level	Type	Role	Clr	Drawn No.	Rev
20034-FRA-03-ZZ-DR-A	10-0302	P02						
<b>fletcher rae</b> Architects   Master Planners   Designers Hill Quays, 5 Jordan Street, Manchester, M15 4PP t +44 (0) 161 242 1140 w www.fletcher-rae.com e info@fletcher-rae.com								