

# Public Document Pack

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



CS/NG

13 June 2024

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

To: Cllr Richard Lloyd (Chair)

Councillors: Mike Allport, Chris Bithell,  
Helen Brown, Paul Cunningham, Rob Davies,  
Adele Davies-Cooke, Carol Ellis,  
Gladys Healey, Dave Hughes, Paul Johnson,  
Richard Jones, Allan Marshall, Hilary McGuill,  
Ted Palmer and Mike Peers

Dear Sir / Madam

**NOTICE OF HYBRID MEETING**  
**PLANNING COMMITTEE**  
**WEDNESDAY, 19TH JUNE, 2024 at 2.00 PM**

Yours faithfully

Steven Goodrum  
Democratic Services Manager

Please note: Attendance at this meeting is either in person in the Lord Barry Jones Council Chamber, Flintshire County Council, County Hall, Mold, Flintshire or on a virtual basis.

Public speakers have been asked if they would like to address the Committee in English or Welsh.

The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. 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.

## A G E N D A

1 **APPOINTMENT OF VICE-CHAIR**

2 **APOLOGIES**

3 **DECLARATIONS OF INTEREST**

4 **LATE OBSERVATIONS**

5 **MINUTES** (Pages 3 - 6)

To confirm as a correct record the minutes of the meeting held on 10 April 2024

6 **ITEMS TO BE DEFERRED**

7 **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 19 JUNE 2024**

Item No	File Reference	DESCRIPTION
<b><u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u></b>		
7.1	FUL/000961/23	FUL/000961/23 - A -Full application - Proposed 5no. glamping units and 5no. grass tent pitches with decking along with recycling/waste and a proposed parking area, bike storage, a facility building and a water treatment plant and soakaway. New proposed track to the parking/turning areas. One parking bay per unit is proposed, with two being EV charging points. Associated footpaths and landscaping of the site at Bryn Morgan House, Starkey Lane, Northop (Pages 7 - 18)
7.2	FUL/000008/24	FUL/000008/24 - A - Full application – application for a new boiler and building with ancillary structures and associated works at Shotton Paper Mill, Weighbridge Road, Deeside Industrial Park, Deeside (Pages 19 - 34)
7.3	063509	063509 – A - Change of Use of land to form mixed use comprising a 2 pitch family traveller site, 2 day rooms, general storage of personal business equipment. Erection of a 2.4m high wooden boundary fence, entrance gates with improved access onto Station Road at Land Adj Willowbrook (Park Homes), Station Road, Sandycroft (Pages 35 - 50)
7.4	COU/001028/23	COU/001028/23 - A - Conversion application - Conversion of vacant/redundant Public House to Residential use at The Tavern, Alltami, Mold (Pages 51 - 60)
7.5	FUL/000718/23	FUL/000718/23 - A - Full application - Proposed conversion of former retail/offices to HMO at 39A, Mold Road, Buckley (Pages 61 - 74)
7.6	059489	059489 – A - Full application - Formation of a two way vehicular access and road at Mold Road, Ewloe Green, Deeside (Pages 75 - 88)
7.7	FUL/000599/23	FUL/000599/23 - A- Full application - Construction and operation of a 7.5MW Green Hydrogen Electrolyser (GHE) and associated infrastructure at Kimberley Clark Factory, ABER PARK, Aber Road, Flint (Pages 89-120)

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

**PLANNING COMMITTEE**  
**10 APRIL 2024**

Minutes of the Planning Committee of Flintshire County Council held as a hybrid meeting on Wednesday, 10 April 2024

**PRESENT: Councillor Richard Lloyd (Chair)**

Councillors: Chris Bithell, Helen Brown, Paul Cunningham, Rob Davies, Adele Davies-Cooke, Carol Ellis, Gladys Healey, Dave Hughes, Paul Johnson, Richard Jones, Hilary McGuill, Ted Palmer, Mike Peers and Dan Rose

**APOLOGIES:** Councillors: Mike Allport and Bernie Attridge

**ALSO PRESENT:** The following attended as Local Members:

Councillors Mared Eastwood and Marion Bateman (for agenda item 6.1)  
Councillor Kevin Rush (for agenda item 6.3)

**IN ATTENDANCE:** Chief Officer (Planning, Environment & Economy),  
Service Manager - Strategy,  
Service Manager - Development,  
Senior Engineer - Highways Development Control,  
Senior Planning Officers, Solicitor and Democratic Services Officers

**50. DECLARATIONS OF INTEREST**

Councillor Rob Davies declared a personal and prejudicial interest (for agenda item 6.3)

**51. LATE OBSERVATIONS**

The late observations would be presented prior to each item being discussed.

**52. MINUTES**

The minutes of the meeting held on 13 March 2024 were confirmed as a correct record, as moved and seconded by Councillors Dave Hughes and Ted Palmer.

**RESOLVED:**

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

**53. ITEMS TO BE DEFERRED**

There were no items recommended for deferral.

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

**RESOLVED:**

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

**55. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were 7 members of the public present at the start of the meeting.

(The meeting started at 2pm and ended at 2.51 pm)

.....  
**Chair**

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 10 APRIL 2024**

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
063507		Full application - Residential development comprising 90 Dwellings including the provision of affordable units, areas of public open space, landscaping and associated works at Land to the south of New Brighton Road, New Brighton, Mold, CH7 6RB.	Derek Walters – resident Carl Davis – Applicant Cllr Mared Eastwood Cllr Hilary McGill Cllr Marion Bateman	Approved in accordance with the Officer’s Recommendation subject to the conditions set out in the report and in the Late Observations and the Section 106 Obligations.
DOU/000312/23 Page 5		Full application - Change of Use from Class C3 (Single Residential Dwelling) to Class C4 (House of Multiple Occupancy) at 4 Salisbury Street, Shotton.	Cllr Sean Bibby	Approved in accordance with the Officer’s Recommendation subject to the conditions set out in the report and in the Late Observations.
FUL/000254/22		Full application - Proposed erection of structure together with formation of access (Partly Retrospective) at Dee Bank Industrial Estate, Whelston, Bagillt.	Cllr Kevin Rush Christopher Owens – resident Kerry Davies – Applicant’s representative	Approved in accordance with the Officer’s Recommendation subject to the conditions set out in the report and in the Late Observations and an additional condition(s) to be included as follows:  9. No further development shall take place until an engineering report/investigation and risk assessment in relation to the stability/structural integrity of

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
Page 6				<p>the land/bank along the northern/north-western boundary of the application site, in addition to any assessment provided with the planning application, has been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons.</p> <p>10. In the event that the land/bank subject to the engineering report/investigation and risk assessment required by Condition 9 is found to insufficient stability/structural integrity then details of a retaining structure to mitigate any such issues shall be submitted to and approved in writing by the Local Planning Authority. Any retaining structure as approved shall be permanently retained and maintained.</p>

## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>th</sup> JUNE 2024**

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

**SUBJECT:** **PROPOSED ERECTION OF 5 NO. GLAMPING UNITS AND 5 NO. GRASS TENT PITCHES WITH ASSOCIATED INFRASTRUCTURE**

**APPLICATION NUMBER:** **FUL/000961/23**

**APPLICANT:** **MR AND MRS D. SKILLIN**

**SITE:** **BRYN MORGAN, STARKEY LANE, NORTHOP, MOLD, CH7 6DG**

**APPLICATION VALID DATE:** **26<sup>TH</sup> OCTOBER 2023**

**LOCAL MEMBERS:** **COUNCILLOR M. BATEMAN**  
**COUNCILLOR L. THEW**

**TOWN/COMMUNITY COUNCIL:** **NORTHOP**

**REASON FOR COMMITTEE:** **AT THE REQUEST OF THE LOCAL MEMBERS DUE TO CONCERNS REGARDING ACCESS**

**SITE VISIT:** **YES TO ALLOW MEMBERS TO UNDERSTAND THE SITES CONSTRAINTS**

### **1.00 SUMMARY**

- 1.01 This is a full application for the proposed use of land at Bryn Morgan, Starkey Lane, for five no. glamping units and five no. tent pitches together with associated infrastructure.
- 1.02 Policy PE12 of the Flintshire Local Development Plan is supported by Planning Policy Wales in identifying areas outside settlement boundaries for appropriate tourism related development. In this case, the relatively small scale development being proposed is considered to be beneficial for the rural economy whilst not impacting on the

character and appearance of the open countryside location. The application is considered compliant in principle.

- 1.03 Concerns have been raised from third parties with regards to the increase in traffic and impact on highway safety. Highways Development Control Officers have negotiated with the applicant to ensure that adequate visibility can be achieved from the existing access and that improvements to the highway verge can be secured. The scale of the development is such that the limited increase in traffic is not considered to cause a detriment. The application, if approved, would be subject to a number of highways conditions as set out in paragraph 2.01 of this report.
- 1.04 In addition to the highway matters, concerns have been raised with regards to noise and impact on neighbouring amenity. The nearest dwellings are over 200 metres away with mature hedgerows and trees in between which act as a visual and noise buffer. Community and Business Protection Officers raise no concerns with potential noise from the site.
- 1.05 Finally, matters including drainage and ecological implications have been assessed and are considered to accord with local and national planning policy.
- 1.06 It is therefore recommended that Members endorse the recommendation to approve the application subject to the conditions as outlined at Paragraph 2.01 of this report.

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

- 2.01
1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
  2. The development shall be carried out in accordance with the following approved plans and documents:
    - Application Form
    - Notice Under Article 10
    - Design & Access Statement
    - Visualisation - Dwg 230822-01-09
    - Photographs - Dwg 230822-01-03
    - Market Research Report
    - Visibility Splay
    - Traffic & Speed Survey Analysis - October 2023
    - Mold ATC Survey
    - Proposed Pod Plan & Elevations - Dwg 230822-01-05
    - Proposed Drainage Plan - Dwg 230822-01-04 Rev A
    - Location Plan - Dwg 230822-01-01

3. The glamping units shall be occupied for holiday purposes only; and shall not be occupied as a person's sole, or main place of residence. The owners of the holiday units shall maintain an up-to-date register of the names of all occupiers of the units and their main home addresses and shall make this information available at all reasonable times to the local planning authority.
4. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of hard and soft landscaping for the site, and such scheme shall include details of:
  - a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection during the course of development
  - b) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers and location and the proposed timing of the planting
  - c) proposed materials to be used on the driveway(s), paths and other hard surfaced areas
  - d) proposed earthworks, grading and the mounding of land and changes in levels, final contours and the relationship of proposed mounding to existing vegetation and surrounding landform
  - e) proposed positions, design, materials and type of boundary treatment.
5. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years of the time of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
6. Prior to commencement of development details of external lighting shall be submitted to and approved in writing.
7. Prior to the commencement of any site works, highway improvements shall be carried out, in accordance with details to be submitted and approved by the County Council
8. The proposed access shall have a visibility splay of 2.4m x 42m in a westerly direction and 2.4m x 52m in an easterly direction. Both sightlines shall be measured along the nearside edge of the adjoining carriageway over land within

the control of the Applicant and/or Highway Authority and within which there shall be no obstruction to visibility in excess of 1.0m above the nearside channel level of the adjoining highway. The access shall be set out in accordance with the attached standard detail and measure a minimum width of 5.0m at the back edge of the adopted highway.

9. If finished ground levels/surface material require, positive means to prevent the run-off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.
10. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.

### **3.00 CONSULTATIONS**

3.01 **Councillor M Bateman (Local Member)** – Requests committee determination and site visit due to concerns regarding highway safety and to allow committee members to fully appreciate the constraints of the site.

**Councillor L Thew (Local Member)** – Requests committee determination and site visit due to concerns regarding highway safety and to allow committee members to fully appreciate the constraints of the site.

**Northop Community Council:** No objections to the proposed development

**Highways Development Control:** Following the submission of additional information no objections are raised subject to the inclusion of conditions.

**Community and Business Protection:** No objections received

**Natural Resources Wales:** Following the submission of additional information regarding foul drainage, no objections are raised

**Ecology:** No objections subject to the inclusion of conditions

**Airbus:** No objections

#### **4.00 PUBLICITY**

4.01 7 Neighbour Notification letters were sent to adjoining/nearby properties and a Site Notice was also posted adjacent to the site. Three letters of objection received raising the following:

1. Impact on the character and appearance of the area
2. Impact on highway safety and increase traffic
3. Potential for anti-social behaviour and littering
4. Noise
5. No residents of Starkey Lane or Allt Goch Lane support the application

#### **5.00 SITE HISTORY**

5.01 060009 – Proposed Rear Extension, internal modifications & alterations to existing windows/doors of dwelling – Approved 19.07.2019

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan  
STR2- The Location of development  
STR4- Principles of sustainable development  
STR 5- Transport and accessibility  
STR6- Services, facilities and infrastructure  
STR7- Economic development, enterprise and employment  
STR8- Employment land provision  
STR10- Tourism, culture and leisure  
STR13- Natural and built environment, green networks and infrastructure  
PC1- The Relationship of development to settlement boundaries  
PC2- General requirements for development  
PC3- Design  
PE4- Farm diversification  
PE12- Tourist accommodation, facilities and attractions

Supplementary Planning Guidance

SPGN No. 3- Landscaping

SPGN No.11 – Parking Standards

National Planning Policy

Planning Policy Wales Edition 12

TAN 13- Tourism

#### **7.00 PLANNING APPRAISAL**

- 7.01 Introduction  
This application seeks planning permission for the use of land at Bryn Morgan for tourist accommodation in the form of five no. glamping units and five no. camping pitches.
- 7.02 Site Description  
The application site extends approximately 0.9 acres in size and is bordered by the existing dwelling and allotments of Bryn Morgan House to the west with open countryside on all other boundaries. An existing farm access exists onto Starkey Lane.
- 7.03 Previously a field with a pond to the east, at the time of submission the land in question had been cleared with drainage works undertaken under permitted development. The pond has been retained and improved.
- 7.04 Proposed Development  
The application proposes the use of the land for the erection of five no. glamping units in the form of small wooden pods with external decking and five no. tent pitches. A facilities building with showers/toilets and washing equipment is proposed together with an area for recycling.
- 7.05 Access to the site is derived from an existing access onto Starkey Lane. The access will be improved to ensure visibility is achieved in both directions. In addition, the applicant has served notice on the County Council to include areas of highway verge within the application site to ensure improvements and ongoing maintenance can be achieved.
- 7.06 Within the site the glamping pods would benefit from car parking adjacent to each unit whilst a parking and turning area would be provided for the camping. The proposed tracks would be constructed with a permeable surface.
- 7.07 The application proposes that foul drainage is to be discharged to a private sewerage system in this instance a package treatment plant (PTP) as there is no connection to the foul sewer at this location. Surface water drainage will be controlled through the SAB process.
- 7.08 Principle of Development  
The proposal is for the development of tourist accommodation and therefore Policy PE12 of the FLDP is the most applicable policy against which the development should be assessed. Policy PE12 confirms that:
- Outside defined settlement boundaries development will be permitted in the form of:
- c. non-permanent accommodation such as chalets, pods, glamping and tent camping sites;



- 7.09 The policy states that outside of settlement boundaries non-permanent accommodation such as glamping pods would be permitted. Tourist development is encouraged by Policy PE12 as tourism provides support to the local economy.
- 7.10 The local policy position is further supported nationally in Planning Policy Wales Ed.12 where it states in para 5.5.3:  
  
'In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy'.... 'Development should be sympathetic in nature and scale to the local environment'.
- 7.11 The existing site is screened by a mature hedgerow fronting onto Starkey Lane and the perimeter boundaries. The proposed site layout is considerate with built form mainly positioned to the rear of the site in a visually unintrusive location. In addition the relatively small scale of the development is such that it is not considered that the proposal would affect the open countryside character or visual amenity of the area.
- 7.12 Highway Safety  
Access to the site is via an existing field entrance which is separate to the residential access of Bryn Morgan. The application proposes to improve the existing access with gates set back from the road side to ensure vehicles are clear of the highway.
- 7.13 Concerns have been raised from third parties that the existing road has already seen an increase in traffic deriving from the Croes Atti development and the proposed tourist accommodation will exacerbate issues.
- 7.14 The Council's Highways Development Control Officers have assessed the proposal and required the submission of additional information with regards to the proposed access. In particular a speed survey was commissioned to demonstrate usage and speeds of travelling vehicles. The additional information confirms that the scale of the proposed development is such that it is not likely to cause any noticeable increase in traffic. Furthermore, the applicant is able to evidence that adequate visibility can be achieved from the access. Finally, the applicant has agreed to make improvements to the highways verge opposite the access.
- 7.15 It is considered that the development, subject to conditions, is compliant with policies STR5 and PC5 and is acceptable from a highway safety perspective.
- 7.16 Impact on Neighbouring Amenity  
The nearest residential properties to the development site are approximately 250 and 300 metres to the west with fields/trees and

hedgerows in between. There are no concerns that the proposed development will give rise to any impact on privacy.

7.17 Concerns have been raised with regards to potential noise emitting from the site. The applicant confirms in the submitted Design and Access Statement that the intention is to run the site as a rural retreat with no large parties permitted. Crucially the Council's Community and Business Protection team who investigate statutory noise complaints raise no objections from a noise perspective.

7.18 Accordingly, it is considered that the proposed development will not impact on neighbouring residential amenity.

7.19 Ecological Implications

Great crested newts are known to occur within the locality although there are no records historic or otherwise for the pond on site. A variety of bat species, including Pipistrelles, Brown Long Eared and Lesser horseshoe bats, are also known to commute and forage using the dark hedgerows within the locality.

7.20 The Design and Access Statement references the existing native hedgerows and trees and that no trees or hedges are proposed to be removed and any new planting will be a mix of native species

7.21 With regards to the updated PPW12 and the stepwise approach, provided the key habitats – hedgerows, mature trees and pond – are retained within the development and the site is enhanced by additional native planting, then this approach will be met. Additional tree planting can also mitigate for any ash tree removal which may be required. The provision of a landscape plan can detail these proposals, and secure future management through the imposition of a suitably worded condition.

7.22 To maintain the hedgerows as dark corridors, lighting should be minimized and in line with Bat Conservation Trust guidance which can be secured by the way of condition.

7.23 Overall, it is considered that the measures as set out above and in the suggested conditions will ensure that the proposed development provides a biodiversity net benefit in accordance with PPW12.

7.24 Other Matters

Third party objections raise concerns regarding the potential increase in anti-social behaviour as a direct result of the proposed development. Whilst the concerns are noted, there is no evidence that the proposed glamping and camping business would give rise to anti-social behaviour. The management of the site would be the responsibility of the owners and would be subject to other regulatory controls outside of the planning system.

## **8.00 CONCLUSION**

This application seeks planning permission for the proposed development of land for tourism accommodation in the form of glamping pods and camping pitches. The principle of the development accords with policies PE12 of the FLDP and the ambitions of PPW 12 on the rural economy without causing harm to the character of the open countryside.

8.01 The scale of the development is considered minor and raises no objections in terms of noise nuisance. Highways concerns from third parties are noted but no objections are raised from Highways Development Control.

8.02 With no objections from statutory or third party consultees it is considered that the application is fully compliant with both local and national planning policy and I therefore recommend that planning permission is granted subject to the imposition of conditions as set out within paragraph 2.01 of this report.

### **8.03 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.

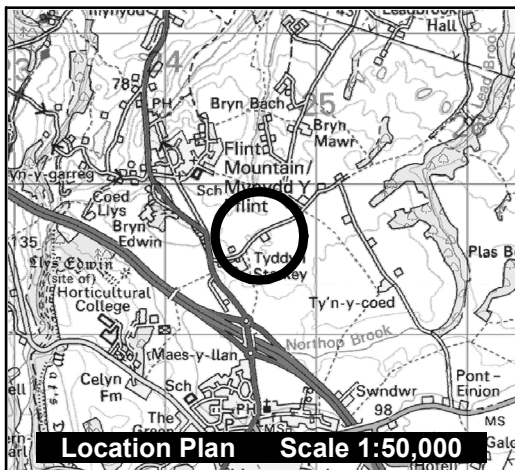
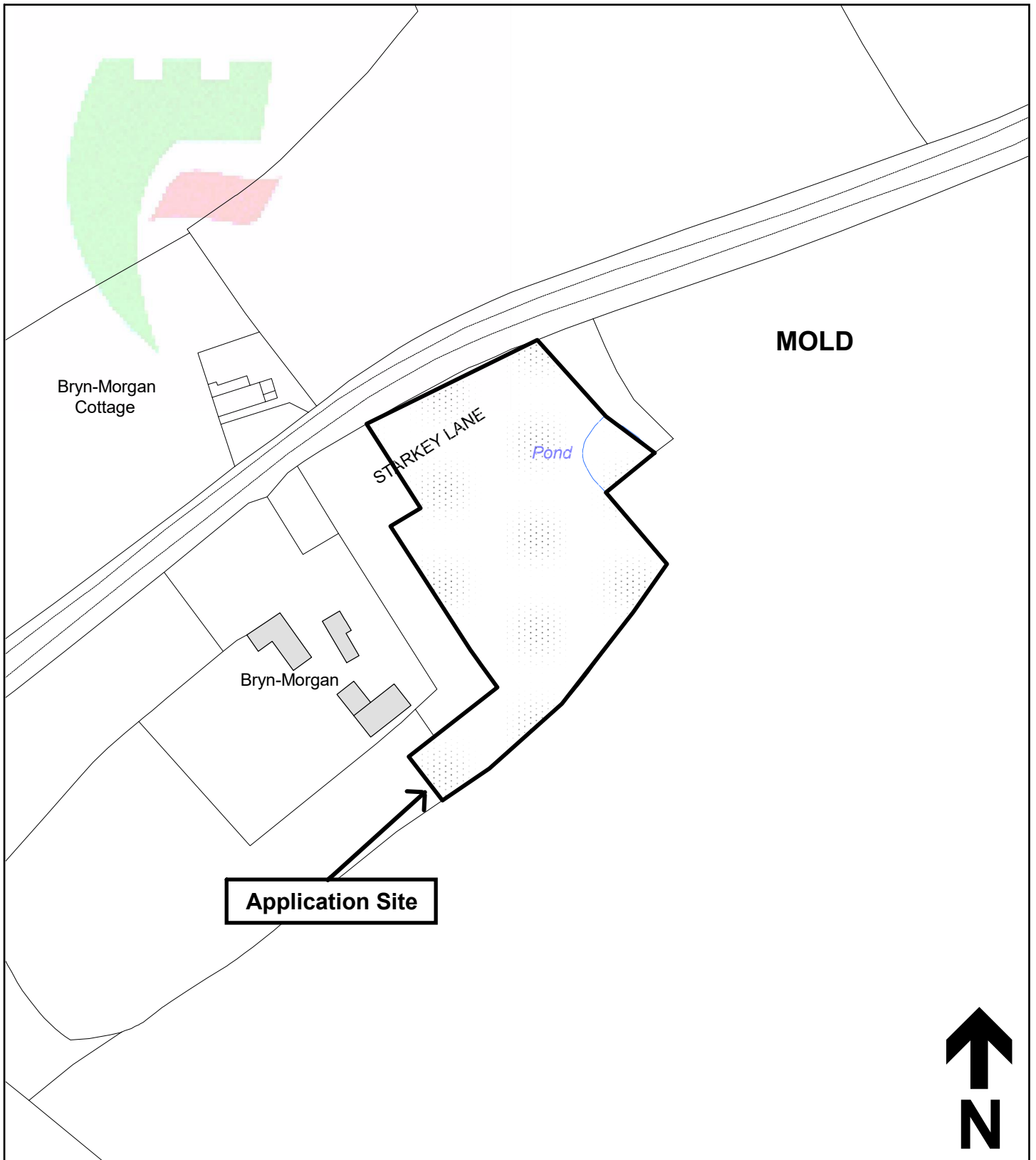
The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

### **LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Claire Morter  
**Telephone:** 01352 703299  
**Email:** [claire.e.morter@flintshire.gov.uk](mailto:claire.e.morter@flintshire.gov.uk)

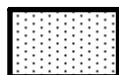




Planning, Environment & Economy,  
Flintshire County Council, County Hall,  
Mold, Flintshire, CH7 6NF.

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
Development Plan  
Settlement Boundary

Page 17

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Application: FUL/000961/23

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>th</sup> JUNE 2024**

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

**SUBJECT:** **APPLICATION FOR A NEW BOILER AND BUILDING WITH ANCILLARY STRUCTURES AND ASSOCIATED WORKS**

**APPLICATION NUMBER:** **FUL/000008/24**

**APPLICANT:** **SHOTTON MILL LIMITED**

**SITE:** **SHOTTON PAPERMILL, WEIGHBRIDGE ROAD, DEESIDE INDUSTRIAL PARK, FLINTSHIRE, CH5 2UL**

**APPLICATION VALID DATE:** **12<sup>TH</sup> JANUARY 2024**

**LOCAL MEMBERS:** **COUNCILLOR R MANSELL**  
**COUNCILLOR D OWEN**  
**COUNCILLOR JB ATTRIDGE**

**TOWN/COMMUNITY COUNCIL:** **CONNAH'S QUAY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **DUE TO THE SCALE OF THE DEVELOPMENT**

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

### **1.00 SUMMARY**

- 1.01 This application seeks planning permission for the erection of a new boiler building and associated infrastructure on land at Shotton Papermill, Deeside Industrial Park.
- 1.02 As Members may recall, planning permission was granted in 2022 for the redevelopment of the existing papermill facility (reference FUL/000011/22) known as the main site and expansion of the site into land off Weighbridge road known as the A4 expansion. Work has commenced on the redevelopment.

- 1.03 One of the ambitions of the redevelopment was to provide a new Combined Heat and Power Plan (CHP) to serve the site once operational. Due to the potential output of the CHP consent must be obtained through the DNS process, which has been submitted to Welsh Government concurrently to this application.
- 1.04 In the interim, and as a source of back-up power, the applicant is seeking planning permission to erect a new boiler building to house two gas boilers, and eventually the CHP. The proposed boiler building sits within the confines of the main site and although over 23 high, with a stack of 30 metres, it is still unobtrusive given the industrial context of the wider site and surrounding areas.
- 1.05 The current application is considered crucial to the ongoing redevelopment of Shotton Papermill which is an economically significant business in the Deeside Industrial Park area. The principle of industrial development is supported by Policy PE2 of the Flintshire Local Development Plan and the proposal accords with this policy.
- 1.06 Matters including ecological implications, flood risk and highway safety have been fully assessed and are considered compliant with local and national planning policy.
- 1.07 It is therefore recommended that Members endorse the recommendation to approve the application subject to the conditions as outlined at Paragraph 2.01 of this report.

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

- 2.01
1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
  2. The development shall be carried out in accordance with the following approved plans and documents:
    - Application Form
    - Key Utilities Infrastructure Layout - Dwg ST- 003- Rev R01
    - 04 Underground Layout - Dwg ST-004- Rev R01
    - 05 Longitudinal Sections - Dwg 005 - Rev R01
    - 06 Longitudinal Sections - Dwg 006-Rev R01
    - 10.1 Overview of Text Changes within the Ecology Chapter
    - Appendix 10-1 Baseline Ecology Report
    - Appendix 12-1 – Overview of Text Changes within the Air Quality Chapter



- Appendix 10 - Overview of Text Changes within the Ecology Chapter
- Appendix 10-10 Reptile Mitigation Survey
- Appendix 10-4 HRA Stage 1 Screening Report
- Appendix 10-11 HRA Stage 2
- Appendix 10-2 Aquatic Ecology report
- Appendix 10-3 Ornithology Baseline Report
- Appendix 10-3 Ornithology Survey Results
- Appendix 10-5 Air Quality Effects on Ecological Receptors
- Appendix 10-5 Air Quality Effects on Ecological Receptors
- Appendix 10-6 Invertebrate Survey Results
- Appendix 10-7 Water Vole Survey
- Appendix 10-8 Bat Survey
- Appendix 10-9 Reptile Survey Results
- Appendix 10.1 Ecology & Ornithology Summary of Changes
- Appendix 11 - Noise & Vibration Summary of Changes
- Appendix 11 - Noise- Summary of Changes
- Appendix 11-1 Noise Survey Equipment
- Appendix 11-2 Noise Survey Results
- Appendix 11-3 Noise Survey Histogram
- Appendix 12 - Air Quality
- Appendix 13 Front Sheet
- Appendix 13-1 Transport Assessment - Part 2
- Appendix 13-1 Transport Assessment - Part 3
- Appendix 13-2 Outline Travel Plan
- Appendix 14 Waste - Summary of Changes
- Appendix 14-1 Waste Policy
- Appendix 14-2a Demolition Management Traffic Considerations Plan
- Appendix 14-2b Indicative Proposed Demolition Extent Plan - Dwg SM-DMP-01
- Appendix 15 Socio Economic Data
- Appendix 15 Socioeconomic - Summary of Changes
- Appendix 16 Front Sheet
- Appendix 18 - Summary of Changes
- Appendix 18 Summary
- Appendix 2 Front Sheet
- Appendix 3 - Project Description - Summary of Changes
- Appendix 3 - Project Description
- Appendix 3 Front Sheet
- Appendix 4-1 Group Three Stage Site Selection
- Appendix 5 - EIA Request for Scoping Opinion - Redacted
- Appendix 5-2 Scoping Opinion & Direction
- Appendix 5-3 Outline Construction Environmental Management Plan

- Appendix 6 - Planning Policy and Guidance - Summary of Changes
- Appendix 6 - Policy & Guidance Summary of Changes
- Appendix 7 - Landscape and Visual Effects - Summary of Changes
- Appendix 7 - Summary of Changes
- Appendix 7-1 - Technical Methodology
- Appendix 7-2 - Assessment of Potential Landscape Effects
- Appendix 7-3 - Assessment of Potential Visual Effect
- Appendix 7-4 - Arboricultural Report
- Appendix 8 - Land Quality - Summary of Changes
- Appendix 8-1 - Borehole Logs
- Appendix 8-1 - Historic Borehole Log
- Appendix 8-1 - Historic Maps Part 2
- Appendix 8-1 - Offsite Surface Water Contours Dwg 4  
Inferred Groundwater Flow Contours- Dwg 05 &  
Conceptual Site Model - Dwg 06
- Appendix 8-1 -Phase 1 Preliminary Land Quality Risk  
Assessment – PLQRA
- Appendix 8-1 Ground Sure Report
- Appendix 8-1 Ground Water Monitoring Data
- Appendix 8-1 Historic Maps Part 1
- Appendix 8-1 Historic Maps Part 3
- Appendix 8-1 Historic Maps Part 4
- Appendix 8-1 Historic Maps Part 5
- Appendix 8-1 Historic Maps Part 6
- Appendix 8-1 Phase 1 PLQRA Site Location Plan -  
Dwg 01 & Current Site Layout - Dwg 02
- Appendix 8-1 Phase 1 PQRA Proposed Development  
Layout - Dwg 03
- Appendix 8-1 Photographs of site
- Appendix 8-1 Qualitative Risk Assessment  
Methodology
- Back up Boiler Building and Ancillary Structures  
Proposed Floor Plan -BB-001 - Rev R01
- Back up Boiler Building and Ancillary Structures  
Proposed North, East 1 & West Elevations - Plan -BB-  
004 - Rev R01
- Back up Boiler Building and Ancillary Structures  
Proposed Roof Plan -BB-002 - Rev R01
- Back up Boiler Building and Ancillary Structures  
Proposed Sections Plan -BB-003 - Rev R01
- Back up Boiler Building and Ancillary Structures  
Proposed South, East 2 & Pump Stations Elevations -  
BB-005 - Rev R01
- Bedrock Geology - Dwg - Fig 2-1 E
- Boiler Building & Ancillary Infrastructure Location Plan  
- LPBB-001
- Boiler Location Plan - Dwg LP BB-001

- CEMP Temporary Car Park
- CHP Location Plan - Dwg - Fig 3-3
- Chapter 1 – Introduction
- Chapter 11 - Noise & Vibration
- Chapter 12 - Air Quality
- Chapter 12 - Air Quality Technical Appendix 12-1 - Detailed Air Quality Assessment
- Chapter 12 - Air Quality Technical Appendix 12-3 Construction Dust Assessment
- Chapter 12 Air Quality Technical Appendix 12-2 - Baseline Air Quality Monitoring – Redacted
- Chapter 13 - Traffic & Transport
- Chapter 14 - Waste & Resources
- Chapter 15 - Socio Economic
- Chapter 16- Other Environmental Issues
- Chapter 17 – Cumulative
- Chapter 18 – Summary
- Chapter 2 - Site Setting & Description
- Chapter 3 - Project Description
- Chapter 4 – Alternatives
- Chapter 5 - Scoping & Methodology
- Chapter 6 - Policy & Guidance
- Chapter 7 Landscape & Visual
- Chapter 8 Land Quality
- Chapter 9 Hydrology & Flood Risk
- Combined Heat & Power Stack Height Band Map - Dwg - Fig 7-4
- Construction Environmental Management Plan
- Construction Traffic Management Plan
- Contamination Phasing Plan - Dwg -CON-001
- Cultural Heritage Constraints - Dwg -Fig-2-1 G
- Design and Access Statement
- Designated Site 15km - Dwg - Fig 10-3
- Designated Sites 2 km - Dwg -Fig -10-2
- Ecological Constraints - Dwg - Fig 2-1 A
- Environmental Statement Contents
- Existing Site Plan - Dwg - EXMS-00
- Existing Site Plan - Dwg EXMS-001
- FCC -SAB-FUL-2023-0096 Decision Notice
- FUL-000011-22 Decision Notice
- Figure 10.1 UK Habitat Survey
- Flood Consequences Assessment
- General Arrangements PREM722-GEN 2000-0002-Rev-A
- General Site Layout - Dwg SPM-ARUP-01-XX-DR-SW-000001 - Rev R01
- Hydrological Constraints - Dwg - Fig 2-1 B
- Illustrative Landscape Masterplan - Dwg -Fig 7-23
- Lagoon 1 Geoenvironmental Assessment Issue 1
- Land Map - Overall Evaluation - Dwg - Fig 7-9

- Landscape Character - Dwg - Fig 2-1 C
- Landscape Constraints - Dwg - Fig 2-1 D
- Landscape Site Context Plan - Dwg - Fig 7-10
- Landscape Viewpoint A - Dwg -Fig 7-11
- Landscape Viewpoint B - Dwg - Fig 7-12
- Landscape Viewpoint C - Dwg - Fig 7-13
- Landscape Viewpoint D - Dwg - Fig 7-14
- Landscape Viewpoint E - Dwg - Fig 7-15
- Landscape Viewpoint F - Dwg - Fig7-16
- Landscape Viewpoint G - Dwg -Fig- 7-17
- Landscape Viewpoint H - Dwg - Fig 7-18
- Landscape Viewpoint I - Dwg - Fig 7-19
- Landscape Viewpoint J - Dwg-Fig- 7-20
- Landscape Viewpoint K - Dwg -Fig-7-21
- Landscape Viewpoint L - Dwg-Fig-7-22
- Location Plans - Dwg -LPBB-001
- Long Distance Routes - Deg - Fig 2-1 H
- Main & Expansion Site Location Plan - Dwg - Fig 3-1
- NG Heater
- NG Reduction Plan
- National Character Area - Dwg -Fig 7-7
- Noise Sensitive Receptor Locations - Dwg -Fig 11-1
- Noise Survey Locations - Dwg - Fig-11-2
- Non Technical Summary
- Outline Travel Plan
- PAC Report
- Piling Site Location Plan - Dwg -Fig 3-2
- Preliminary Pipework Routing General Arrangement - PREM-722-MIS-0000-9000-Rev A
- Proposed Site Plan - Dwg - Fig3-4
- Proposed Site Plan - Dwg PPBB-001
- Proposed Site Plan -Dwg PPBB-001
- Proposed Site Plan -Dwg PPBB-001 - Multi Plans
- Proposed Site Plans
- Proposed Temporary Car Park Plan
- Proposed Viewpoint Location - Dwg- Fig 7-6
- Regional Character and Designation Map - Dwg - Fig 7-8
- SAB response 200224
- Shotton Mill PRS Site Plan
- Site Boundary - Dwg - Fig 1-2
- Site Context Plan - Dwg - Fig 1-4
- Site Location - Dwg - Fig 1-1
- Superficial Geology - Dwg-Fig-2-1 F
- Topograph & Lidar Data Extents - Dwg- Fig 7-1
- Transport Assessment - Part 1
- Transport Assessment Part 2
- ZTV Screened Scenario - Mainsite & Combined Heat & Power - Dwg- Fig 7-2
- ZTV Screened Scenario Area 4 Site - Dwg -Fig 7-3

3. Prior to commencement of each phase of development the following components of a scheme to deal with the risks associated with contamination at the site, have been submitted to and approved in writing by the Local Planning Authority.
  1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways, and receptors
    - potentially unacceptable risks arising from contamination at the site [largely completed]
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. [largely completed]
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

The remediation strategy and its relevant components shall be conducted in accordance with the approved details.

4. Prior to the occupation a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.
5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy

detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

6. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
7. The piling/foundation designs of the development shall be carried out in accordance with the following approved details: Geoenvironmental Interpretative Report for Piling at PM3 by Arup (Reference: SPM-ARUP-ZZ-XX-RP-CG-000002; Issued 14 October 2022).

Where additional piling is required, prior to commencement of the relevant phase of development, details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

8. No development shall take place, including site clearance works, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority

### **3.00 CONSULTATIONS**

3.01 **Councillor Bernie Attridge (Local Member):** Supports the application

**Connah's Quay Town Council:** No objections provided the application complies with planning policy

**Highways Development Control:** No objections received

**Community and Business Protection (Contaminated Land):** No objection

**Dwr Cymru/Welsh Water:** Capacity exists within the public sewerage network in order to receive the domestic foul only flows.

**Natural Resources Wales:** No objections received subject to the inclusion of conditions relating to land contamination.

**Natural England:** Were not consulted on the previous application but raise concerns regarding the potential impact on nearby designations. Advise that the LPA undertake a Habitats Regulations Assessment (HRA). The HRA has been completed.

**Airbus:** No objections

**Liverpool John Lennon Airport:** No objections

**North Wales Fire Service:** No objections

**Network Rail:** No objections but due to the proposal being next to Network Rail land and their infrastructure asset protection comments are recommended to be included as a note to the applicant.

**Public Rights of Way:** No objections

**Economic Development:** Supports the application

#### **4.00 PUBLICITY**

4.01 9 Neighbour Notifications were sent to adjacent/nearby properties and a Site Notice was posted adjacent to the site. The proposals were also publicised in the local press. No responses received at time of writing report

#### **5.00 SITE HISTORY**

5.01 There is an extensive planning history associated with this site but the most relevant consents are listed below:

FUL/000011/22 – \_Redevelopment and expansion of former UPM Shotton Paper Mill site comprising 82 hectares of new paper factory buildings and processing plant and associated landscaping, offices, access and parking – Approved 26<sup>th</sup> October 2022

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan  
Policy STR2: The Location of Development  
Policy STR4: Principles of Sustainable Development, Design and Placemaking  
Policy STR5: Transport and Accessibility  
Policy STR8: Employment Land Provision  
Policy STR13: Natural and Built Environment, Green Networks and Infrastructure  
Policy STR14: Climate Change and Environmental Protection

Policy PC1: The Relationship of Development to Settlement Boundaries  
Policy PC2: General Requirements for Development  
Policy PC3: Design  
Policy PC4: Sustainability and Resilience of New Development  
Policy PC5: Transport and Accessibility  
Policy PE2: Principal Employment Areas  
Policy EN4: Landscape Character  
Policy EN6: Sites of Biodiversity Importance  
Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land  
Policy EN18: Pollution and Nuisance

Adopted Supplementary Planning Guidance

SPGN No. 8 – Nature Conservation and Development  
SPGN No 3 – Landscaping  
SPGN No 8 – Nature Conservation and Development  
SPGN No. 11 – Parking Standards

National Planning Policy

Planning Policy Wales Edition 12  
Future Wales – The National Plan 2040  
TAN 5: Nature Conservation & Planning  
TAN 11: Noise  
TAN 12: Design  
TAN 18: Transport  
TAN 23 - Economic development

**7.00 PLANNING APPRAISAL**

7.01 Introduction

This application seeks planning permission for the proposed erection of a boiler building on land at Shotton papermill.

7.02 Site Description

The overall site comprises the operational Shotton Mill paper manufacturing facility, formerly owned and operated by UPM (the Main Site) together with adjoining vacant brownfield land (the Expansion Site, also known as the A4 land). The land subject of this application sits roughly in the middle of the main site.

7.03 The site is situated within the Deeside Industrial Park close to the Dee Estuary. The Dee Estuary is subject to a number of national and European wildlife designations. The Site is located within the Wrexham & Deeside National Growth Area as defined by Future Wales: The National Plan 2040.

7.04 The site lies to the south of the A548 dual carriageway, with access to the A548 being via a local distributor road that serves the Deeside Industrial Park.



- 7.05 Vehicular access to the site is from a roundabout junction on the A548 via Weighbridge Road forming part of the Deeside Industrial Park. The A548 dual carriageway links to the A55.
- 7.06 The surrounding area of Deeside Industrial Park is occupied by a number of large-scale manufacturing and energy generation facilities.
- 7.07 Proposed Development  
This application seeks planning permission for a new building to accommodate two new boilers. These will be used to generate back up power to the approved paper machine for approximately a year until the Combined Heat and Power Plant (CHP) which was approved under FUL/000011/22 is built.
- 7.08 For Members information, the CHP application has been submitted to Welsh Government concurrently to this application, through the submission of a Development of National Significance (DNS) Application.
- 7.09 The CHP will be the main power source for the paper machine. The proposed boilers will therefore only be used temporarily until the CHP is in use. The boilers will however remain on site once the CHP is in full operation, becoming a back-up, to be used during periods when the CHP is shut down for maintenance. A number of ancillary structures are also proposed to the east of the back-up boiler building.
- 7.10 Principle of Development  
The application site lies within a Principal Employment Area (Deeside Industrial Park) by virtue of policy PE2.11. Through policy PE2 it is considered that by identifying key areas where primarily existing employment development can be safeguarded and where new employment development in relation to this can be focussed, the LPA will generally be supportive subject to compliance with other material considerations. The policy is applicable to the use of land, new build, conversion, redevelopment and extension or expansion.
- 7.11 The policy permits B1, B2 and B8 development provided that the development is of an appropriate type and scale for both the site and its surroundings and satisfies other Plan policies.
- 7.12 The site has the benefit of a planning permission (FUL/000011/22) for the redevelopment and expansion of the former papermill and therefore the principle of employment development is established on the site. Given that the proposed development sits within a major consented proposed development the proposal is considered compliant with policy PE2 of the LDP and acceptable in principle.

- 7.13 Highway Safety  
The application does not propose any new access arrangements. The building to house the boiler forms part of the main site works, and will be accessed via the existing access of Weighbridge Road.
- 7.14 Highways Development Control Officers have assessed the proposal and raise no objection but recommend the imposition of a condition regarding the submission of an Construction Traffic Management Plan.
- 7.15 Ecological Implications  
The application site lies within:
- 280m of the Dee Estuary (Wales) SAC / SPA / Ramsar site
  - 1.4km of the River Dee and Bala Lake SAC
  - 280m of the Dee Estuary SSSI
  - 290m of the Shotton Lagoons and Reedbeds SSSI
  - 1.4km of the Inner Marsh Farm SSSI
  - 1.5km of the Afon Dyfrdwy (River Dee) SSSI
- 7.16 This application raises three main areas of consideration in relation to ecological impacts; air pollution; noise and visual disturbance to bird features and water pollution.
- 7.17 In terms of air pollution the intention of the application is to initially run gas boilers but once granted, the boilers and CHP will run concurrently. The application is supported by an air quality assessment which considers overlapping running of the boilers with the CHP for short periods, and concludes that there is no likely significant effect on surrounding vegetation and ecosystems.
- 7.18 As the proposed works fall within the overall footprint of the site redevelopment that was previously approved there are no concerns about increased noise or visual disturbance to overwintering bird features of the Dee Estuary SPA/Ramsar site. In addition, in terms of water pollution the accompanying Construction Environmental Management Plan (CEMP) adequately mitigate for any potential issues.
- 7.19 Natural England were consulted on the application and requested that the Local Planning Authority undertake a Habitats Regulations Assessment (HRA). This Assessment has been completed by the County Ecologist which concludes that the proposed development, whilst major, is not substantial given the wider consented development and accordingly there are not considered to be any additional likely significant ecological affects that are not already covered by the existing Environmental Statement. The proposal is compliant with local and national planning policy.

7.20 Landscape Character

The character of the site is largely industrial with the visual setting of large scale industrial and infrastructure based development close to the River Dee as its backdrop. Accordingly whilst the proposed building height at 23 metres and stack height of 30 metres is high, taken in context with neighbouring Parc Adfer, and surrounding units such as Deeside Power Station the overall scale is not considered inappropriate in this location.

7.21 Flood Risk

The wider papermill site lies partially within Zone C1 as defined by the Development Advice Map (DAM). According to the Flood Map for Planning (FMfP), the wider site lies marginally within the Flood Zone 2 and Flood Zone 3 (Sea) outlines. However, the redline application boundary for this proposal lies within Zone A on the DAM and Flood Zone 1 on the FMfP. Accordingly there are no concerns from a flood risk perspective.

7.22 Land Contamination

The proposed development site has an extensive history of potentially contaminative land uses and within the ground in an area adjacent to Weighbridge Road, included within the proposed site, is a Permeable Reactive Barrier (PRB), installed during the 1990s to remediate and prevent contamination of groundwater. The PRB is associated with contamination attributable to hydrocarbon contamination and an historical steel works which once operated at/adjacent to the proposed development site. It is also understood that a part of the site has been used to dispose wastes in the past and may be landfill.

7.23 As with the planning consent granted for the redevelopment of the whole site it will be necessary to secure the assessment and remediation of land contamination by condition. The condition would need to secure land contamination assessments prior to the commencement of the development and remediation works prior to the first use or occupation of the development.

7.24 Taking all the above into consideration, the concerns relating to contaminated land can be dealt with via the imposition of conditions, As such is it considered that the proposed development is compliant Policy EN16 of the FLDP.

7.25 Other Matters

The application site is located next to land owned by Network Rail and their associated infrastructure. To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway Network Rail have provided asset protection comments which can be included as a note to the application to action should the proposal be granted planning permission.

## **8.00 CONCLUSION**

This application seeks planning permission for the proposed erection of a new boiler building on land at Shotton Papermill which is currently being redeveloped. The application site sits within a key employment area, and the proposed building which will initially house two gas boilers and the CHP in the future is considered crucial to the redevelopment.

8.01 With no objections from statutory or third party consultees it is considered that the application is fully compliant with both local and national planning policy and I therefore recommend that planning permission is granted subject to the imposition of conditions as set out within paragraph 2.01 of this report.

## **8.02 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.

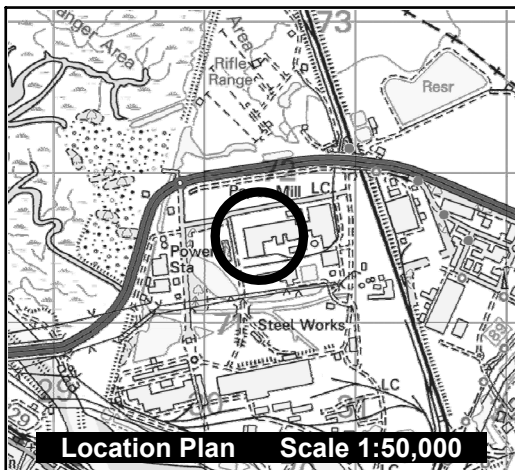
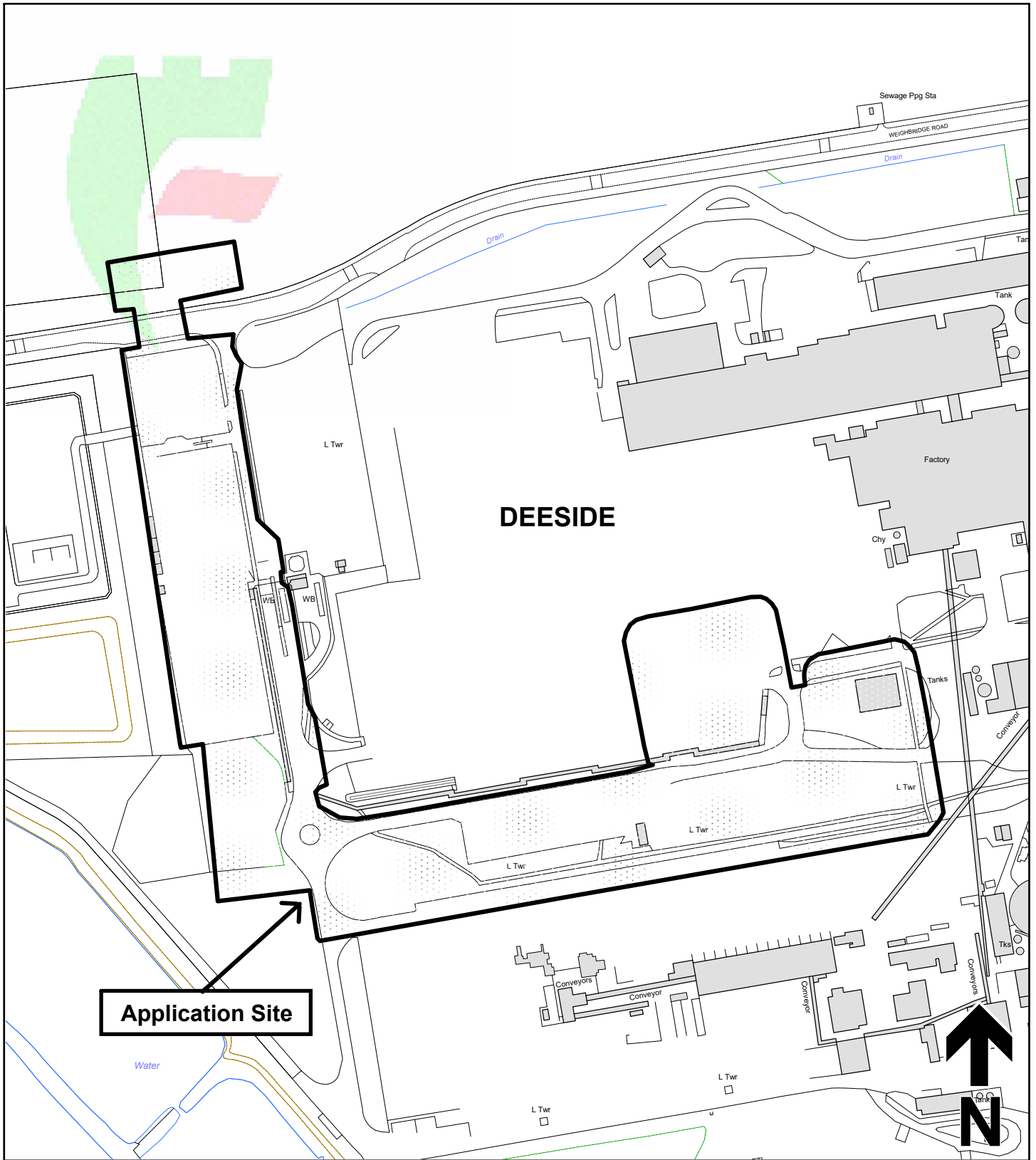
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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:** Claire Morter  
**Telephone:** 01352 703299  
**Email:** [claire.e.morter@flintshire.gov.uk](mailto:claire.e.morter@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: 1:3000

OS Map: SJ 3071

Application: FUL/000008/24

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>TH</sup> JUNE 2024**

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

**SUBJECT:** **FULL APPLICATION- CHANGE OF USE OF LAND TO FORM MIXED USE COMPRISING A 2 PITCH FAMILY TRAVELLER SITE, 2 DAY ROOMS, GENERAL STORGAGE OF PERSONAL BUSINESS EQUIPMENT. ERECTION OF A 2.4M HIGH WOODEN BOUNDARY FENCE, ENTRANCE GATES WITH IMPROVED ACCESS ONTO STATION ROAD (RETROSPECTIVE)**

**APPLICATION NUMBER:** **063509**

**APPLICANT:** **MR ADAM YOUNG**

**SITE:** **LAND TO THE SOUTH EAST OF "WILLOWBROOK (PARK HOMES)", STATION ROAD, SANDYCROFT, FLINTSHIRE**

**APPLICATION VALID DATE:** **5<sup>TH</sup> NOVEMBER 2021**

**LOCAL MEMBERS:** **COUNCILLOR CHRISTINE JONES**  
**COUNCILLOR DALE SELVESTER**

**TOWN/COMMUNITY COUNCIL:** **QUEENSFERRY COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **COUNCILLOR REQUEST**

**SITE VISIT:** **NO- SITE VISIT PREVIOUSLY UNDERTAKEN ON THE 27<sup>TH</sup> FEBRUARY 2023**

### **1.00 SUMMARY**

- 1.01 Full application for the Change of Use of Land to form mixed use comprising a 2 pitch family traveller site, 2 day rooms, general storage of personal business equipment. Erection of a 2.4m high wooden boundary fence, entrance gates with improved access onto Station

Road at land to the South East of "Willowbrook (Park Homes)", Station Road, Sandycroft, Flintshire.

1.02 Members are asked to note that having considered this application at the Committee meeting held on 1<sup>st</sup> March 2023, the Committee deferred this item on the basis of the sole issue of requiring a more thorough assessment of the potential for land contamination.

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

- 2.01
1. Time limit on commencement
  2. In accordance with approved details:
    - Location plan drawing no 01
    - Proposed Site Plan, Day Room and Fencing Details drawing no. 02
    - Hydraulic Assessment October 2021 Betts Hydro
    - Flood Consequence Assessment November 2021 Betts Hydro
    - Planning Statement
    - Aerial photographs
    - Phase II Geoenvironmental Report CC Geotechnical Limited May 2023
  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. Notwithstanding the details hereby approved, no surface water is to be allowed to enter public system
  5. Within three months of planning approval being granted, or within a time scale to be agreed with the Local Planning Authority, the recommendations of the approved Phase II ground investigation report, including but not limited to the remediation strategy and verification of the approved mitigation scheme shall be carried out.
  6. Notwithstanding the details hereby approved no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority

**3.00 CONSULTATIONS**

3.01 **Councillor C Jones (Local Member):** Requests committee determination

**Councillor D Selvester (Local Member):** Requests committee determination

**Queensferry Community Council:** No response at time of writing



**Highways Development Control:** The Highway Authority confirm that they have no objection to the proposal and that do not wish to make a recommendation on highway grounds.

**Community and Business Protection:** No objection in principle. The assessment is completed for Phase 1 and for Phase 3 as far as remediation. The site needs remediation works in the areas as set out in the report. The remediation strategy, and verification reports will need to be submitted for approval.

**Welsh Water/Dwr Cymru:** Welsh Water advise that the public sewers in the vicinity of the site are foul only and that it is not permissible to discharge surface water runoff into a foul sewer.

**Natural Resources Wales:** Request that any planning permission granted shall include the following document in the approved plans and documents condition on the decision notice:

- Approved document: Land Off Station Road Sandycroft Flood Consequence Assessment. Betts Hydro. Ref HYD655\_05.11.2021.

They also request Contaminated land and Ground water conditions and these have been covered by the suggested conditions 5 and 6 in para 2.01

#### **4.00 PUBLICITY**

4.01 18 Neighbour Notifications were sent to adjoining/nearby properties and a Site Notice was also displayed adjacent to the site. 5 letters of objection received which refer to the following matters

1. Trees removed
2. Unstable land
3. Road safety- Fence interfering with vehicular sightlines
4. Queries over traveller status of applicant

#### **5.00 SITE HISTORY**

5.01 No relevant site history

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan  
STR2- Location of Development  
STR12- Provision for Gypsies and Travellers  
PC1- Relationship of Development and Settlements

PC2- General Requirements for Development  
PC5- Transport and Accessibility  
PE2- Principle Employment Area  
HN9- Gypsy and Traveller Accommodation  
EN14- Flood Risk  
EN16- Development on or near Landfill Sites or Derelict and Contaminated Land

### 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 Site

The site subject to this planning application is an irregular shaped parcel of previously developed land, which covers approximately 1600m<sup>2</sup> and is located in Sandycroft. In terms of the setting of the site within the locality, the Wildcrest Willow Brook Caravan Park is located directly to the east, industrial land is located to the north and west, whilst Station Road (unadopted at the point of access) forms the sites boundary to the south. Access to and from the site is taken via a vehicular access onto Station Road. The site is located within the settlement boundary for Sandycroft in the Flintshire Local Development Plan.

### 7.02 Main issue

Land Contamination – Following consideration of this proposal at the Planning Committee meeting held on 1<sup>st</sup> March 2023, the sole issue that caused Members to defer the consideration of the application, was the requirement for further assessment in relation to land contamination. Further information has been submitted and that is assessed below. The other matters previously considered are also re-presented to provide the full context for Members.

### 7.03 Proposal

The proposed development is for the change of use of previously developed land for use as a family traveller site accommodation comprising 2 static homes, 2 trailer caravans, 2 day room, along with the erection of a 2.2m high wooden boundary fence, gate pillars and metal gates. Each pitch would consist of 1 static home, 1 trailer

caravan, 1 day room and 2 car parking spaces. This application is being applied for in retrospect.

- 7.04 The definition of 'Gypsies and Travellers' is contained within section 108 of the Housing (Wales) Act 2014. Gypsies and Travellers means:
- (a) Persons of a nomadic habit of life, whatever their race or origin, including –
    - (i) Persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently, and
    - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
  - (b) All other persons with a cultural tradition of nomadism or of living in a mobile home.
- The applicant and their family meet the above definition.

- 7.05 This application was previously considered at the Planning Committee meeting of the 1<sup>st</sup> March 2023. The Committee deferred the matter to allow further consideration of the land contamination issue.

- 7.06 Further information, in the form of a Phase II intrusive investigation report, has been submitted and it has been demonstrated that risk from potential contaminates can be remediated.

- 7.07 Land Contamination  
The development lies within the vicinity of the former Station Road landfill site; and therefore has the potential for contamination. Whilst the general principle of developing this land from a land contamination point of view was accepted, both the Contaminated Land Officer and NRW had suggested land contamination conditions to be applied to any consent to require further investigation, verification and, if required, remediation measures to account for any potential land contaminates and in order to ensure that these are dealt with appropriately, and to ensure that no residual risk remains on site for future receptors.

Following the application being deferred by Planning Committee on the 1<sup>st</sup> March 2023 Phase II intrusive site investigation has been carried out and a report submitted to the Council.

- 7.08 The Contaminated Land Officer has confirmed the findings of the report and has raised no objection to the proposal subject to the further work as identified by the Phase II report being carried out. These are:

- Complete the ongoing gas – groundwater monitoring programme
- Update gas risk assessment
- Prepare Phase III Remediation Strategy Report
- Prepare Phase IV Validation Report

A condition has been suggested requiring the carrying out of the identified further work, and in particular the submission of the remediation and verification details, which will conclude the site investigation process.

- 7.09 In accordance with policy EN16 the site has now been appropriately investigated, and the development both takes appropriate measures to deal with any identified contamination, and ensures that there is no residual risk remaining for future receptors.
- 7.10 It should be noted that as the site has been largely laid with hardstanding this provides a cover system that in itself mitigates against the dangers of possible land contamination.
- 7.11 In addition NRW have requested that a condition be applied that states no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The Phase II report has demonstrated that the development would have an insignificant impact upon groundwater quality.
- 7.12 The submitted information demonstrates that the proposal is compliant with LDP policy EN16- Contaminated Land and that the development does not result in any risk to receptors, including residents of the site. A condition is suggested to require the submission of the remediation strategy and verification report within an appropriate time scale.
- 7.13 Principle  
The site is located within the settlement boundary for Sandycroft, which is a Tier 3 sustainable settlement in the Flintshire Local Development Plan.

Policy HN9 of the Flintshire Local Development plan is the primary development plan policy to consider in regard to the principle of this development. This policy acknowledges that despite provision being made in the Plan through allocations, there will be windfall development proposals for Gypsy and Traveller sites submitted during the Plan period in order to meet a specific need.

- 7.14 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 that local authorities meet the accommodation needs and provide sites for Gypsies and Travellers through the planning

system. The Circular notes that policy requirements to ‘demonstrate unmet need’ would act against freedom of movement for gypsies and travellers 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.

7.15 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’.

7.16 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’.

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’.

7.17 Policy HN9 seeks 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. The proposal would meet this criteria.

7.18 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 15, given the particular vulnerability of caravans; and
- regard for areas designated as being of international, national and local importance for biodiversity and landscape

7.19 It is considered 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. The site is in a sustainable location for new development given the availability of services and facilities and also proximity to other settlements in Flintshire, and Deeside specifically.

7.20 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.

7.21 The site is located within a Principle Employment Area in the Local Development Plan. Policy PE2 is supportive of appropriate employment development in these areas. It does not necessarily preclude other forms of development where it may be appropriate to allow them and in accordance with other development plan policies. The land subject to this application is relatively small and would possibly not be appropriate for an employment use because of its size constraints. The land has been unoccupied and unused apart from what appears, from submitted aerial photos, to be for some overspill parking at various points in the past. It is not considered that the proposal would unacceptably harm the strategic aims of the Principle Employment Area designation and do not consider there to be a conflict of policy in this regard.

7.22 Interests of children

The application identifies that there are nine Children of school and pre-school age that currently live on the site.

7.23 The benefits of enabling the provision of a stable and secure environment is a material consideration in the planning balance. This has been accepted by planning inspectors with due regard to 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.

7.24 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.

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

*"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 be a primary consideration."*

7.26 These considerations are therefore a primary material consideration in the site assessment. The implications of the applicant, their family and the families of those living on site having a settled base for the educational/health needs of the children needing to be considered and weighed in the balance as a primary consideration. In these circumstances I consider that the best interests of the children would be best served by occupation of the site.

7.27 **Flooding**

The planning application proposes highly vulnerable development (traveller site). The NRW's Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15.

7.28 The development proposal is for a two pitch traveller site, on a currently undeveloped parcel of land. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Further to the discussion regarding the principle of development earlier in this report it is considered that the development in this location is justified as it accords with the strategic and policy aims of the development plan in reference to Gypsy and Traveller sites.

7.29 The FCA assesses the flood risk from two primary sources, namely fluvial flood risk from Broughton Brook, which borders the site, and tidal flood risk from the River Dee. In respect to fluvial flood risk, a range of events have been considered, including blockages of two structures (one upstream and one downstream of the site) for the 25% and 80% blockage scenarios. In the 1% Annual Exceedance Probability (AEP) event with an allowance for climate change and an 80% blockage, a flood level of 4.14m AOD has been derived adjacent to the site for the upstream blockage scenario (the level is 4.62m AOD upstream of the structure), and a flood level of 4.38m AOD has been derived for the downstream blockage scenario. The FCA states that based on LiDAR data, site levels are approximately 5.81m AOD or

higher, meaning the site is well elevated above predicted flood levels for this event. This is supported by the model outputs provided in Appendix D which indicate no flooding of the site is expected in this event. NRW note that no assessment has been made of the potential impact that failure of the tidal door downstream of the site could have on flood risk, in terms of tidal floodwaters propagating up the channel. However, as the site is elevated above the flood level for the 1% Annual Exceedance Probability (AEP) event with an allowance for climate change and an 80% blockage, and there are lower areas of land further upstream which are subject to flood risk from Broughton Brook, it is expected that the risk of flooding to the site in the event of failure of the tidal door is low.

- 7.30 In relation to tidal flood risk, the FCA has assessed the risk of flooding from a tidal breach of the River Dee defences, using the outputs from the Sandycroft breach location from our River Dee modelling study (2020). The outputs indicate that the majority of the site would be expected to be flood free in the 0.5% AEP breach event with an allowance for climate change, with only the eastern boundary of the site identified at flood risk. The flood level at the eastern boundary is calculated as 5.82m AOD, resulting in maximum flood depths of only 0.005m. The FCA states that all caravans and buildings should be set to a level of 6.42m AOD, which would provide a 600mm freeboard above the breach flood level. Based on the assessment submitted and the proposed mitigation measures we are satisfied that the proposal demonstrates compliance with A1.14 of TAN15.
- 7.31 In respect to A1.15 of TAN15, which defines how the assessment of the consequences of flooding should be carried out, the FCA demonstrates that no flooding of the site is expected in the 0.1% AEP blockage event for Broughton Brook. In respect to tidal flood risk, the 0.1% AEP breach event with an allowance for climate change has not been considered. For the 0.5% AEP breach event with an allowance for climate change depths are below 600mm and velocities are generally below 0.3m/s.
- 7.32 NRW have confirmed that the FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, they have no objection on flood risk grounds to the application as submitted. As such the proposal complies with policy EN14 of the Flintshire LDP. As the development is considered to be in line with guidance contained in TAN 15, the proposal also accords with the element in the Circular which requires sites to not be located within sites prone to flooding.
- 7.33 Drainage  
The proposed drainage solution for the site is to dispose of both foul flows and surface water runoff via the public sewerage system. Welsh Water have advised that the public sewers in the vicinity of the site



are foul only and therefore it is not permissible to discharge surface water runoff into a foul sewer.

7.34 The surface water drainage is subject to SAB approval and must be sought separately to any planning consent.

7.35 As a foul water public sewerage connection is available and Welsh Water have raised no objection to such a connection I consider that the principle of drainage for this development is acceptable.

7.36 Access

The site uses an existing unadopted access road, which is unchanged by the proposal. This section of unadopted highway also serves the residential caravan park to the north of the site. The proposal provides a standard splay entrance to the site, which allows for safe access and egress.

7.37 The Highways Authority have confirmed that they have no objection to the proposal and have not made a recommendation on highway grounds.

7.38 Local Amenity

The site is well screened from the adjacent residential units on Willow Brook caravan park. The boundaries will have a 2.4 metre high close boarded fence. There is intervening vegetation between the application site and the caravan park.

7.39 With regards to the close boarded fence. There is an advantage to this type of fencing as it provides privacy to the site and its neighbours. NRW have, however, queried the acceptability of the fence, which is directly on the top of the bank of Broughton Brook, as the current proposed closed board fencing would prevent visual inspection of the channel. I propose a condition requiring a further consideration of the fencing. Provision to allow inspection of the Brook when necessary should be given.

7.40 Whilst there are industrial uses within the locality of the site, which will generate noise, no concerns have been raised by Public Protection with regard to potential noise impact upon residents of the site. The distance between the caravans on the application site and neighbouring industrial sites is similar to the Willow Brook caravan park. I consider that the amenity of residents of the proposal site is acceptable, and the proposal will not result in a loss of amenity to neighbouring residents.

7.41 Other Matters

NRW have cautioned that that the application site is located within 82m of the SAC. The proposals may affect the River Dee and Bala Lake SAC if pathways for pollution exist. They note, however, that The above pathways may not result in an adverse effect if the

Developer adheres to pollution prevention guidelines. It is not considered likely that the development would have likely effects on the SAC and therefore it is not considered that a Habitat Regulation Assessment is necessary with regard to this development.

## **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.

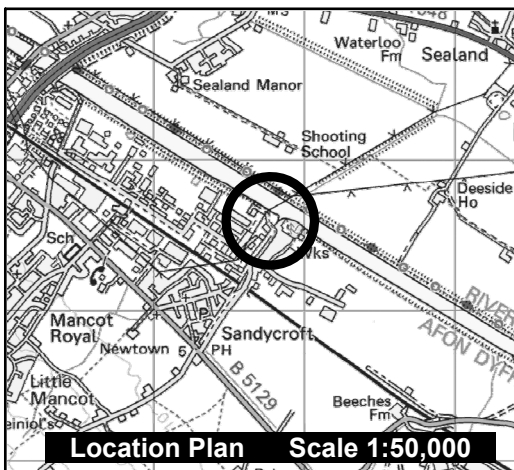
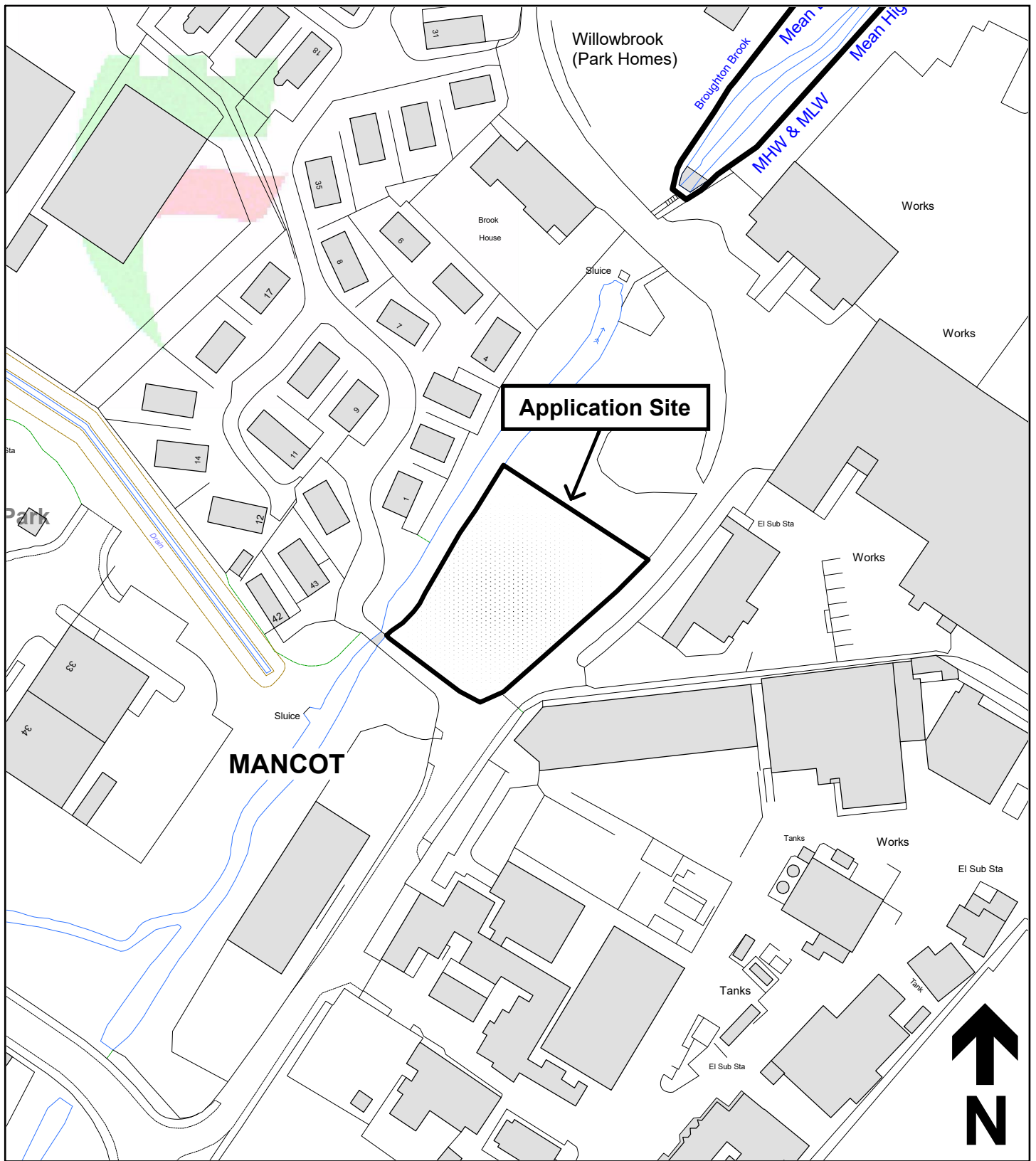
### **LIST OF BACKGROUND DOCUMENTS**

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

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

Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Local  
Development Plan  
Settlement Boundary

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Planning Application **63509**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>th</sup> JUNE 2024**

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

**SUBJECT:** **FULL APPLICATION- CONVERSION OF VACANT/REDUNDANT PUBLIC HOUSE TO RESIDENTIAL USE.**

**APPLICATION NUMBER:** **COU/001028/23**

**APPLICANT:** **KARL FAULKNER**

**SITE:** **TAVERN INN, ALLTAMI, MOLD, CH7 6LG**

**APPLICATION VALID DATE:** **29<sup>TH</sup> NOVEMBER 2023**

**LOCAL MEMBERS:** **COUNCILLOR CAROL ELLIS**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **MEMBER REQUEST- PUBLIC INTEREST**

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

### **1.00 SUMMARY**

1.01 This is a full application for the conversion of vacant/redundant Public House to Residential use, comprising of two 2-bedroom apartments and two 1-bedroom apartments at Tavern inn, Alltami, Mold

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

- 2.01
1. Time Limit
  2. In accordance with approved details:  
Application Form  
Location Plan drawing no. 2023/02/SLP  
Proposed Floor Plan and Elevations drawing no. 2023/02/P

Proposed Site Plan 2023/02/SPa  
Existing Floor Plan and Elevations drawing no. 2023/02/E  
Planning Statement

3. No development shall take place unless and until a scheme of enhanced double/secondary glazing has been submitted to and in approved in writing by the Local Planning Authority. Such scheme shall provide for:
  - i) The glazing scheme should provide protection for bedroom and living room windows to achieve a minimum of 34dB(A) sound reduction.
  - ii) Passive acoustic ventilation should be provided in all rooms with double/secondary glazing.

The approved scheme shall be implemented in full prior to the first occupation of any of the dwellings hereby approved and shall thereafter be retained in perpetuity with any future repair or replacement being undertaken in strict accordance with the approved scheme unless the prior written approval of the Local Planning Authority is obtained to any variation.

4. No plant, materials, vehicles, etc. associated with the works shall impinge or be stored on the A494 trunk road.
5. Prior to the commencement of development a scheme for biodiversity enhancement of the site shall be submitted for approval, and thereafter shall be implemented in accordance with the approved details.
6. No development shall take place unless and until a scheme detailing the Ecological Mitigation Strategy and the Reasonable Avoidance Measures, including measures to prevent or reduce the risk of incidental capture of amphibians both during and post construction, has been submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be implemented in full and strict accordance with the agreed details prior to the first occupation of any of the dwellings hereby approved

### **3.00 CONSULTATIONS**

- 3.01 **Councillor C Ellis (Local Member):** Requests Committee Determination as a result of Public interest, and the amount of ongoing development in the area.



**Buckley Town Council:** No observations

**Welsh Govt Transport:** Advises that the Welsh Government as highway authority for the A494 trunk road directs that any permission granted by your authority shall include the condition included as number 4 on the suggested conditions in paragraph 2.01

**Highways Development Control:** No objection to the proposal and does not make a recommendation on highways grounds.

**Natural Resources Wales:** Advise that planning conditions could be used to evidence consideration of and as a mechanism for addressing indirect impacts on the SAC, including those associated with potential in combination increases in recreational pressures. Consider the proposals have the potential to impact upon the Buckley Claypits and Commons SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

**Ecology:** No objection since permission for the conversion of the pub has already been granted. Existing works on site need be undertaken in accordance with the Enfys Ecology Reasonable Avoidance Method Statement for Great Crested Newts as submitted to discharge the relevant condition on planning permission 058799

**Community and Business Protection:** No objection to the proposal. Considers that previously applied enhanced glazing condition is appropriate.

**Airbus:** Confirms that the proposed development does not conflict with safeguarding criteria and have no aerodrome safeguarding objection to the proposal

#### **4.00 PUBLICITY**

- 4.01 17 Neighbour Notifications were sent to adjoining/nearby properties and a Site Notice was also displayed adjacent to the site.

One response received which informs the Council that Welsh Water have agreed that they have a public duty to provide public sewerage under Section 101a of the Welsh Water Industry act 1991 to dwellings within the vicinity.

#### **5.00 SITE HISTORY**

- 5.01 058799- Re-development into 5no. detached 4-bed dwellings and conversion of The Tavern Inn into 2no. 2-bed apartments- Approved upon completion of a S.106 Agreement 29 Sep 2020

The S.106 covered:

- payment of a commuted sum of £2200 in lieu of on-site play and recreation provisions.
- payment of a commuted sum of £105,000 in lieu of the on-site provisions of affordable housing.

054741- Erection of 3No. dwellings- Approved upon completion of a S.106 Agreement 21 March 2017

## **6.00 PLANNING POLICIES**

### 6.01 Flintshire Local Development Plan

- Policy STR2: The Location of Development
- Policy STR4: Principles of Sustainable Development, Design and Placemaking
- Policy STR5: Transport and Accessibility
- Policy STR13: Natural and Built Environment, Green Networks and Infrastructure
- Policy PC2: General Requirements for Development
- Policy PC3: Design
- Policy PC5: Transport and Accessibility

Planning Policy Wales 12 February 2024  
Future Wales 2040: The National Plan

## **7.00 PLANNING APPRAISAL**

### 7.01 Proposal

This application is for the conversion of a former public house into 2 two-bedroom apartments and 2 one-bedroom apartments (4 apartments in total). The site has previously been granted planning permission, under reference 058799, for the erection of 5 dwellings on land adjacent to the public house building and the conversion of the pub to 2 two-bedroom apartments.

### 7.02 Site

The former public house building is located at the Alltami crossroads, located at the junction of the A494 and northern section of Alltami Road.

- 7.03 The site surroundings are characterised as a mix of residential dwellings, comprising two storey terraced dwellings, semi-detached two storey dwellings and detached dwellings.
- 7.04 The application site building, by virtue of its location at the crossroads, is a local landmark and prominent building within the streetscene.
- 7.05 Principle of Development
- The site is located within the settlement boundary for Alltami in the Flintshire Local Development Plan. Alltami is defined as a Tier 3 sustainable settlement, that is a settlement that benefits from some services and facilities and that are centrally located. Alltami is close to the settlements of Buckley and Mold and with the proximity of the A494 and A55 interchange it is well located to access other areas. Policy STR2 allows for windfall development within these areas.
- 7.06 The principle of the conversion of the public house has been established by the prior consent, reference 058799. Development on this permission has been started and the construction of the dwellings on the adjacent land is currently underway.
- 7.07 Neighbour and Residential amenity
- The layout of the proposed flats provides an appropriate scale of development for these small units of accommodation, with natural light serving every room utilising existing openings, with one new opening at ground floor level on the side elevation.
- 7.08 Outside space is available for residents of the apartments including areas for drying clothes and general relaxation. The amenity space available is as previously approved. Whilst the current proposal allows for more units in the building I do not consider, given the nature of the proposal as the reuse of an existing building, and taking account of the level of accommodation provided in terms of occupation, that the amenity space offered is unacceptable.
- 7.09 In general the proposal is an appropriate reuse of the existing space within the building and allows for an acceptable level of accommodation to serve these small units.
- 7.10 Interface distances from the application site to adjacent dwellings accord with the relevant guidance found in SPGN2- Space around dwellings and there are no concerns over
- 7.11 There is a potential for the trunk roads proximity to the application site to impact upon the amenity of residents of the apartments proposed and as such a condition is suggested for enhanced glazing to ensure that potential noise from traffic is mitigated. This condition replicates one imposed on the previous planning permission .

7.12 Access and Parking

The access arrangements are unchanged from the previous approval. Welsh Government, who are the Highways Authority for the A494, have raised no objection to the proposal subject to the imposition of conditions that will safeguard the A494 from any obstruction during construction.

7.13 Flintshire County Council Highways have raised no objection to the proposal with regards to parking arrangements. Parking is available within the site for up to 6 cars, which is in compliance with the maximum standards as set out in SPGN11- Parking Standards for the four apartments the proposal would create.

7.14 It has previously been accepted that the use of the entire site for a small scale residential development would be unlikely to generate more traffic than the previous lawful use as a public house. The addition of two small one bed units to the site would not change this conclusion.

7.15 Drainage

Currently the site is served by an existing private treatment works. A third party has informed the Council that there is a commitment from Welsh Water to provide public sewerage under Section 101a of the Welsh Water Industry act 1991 for the dwellings in Alltami known as Littlewood Cottages and Davies Cottages (opposite the Tavern Pub). Whilst this useful context suggests that in future the site may be served by a connection to the public system this connection is not currently in place and as such it is considered that in accordance with the drainage hierarchy maintaining the current drainage provision is acceptable.

7.16 The site was previously a pub/restaurant and it is considered that the use of the building for 4 small apartments would not increase the foulwater flows to the existing treatment plant beyond the level the previous lawful use would have generated. In accordance with NRW guidance it is considered therefore, that the development is unlikely to be a source of additional phosphorus or pathway for impact as it does not increase the volume and phosphorus concentration of wastewater from the previous use.

7.17 Ecology

The site lies within 0.5 km of the Deeside and Buckley Newt Sites Special Area of Conservations (SAC). Furthermore, the site is located a comparable distance to the Buckley Claypits & Commons Site of Special Scientific Interest (SSSI). Therefore it is important to establish that there is no adverse effect upon these designated areas arising from the development

7.18 The extant permission has a condition requiring reasonable avoidance measures, and these has been agreed and implemented in the

implementation of the permission on the wider site. It is not considered that the current proposal introduces any greater impact on protected species than the extant permission, which have already been considered and the mitigation agreed and implemented. For the avoidance of doubt it is proposed that a condition should require confirmation of this mitigation.

7.19 In accordance with the advice contained within PPW12, as well as Local Development policy all development should provide biodiversity enhancement and a condition to this effect is proposed.

7.20 Planning Obligations

Both previous planning permissions, references 054741 & 058799, were subject to planning obligations for both Public Open Space and Affordable Housing Commitments, and the development of the dwelling houses are subject to these agreed details. Whilst the current proposal would increase the number of residential units on site by two these additional units are one- bedroom apartments which are exemptions from the calculations for commuted sums for education contributions and would not create additional demand for recreational open space to a material level.

7.21 Natural Resources Wales have commented that planning obligations could be used as an alternative to conditions for addressing indirect impacts on the SAC, including those associated with potential in combination increases in recreational pressures. It is noted that this is an issue that has previously been dealt with by conditions and as noted in the section above the reasonable avoidance measures previously agreed have been implemented. As such there is no requirement for any ecological planning obligation to be entered into.

7.22 It is not considered that the current proposal would require any further planning obligations, or alter the agreed position as per the previous permission

**8.00 CONCLUSION**

The principle of converting the former pub into residential accommodation has already been established. Whilst the application would increase the number of units on site it would not result in overdevelopment of the former public house building and the level of accommodation provided is appropriate for the building. As such the proposal is recommended for approval, subject to the conditions as 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.

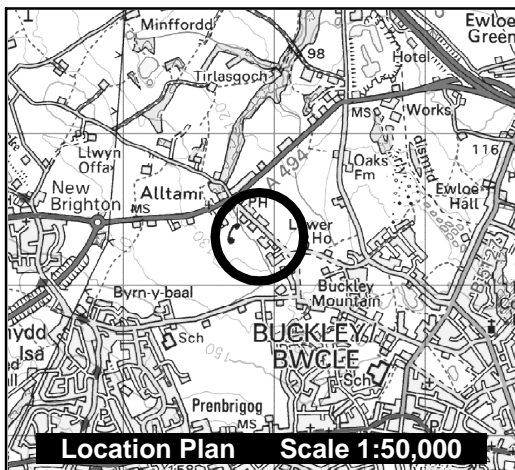
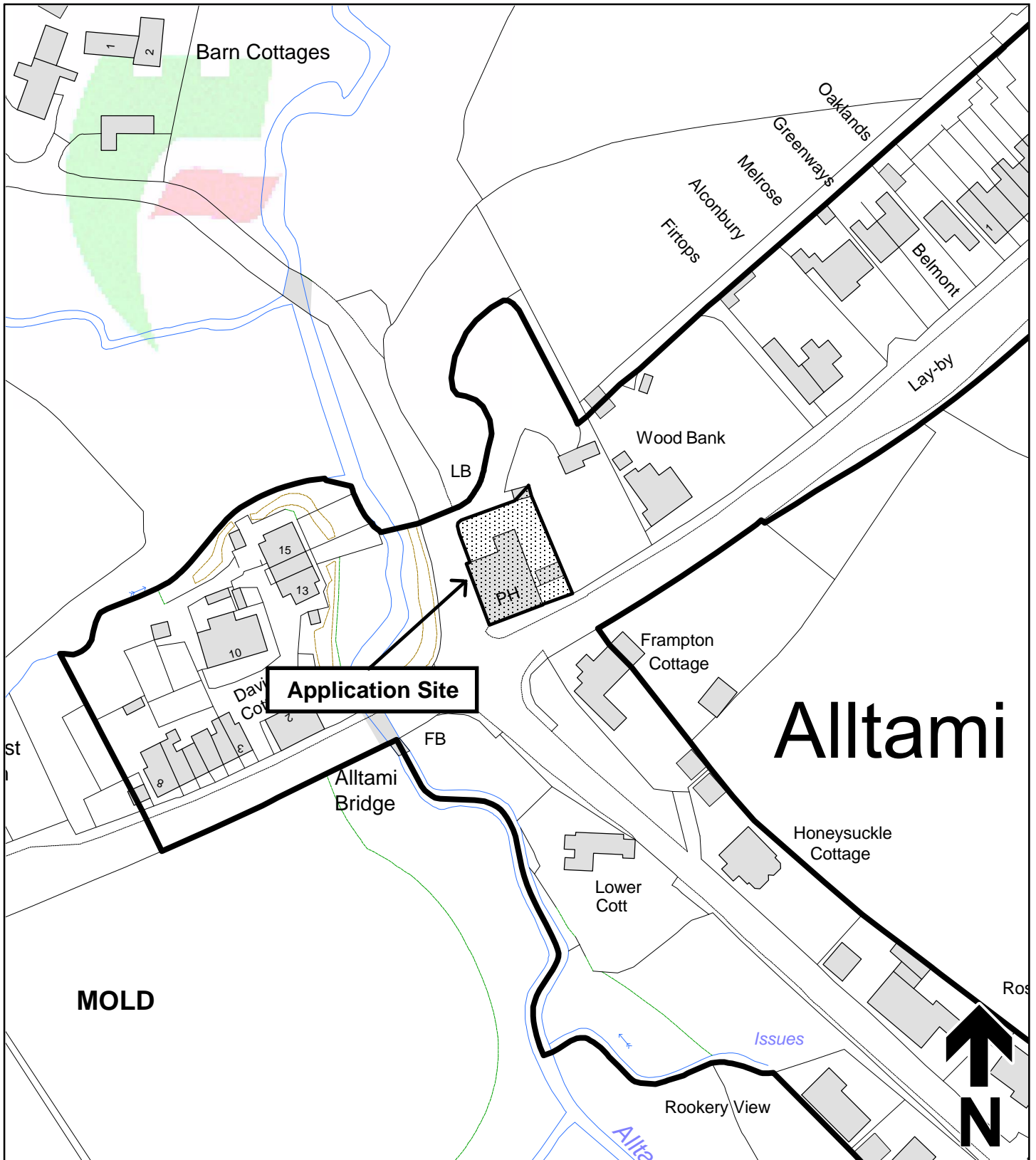
The Council has had due regard to its public sector equality duty under the Equality Act 2010.

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**

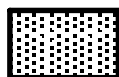
Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

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 Mold, Flintshire, CH7 6NF.  
 Chief Officer: Mr Andrew Farrow

**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Application: COU/001028/23

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19 JUNE 2024**

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

**SUBJECT:** **PROPOSED CONVERSION OF FORMER RETAIL/OFFICES TO HOUSE OF MULTIPLE OCCUPATION (HMO)**

**APPLICATION NUMBER:** **COU/000718/23**

**APPLICANT:** **S FRANCO**

**SITE:** **39A REDIPARTS LTD, MOLD ROAD, BUCKLEY CH7 2JA**

**APPLICATION VALID DATE:** **04 SEP 2023**

**LOCAL MEMBERS:** **CLLR D ROSE    CLLR C PREECE**

**TOWN/COMMUNITY COUNCIL:** **BUCKLEY TOWN COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST**

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

### **1.00    SUMMARY**

- 1.01    This full application seeks change of use and extension of a former retail/office use building 39A Mold Road, Buckley initially to a 14 bed House of Multiple Occupation (HMO) this has subsequently been amended to a 12 bed HMO. Amended plans have been received in the progression of the application on which further consultation has been undertaken. The application building is within the settlement boundary of Buckley a Tier 1 Main Service Centre, within a mixed use area comprising of some commercial /retail and housing uses on the edge of the town centre.

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

- 2.01
1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
  2. The development shall be carried out in accordance with the following plans and documents.
    - Application form
    - Existing plans and elevations 203 Rev A
    - Location plan 201 Rev A
    - Planning Statement
    - Proposed plans 204 Rev F
    - Proposed elevations 205 Rev E
    - Block plan 202 Rev C
  3. No development shall take place inclusive of site clearance works until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority.
  4. Sound insulation performance between the units shall comply with the criteria set out in British Standard BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings
  5. No surface water from any increase in the roof area of the building or impermeable surfaces within its curtilages shall be allowed to drain directly or indirectly to the public sewerage system.
  6. No development shall take place until a scheme for biodiversity enhancement has been submitted to an agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**3.00 CONSULTATIONS**

3.01 **Cllr D Rose (Local Member):** Objects for the following reasons: Concerns over the scale of the development and the type of application as a House of Multiple Occupation.

**Cllr C Preece (Local Member):** Requests that this application is referred to the planning committee and a committee site visit takes place. Raises concerns in respect of the following issues:

- Over development of the property: conversion of former retail / offices into 14 bedroom HMO which could house up to 28 people;

- No adequate communal area/ living space;
- Inadequate toilet and showers for the amount of rooms;
- Inadequate provision for waste storage and collection;
- There is no car parking provided;
- No outdoor amenity space;
- Overlooking other properties; and
- No access for safe deliveries.

**Buckley Town Council:** No adverse observations received in respect of the amended scheme for reduction of number of units from 14 to 12 units on the HMO.

**Highway Development Control:** No objection as drainage methods will not impact upon the adjoining highway. The bin store is not located on the adopted highways and notes the reduction in the number of units from 14 to 12 units. They have recommended that any consent be subject to condition that no development shall take place, inclusive of site clearance works until a Construction Traffic Management Plan has been submitted and approved by the local planning authority.

**Community and Business Protection:** Raise no adverse observations and no objection in principle. Sound insulation performance between the units should comply with the criteria set out in British Standard BS 8233: Guidance on Sound Insulation and Noise Reduction for Buildings.

**Welsh Water/Dwr Cymru:** Confirm that capacity exists within the public sewerage network to received domestic foul flow only. Buckley waste water treatment works (WWtW) Buckley Ty Gwyn has a phosphates permit. It is recommended if consent granted that it be granted that no surface water is allowed to drain directly or indirectly to the public sewerage system.

**Natural Resources Wales:** The scheme has the potential to increase phosphates entering the River Dee and Bala Lake Special Area of Conservation, and requested information on the foul drainage to demonstrate that the proposal will not increase the volume of foul discharge from the site. Natural Resources Wales recommend that confirmation be sought from Dwr Cymru /Welsh Water for connection to the public waste water treatment works, to ascertain if the proposal is likely to have a significant effect on the Special Area of Conservation. This has duly been carried out and it has been confirmed that capacity exists and there is a phosphate's permit in place. In light of this it is considered that the change of use will not have a significant effect on the River Dee and Bala Lake Special Area of Conservation.

**Airbus:** No aerodrome safeguarding objection to the proposal.

**Coal Authority:** The site falls within a low risk area therefore have no specific comments to make and refer to Coal Authority Standing Advice.

#### **4.00 PUBLICITY**

4.01 19 Neighbour Notifications were sent to neighbouring or nearby properties. The application was also published by way of a site notice, displayed to the front of the site.

Eight letters of objection received, the main points of which can be summarised as follows:

1. Scheme too large
2. No outside area with building
3. No car park and adjacent car park often full
4. The area to the rear of the building is not part of application and the applicant does not have access to this area
5. Bins would be on public pavement to front of property
6. The address of the site is incorrect and is not in the applicants ownership
7. Increase in traffic
8. Potential noise and disturbance created by HMO
9. Character of community will be negatively impacted by HMO
10. Affects property prices and sense of pride in community
11. Strain on local resources , schools, health care facilities
12. Structure of building was for a commercial property of single brick /stud wall construction with no sound proofing, not suitable for HMO
13. Very poor light and ambiguous access to second floor
14. Concern over number of occupants crammed in to building with very limited facilities
15. Question over type of occupants, is it for professionals/key workers
16. Parking shown is on Council owned pedestrian Right of Way, with bollards on it
17. No fire escapes
18. Already flats in area which are in public ownership which have been subject to antisocial behaviour
19. Original scheme for conversion of the building was for 2 flats and a shop which was considered more appropriate.

#### **5.00 SITE HISTORY**

5.01 **COU/000237/23**  
Conversion of former retail/offices to C3 use Approved 13.06.23

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan

STR2 The Location of Development  
SRT4 The Principles of Sustainable Development, Design and Placemaking  
STR5 Transport and Accessibility  
STR13 Natural and Built Environment, Green Networks, and Infrastructure  
PC2 General Requirements for Development  
PC 3 Design  
PC5 Transport and Accessibility  
HN7 Houses in Multiple Occupation  
EN15 Water Resources

National Planning Policies

Planning Policy Wales (PPW) Edition 12  
Future Wales: The National Development Plan 2020-2040  
Technical Advice Note (TAN) 12: Design  
Technical Advice Note (TAN) 18: Transport

**7.00 PLANNING APPRAISAL**

7.01 This is a full application to change the use of 39A Mold Road, Buckley, an existing vacant retail/ office building on the junction with Mold Road, to a 12 bed house of multiple occupation. The application site is within the settlement boundary of Buckley, a Tier 1 Main Service Centre. The building existing is a part single and part two storey, flat roofed, 6m high and 14m x 8m in footprint.

7.02 Proposed Development

The application proposes the change of use and extension and alteration of the existing vacant retail/office building to a 12 bedroom House of Multiple Occupation (HMO).

7.03 It is proposed to extend and alter the building to create a building with mono pitch roof 10m high, 14m x 8m in its footprint. With an internal lay out creating 12 bedrooms, two communal areas for kitchen /eating and seating area and shared bathroom facilities on the ground and first floor, with bedroom accommodation on the third floor, which is effectively in the loft area of the proposed building.

7.04 Main Issues

The main issues to be addressed in the determination of this application are:

- The principle of development having regard to the Development Plan;
- Impact upon character and appearance of the area;
- Adequacy of parking;
- Water resources; and
- Living conditions

- 7.05 The Principle of Development  
The reuse in part and extension of the existing former retail/office building which is currently vacant and has been for some time is considered to be reflective of the guidance offered in Panning Policy Wales Edition 12, Future Wales the National Development Plan and Policy STR2 of the Flintshire Local Development Plan, all of which seek to direct new residential development proposals to defined settlements where there is a range of services to support such development.
- 7.06 The identified policies of the LDP allow for the development and extension of existing buildings, where of appropriate type and scale, and allows for windfall housing, subject to meeting the criteria-based approach set out in Policies PC2 and HN7.
- 7.07 A HMO is in principle considered to be an acceptable form of residential development where policy HN7 of the Flintshire Local Development Plan assess the suitability of schemes within defined settlement boundaries to convert an existing building into houses in multiple occupation. The policy requires that conversion is possible without major alterations /extensions which would significantly alter the character and appearance of the building or the locality. In addition, schemes must be of a scale and intensity compatible with adjoining and nearby uses; make adequate provisions for parking provision and provides drying, bin stores, cycle storage and amenity space. The policy seeks to ensure that the cumulative impact of HMO development would not harm the locality.
- 7.08 The submitted proposals provide for an increase in height of the building, as a result of the pitched gable roof, but does not involve an increase in the building's footprint. Given the location of the building at a prominent junction in relation to the main shopping street of Buckley, the increase in height would not appear incongruous as buildings of greater height and massing are commonly found at such locations. The scheme provides for a drying area, bin store area and shared living spaces areas for future occupants.
- 7.09 As such, it is considered that the proposals would comply with the aims of Policy HN7 and therefore can be considered to be acceptable in policy terms, subject to the detailed assessment of the identified criteria of Policy HN7 as follows.
- 7.10 Character and Appearance  
The site is located upon the western edge of the defined town centre of Buckley which the LDP identifies as an area where redevelopment is acceptable in principle. The street scene is comprised of a mix of development types, scale and uses. Whilst it is acknowledged that the proposal will increase the height of the building, due to its design, being of a mono pitch roof at 10m high, rather than the existing flat roof building it is considered that the proposed building will be more

reflective of the surrounding street scene and as such would not appear incongruous.

- 7.11 The street scene is made up of a variety of designs with no one scale or design predominating. Most of the buildings are orientated to face on to the main road and are of pitched roof design. The proposed scheme is reflective of the orientation of the buildings and pitched roof form in the immediate area. Consequently the scheme is considered to harmonise with the site/surroundings and as such, would be compliant with policies PC2 and PC3 of the Flintshire Local Development Plan.
- 7.12 Impact Upon Living Conditions  
Having regard to the requirements of both Policy PC2 and HN7, it is important in the consideration of this application to ensure that the living conditions of future occupiers of the HMO and occupiers of existing properties located in proximity to the site are safeguarded.
- 7.13 Whilst it should be noted that there is currently no formal adopted Supplementary Planning Guidance in Flintshire in respect of HMO accommodation, the Council have produced a Developer Advice Note on Flats and Houses in Multiple Occupation (HMOs) that supports both the policy context within the LDP and Policy HN7 specifically. This guidance is for prospective developers of flats/HMOs and includes the key standards, assessments and evidence that the LPA require to properly consider and assess planning applications. The Council's Community and Business Protection (Housing Standards Team) however apply Welsh Government minimum standards during the assessment of licence applications for HMO's.
- 7.14 Notwithstanding this, the design has been carefully considered to mitigate against any adverse impact upon living conditions via the use of high level roof lights being set a minimum of 1.7m from internal floor level height which prohibits overlooking or adverse impact upon neighbouring occupants.
- 7.15 Objections have been raised with regard to the perceived proliferation of flats and HMO's with the immediate area and the cumulative impact of the proposal upon the character of the street, together with concerns relating to overdevelopment within the street scene. Whilst it is noted that there are Council flats in the area, the proposal would not lead to two HMO's being located side by side, nor would an existing residential property being sandwiched between the two HMO's. As Mold Road comprises of mix of commercial, retail and residential uses, it is not considered that its inherent character will be unduly impacted.
- 7.16 Whilst the proposals do not make provision for outdoor space, the site is close to the public open spaces at the recreation ground adjacent

to Mill Lane and Buckley Common which affords opportunity for access to amenity areas and open green space. The particulars of the application site are such that opportunities for the onsite provisions of outdoor amenity space is limited, but given the areas of public open space are within easy walking distance, some 250metres and 650m from the site respectively, this is not considered to weigh significantly against the proposal and therefore it is considered compatible with the site and wider street scene and acceptable having regard to Policy HN7 of the Flintshire Local Development Plan.

7.17 Adequacy of Parking

Access and parking provision for the site has been considered by Highways Development Control colleagues. It is noted that the site is located on the edge of the town centre, in a highly sustainable location and it is for the reuse, conversion and extension of an existing building, with existing local parking provision adjacent to the site. In addition, the site is conveniently located in relation to public transport hubs within the town centre. As such no objection to the proposal is raised on access, parking or highway safety grounds.

7.18 Water Resources

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, they issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. While it is not directly affected, all developments now need to consider phosphate pathways and a potential increase in levels within the River Dee Special Areas of Conservation (SAC) to ensure there are no impacts.

7.19 Following the review of the Buckley Waste Water Treatment Works permit, Welsh Water have confirmed that there are no capacity issues at the wastewater treatment works as it has a valid phosphate permit and as a result there is headroom at the treatment works to treat the additional phosphate that would be derived from the proposed development.

7.20 It is considered that no likely significant effects on the SAC are anticipated as a result of these development proposals as there is unlikely to be a source of additional phosphorus or pathway for impacts (given that the treatment works can process the phosphates). The development is therefore screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as it falls within the following criterion in the NRW advice (both points 1 and 3 apply):



- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

7.21 As such it is considered unlikely that the proposal would have a significant adverse effect on the River Dee and Bala Lake Special Area of Conservation (SAC) catchment, compliant with policy EN15 of the Flintshire Local Development Plan and the guidance offered in Planning Policy Wales Ed 12.

7.22 Other Matters

The requirement for development proposals to incorporate biodiversity enhancement measures has been considered as part of the application and, having regard to the context of the building, site and surroundings, it is considered that this aim can be adequately satisfied via the imposition of a condition to secure a net benefit in bio-diversity.

7.23 Concern has been raised with regard to the scale of the development and size of the rooms. In this respect the design layout and layout of the building Complies with the size guidelines set out in Developer Advice Note - Flats and Houses in Multiple Occupation and will also have to comply with the regulations and conditions of the relevant HMO licence.

7.24 Concern is also raised in respect of the nature of the construction of the existing building, allegedly being a single skin construction, compliance with building regulations and fire safety. These matters are addressed via Building Regulations legislation and are not matters to be addressed via this application for planning permission.

7.25 Comments have been received to suggest that the applicant does not own the site. However, the information provided as part of the application in relation to land ownership is taken on trust as part of the planning application determination process unless it is clearly demonstrated to the contrary. No information has been provided to demonstrate the allegation. Notwithstanding this, the determination of a planning application would not override other requirements in terms of land ownership and this issue is therefore not prejudicial to the determination of the application.

## **8.00 CONCLUSION**

- 8.01 The principle of the extension, alteration and conversion of the existing former commercial and retail unit to a 12 bedroomed HMO is considered acceptable in this sustainable location within Buckley, which is defined as a Main Service Centre within the Flintshire Local Development Plan.
- 8.02 Whilst acknowledging concerns over the perceived proliferation of this type of accommodation within the immediate area of Buckley, the site is located in a mixed use area on the edge of the town centre, and the proposed development is considered acceptable.
- 8.03 The scheme is compliant with the provisions of policies STR2, PC2, PC3, HN7 and EN15 of the Flintshire Local Development Plan and the guidance offered in Planning Policy Wales Edition 12 and Future Wales; The National Development Plan (2020- 2040) as such a recommendation of conditional approval is made.
- 8.04 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.
- 8.05 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.
- 8.06 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.07 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

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>TH</sup> JUNE 2024**

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

**SUBJECT:** **FORMATION OF A TWO WAY VEHICULAR ACCESS AND ROAD AT EWLOE GATEWAY, EWLOE, FLINTSHIRE**

**APPLICATION NUMBER:** **059489**

**APPLICANT:** **DATA PROPERTIES LTD**

**SITE:** **PARRY'S PIT,  
MOLD ROAD,  
EWLOE GREEN,  
FLINTSHIRE,  
CH5 3BQ**

**APPLICATION VALID DATE:** **12.2.2019**

**LOCAL MEMBERS:** **COUNCILLOR L. THOMAS  
COUNCILLOR D. MACKIE**

**TOWN/COMMUNITY COUNCIL:** **HAWARDEN COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **LOCAL MEMBER REQUEST**

**SITE VISIT:** **NO. SITE VISIT WAS HELD ON 11<sup>TH</sup> MARCH 2024**

### **1.00 SUMMARY**

- 1.01 This full application seeks approval for the creation of an access from the Mold Road/ A494 to facilitate 2 way traffic access to the Ewloe Gateway Services.
- 1.02 Members will recall that this application was deferred at the Planning Committee held on 13<sup>th</sup> March 2024. The reasons for deferment were given as;

- The late observations not being shared;
  - The plan not appearing to match up with the report; and
  - Clarification needed on the impact of traffic from Pinfold Lane.
- 1.03 The comments within the late observation referenced by Members at the Committee have been incorporated in the summary of responses to publicity set out in paragraph 4.01 of this report.
- 1.04 As a consequence of the comments in relation to the plan and the report, the applicant has provided a plan to indicate the route of the access road between the proposed access and the existing services at Ewloe Gateway. This plan includes details of proposed bunding to mitigate against potential amenity impacts. Further consideration of these matters is set out in paragraphs 7.26 and 7.27 of this report.
- 1.05 Further clarification in relation to the access and perceived traffic impacts upon the A494, A55 and the Pinfold Lane Junction has been provided and this information is set out in further detail in paragraphs 7.14 to 7.17 of this report.

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

- 2.01 That conditional planning permission be granted subject to the applicant entering into, a Section 106 Obligation; Unilateral Undertaking; or via the making of an advance payment to secure the following: -
- a) The payment of a sum of £6004.87 towards the provisions of Access Only signage at Smithy Lane be provided before the first use of the access and road hereby approved.
- 2.02 If the Obligation pursuant to Section 106 of the Town and Country Planning Act, 1990 (as outlined above) is not completed within 6 months of the date of the committee resolution, the Chief Officer for Planning Environment & Economy be given delegated powers to REFUSE the application.
- 2.03 Conditions:
1. The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
  2. The development shall be carried out in accordance with the following approved plans and documents:
    - Application Form
    - Transport Assessment
    - Post Submission Transport Assessment Note
    - Location plan



- Dwg No. CCL-22-0101-C-ALL-SK-00-001 – Access arrangement.
  - Dwg. No, CCL- 22-0101-C-ALL-DR-00-001-P1 – New Road Layout.
3. The proposed access (and adjoining highway works) shall be completed to the written satisfaction of the Planning Authority in consultation with the Welsh Government (Transport) before the access is brought into use.
  4. No development shall take place until a scheme indicating the provision of parking and turning facilities within the site shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented in full prior to the access being brought into use and retained as such thereafter.
  5. No development shall take place until a scheme indicating the proposed highway drainage scheme has been submitted to and approved in writing with the Local Planning Authority. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system and shall ensure that water from the access road does not drain onto the trunk road. The agreed scheme shall thereafter be implemented in full prior to the first use of the access hereby approved.
  6. No development shall take place until a scheme to provide wheel-washing facilities or an alternative method, has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided before any development commences and thereafter remain available during the construction stage and be used by all vehicles exiting the site.
  7. No development shall take place until a proposal for a Safety Audit of the scheme, (Stages 1 – 4) in accordance with GG119 of the Design Manual for Roads and Bridges, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the agreed details thereafter.
  8. No development shall take place until a scheme of landscaping has been submitted to and approved in writing with the Local Planning Authority. Such scheme shall include details of
    - a) all existing trees, hedgerows and other vegetation on the land, details of any to be retained, and measures for their protection during the course of development;

- b) proposed new trees, hedgerows, shrubs, or vegetation, including confirmation of species, numbers and location and the proposed timing of the planting;
  - c) proposed earthworks, grading and the mounding of land and changes in levels, final contours, and the relationship of proposed mounding to existing vegetation and surrounding landform; and
  - d) proposed positions, design, materials, and type of boundary treatment to safeguard against noise disturbance to nearby dwellings.
9. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development and any trees or plants which, within a period of five years of the time of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

### **3.00 CONSULTATIONS**

3.01 **Councillor L Thomas (Local Member):** Requests committee determination and site visit in order that Members of the Planning Committee can see the site and the concerns raised below in context . Strongly objects to the proposal for the following reasons:

1. Proposal does not conform to the design standards for roads and bridges (DMRB);
2. Impacts upon the local community;
3. Unclear how cycle route from Ewloe to Mold is incorporated into the proposed plan;
4. Noise and vehicle pollution;
5. Will increase already existing traffic problems in the area due to the nature and narrowness of surrounding roads;
6. Proposals will increase adverse in pacts upon the living conditions of nearby residents; and
7. Suggests Smithy Lane be subject of 'ACCESS ONLY' signs at either end.

**Councillor D Mackie (Local Member):** Considers the proposal, being amended to a left turn in and left and right turn out arrangement, is now acceptable.

**Hawarden Community Council:** Objects. Has concerns that proposals will give rise to traffic impacts on Smithy Lane and has the potential to result in traffic accidents.

**Highways Development Control:** Considers there is no direct impact on the county highway network.

Recognises a potential concern related to traffic diverting onto Smithy Lane and notes the requirement for a Traffic Regulation Order is discussed within application submissions, with the applicant willing to investigate the installation of Access Only signage. As such, funding for such a restriction (£6004.87) should be provided via a Section 106 agreement as part of any planning consent.

**Community & Business Protection:** No objections

**Welsh Government - Department for Economy and Infrastructure**  
No objections. Requests the imposition of conditions as set out in Section 2.03 of this report.

#### **4.00 PUBLICITY**

4.01 The application was publicised via the display of a site notice and neighbour notification letters. At the time of writing, nine letters of objection have been received raising objections on the following grounds:

1. Increased traffic in relation to existing accesses along A494 will result in detriment to highways safety;
2. Lack of awareness of turning for traffic turning onto A494 from A55;
3. Impact of traffic upon traffic flows at Pinfold Lane junction;
4. Potential adverse impact upon users of proposed Active Travel Route;
5. Proposals will result in adverse impacts to the living conditions of nearby residents;
6. Visual detriment to the surrounding area from the proposed use;
7. Increased noise and light pollution;
8. Potential for Smithy Lane to be used as short cut with resultant impacts upon amenity and increased littering. and
9. Opportunities to facilitate increased drug dealing.

#### **5.00 SITE HISTORY**

5.01 No previous site history

#### **6.00 PLANNING POLICIES**

6.01 Flintshire Local Development Plan  
STR4 - Principles of Sustainable Development, Design & Placemaking  
STR5 - Transport and Accessibility  
STR6 - Services, Facilities and Infrastructure  
STR7 - Economic Development, Enterprise & Employment  
STR10 - Tourism, Culture and Leisure  
STR13 - Natural and Built Environment, Green Networks & Infrastructure

STR14 - Climate Change and Environmental Protection  
PC1 - The Relationship of Development to Settlement  
Boundaries  
PC2 - General requirements for Development  
PC3 - Design  
PC5 - Transport and Accessibility  
EN4 - Landscape Character  
EN7 - Development Affecting Trees, Woodlands & Hedgerow  
EN20 - Landfill Buffer Zone  
Supplementary Planning Guidance  
Supplementary Planning Guidance Note 3 – Landscaping

National Planning Policy  
Planning Policy Wales (PPW) Ed. 12 (Feb 2024)  
Future Wales- The National Plan 2040  
Technical Advice Note 18 - Transport

## **7.00 PLANNING APPRAISAL**

### **7.01 Site and Surroundings**

The site is located within the open countryside and within an agricultural field located to the north of the A494 Mold Road. The access is proposed to be formed within the southern boundary of this field at a mid-point between the route of the former railway to the west and the existing agricultural access to the east. The landform in this area slopes downhill from the eastern boundary to the west. Boundaries to the field are formed of a mixture of established and mature hedgerows, interspersed with trees.

7.02 Existing residential dwellings are located at Pottery Cottages, some 100m to the west of the site, and Parry's Cottages, 75m to the east. A further dwelling is located 205m to the north of the proposed access point, close to and accessed via the existing services.

7.03 Parry's Quarry Landfill site is located to the east and the site falls within the designated landfill buffer zone.

### **7.04 The Proposal**

The proposal seeks permission for the creation of a vehicular access to Mold Road/A494 and the provision of a circa.230m two-way access road to the Ewloe Gateway Services. The reason for this link is to both facilitate an additional means of accessing the services from the easterly direction, reducing the present pressure upon Pinfold Lane from return traffic and to negate the need to travel up to the Connah's Quay Road, some 2 mile to the west, and then drive back. In addition, the access will serve to try and mitigate an existing issue and risk of pedestrians from the hotel at the services crossing the A55 to get taxi's into the local town

7.05 The Main Issues

The main issues to consider are:

1. The principle of development, having regard to the development plan;
2. Access and highway impacts;
3. Impacts upon living conditions; and
4. Impacts upon the character and appearance of the area.

7.06 The Principle of Development

Policies STR2 and PC1 indicate that development proposals should primarily be directed toward allocated sites and settlement boundaries, being the most suitable and sustainable locations to accommodate development. However, exceptions are identified to this presumption and are set out in Policy PC1. Of particular relevance to this proposal is criterion c) which advises that, inter alia, development related to tourism, leisure and recreation may be acceptable in open countryside locations, subject to compliance with other plan policies.

7.07 The proposal, being for the purposes of facilitating easier access to and from the Ewloe Gateway Services on the A55, would satisfy this exception.

7.08 The site is located within the designated Landfill Buffer Zone for the landfill at Parry's Quarry, the closest point of which is some 50m from the access road element of this proposal. This policy advises that where development proposals would amount to sensitive, such development is not to be permitted. Sensitive development comprises development which would be sensitive to the effects of noise dust, odour, pests and the effects of the potential migration of landfill gases. This proposal does not represent sensitive development and therefore this policy would be satisfied.

7.09 As a matter of principle therefore, the proposal is acceptable, subject to the consideration of detailed matters the relevant policies in those regards.

7.10 Access and Highway Impact

The proposal provides for the creation of a splayed access off the A494 to provide a left turn in from approaches from the east and a left and right turn out from the access onto the A494. The access then links into a two lane six metre wide access road which runs directly north to link in with the services at the Ewloe Gateway Services.

7.11 As the access is to be formed from a Trunk Road, consultation has been undertaken with Welsh Government Highways department who have advised that it is acceptable to them for the Council to issue planning permission of the works subject to the conditions set out in paragraph 2.03 of this report. The proposal has been the subject of

lengthy discussion and numerous amendments to reach a point whereby Welsh Government are satisfied that the access meets the standards for road design and bridge building (DMRB).

- 7.12 Furthermore, the access and off-site highway improvements make provision for pedestrians and cyclists in the form of a three metre Active Travel route across the site frontage, to link into the countywide network of cycle and pedestrian routes. It should be noted however, that this proposal is not seeking to provide pedestrian access to the services.
- 7.13 Concerns raised in relation to Smithy Lane being potentially used a short cut route from areas of Buckley to the services have been considered by the applicant. Notwithstanding that the Transport Assessment concludes that it is unlikely that the proposals will result in increased trips from the Mold area (due to the presence of similar dining offers within Mold), it is noted that the applicant is willing to seek to address this concern via the provision of a contribution towards a Traffic Regulation Order to provide for 'Access Only' signage at the junction of Smithy Lane with the A494. To this end, this recommendation includes a requirement for a Section 106 agreement to require the financial contribution to enable this provision to be made.
- 7.14 Concerns have also been raised to the effect that the proposal will result in an increase in traffic and a consequent detrimental impact upon highway safety. In particular, comments have been received in relation to potential adverse impacts arising from traffic entering the A494 from the A55 not being aware of the turning and also the potential for increased traffic creating a traffic backlog at the Pinfold Lane Junction.
- 7.15 It should be noted that the proposal has been the subject of consultation with both Welsh Government Highways and Highways Development Control at Flintshire County Council, neither of whom raise any objection and advise that the proposals will not result in an adverse impact upon the wider local highway network.
- 7.16 The concern in relation to the impact of the turning upon traffic leaving the A55 was a matter of discussion between the applicant and Welsh Government and, prior to the proposed access being operational, the traffic speed on the A494 between the junction of the A494 and Smithy Lane; and the Pinfold Lane Junction is to be reduced from the current 60m.p.h to 40m.p.h. This is in addition to the fact that the access is configured in such a way to prohibit right turn manoeuvres from the A494 into the proposed access. Signage to this effect is to be installed along the A494 from the junction with the A55.
- 7.17 Similarly, whilst the concern in relation to impacts upon the traffic light controlled junction at A494/Pinfold Lane is noted, this proposal has

been the subject of lengthy discussion between the applicant and Welsh Government Highways, in conjunction with the Local Highway Authority. If there were a concern that this proposal would adversely impact upon the junction, this would have been reflected in the comments from Welsh Government. As this is not the case, this is not a matter which concerns Welsh Government Highways.

- 7.18 Accordingly the proposals would satisfy the requirements of policies STR5, PC2 and PC5 of the Plan.
- 7.19 The commuted sum payment as requested can be secured through the completion of a legal obligation requiring payment toward the required Traffic Regulation Order before any development upon the site is commenced.
- 7.20 The infrastructure and monetary contributions that can be required from a planning application through a S.106 agreement must be assessed under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 "Planning Obligations".
- 7.21 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.
- 7.22 While the Authority does not yet have a charging schedule in place, with CIL Regulations puts limitations on the use of planning obligations. These limitations restrict the number of obligations for the funding or provision of an infrastructure project/type of infrastructure.
- 7.23 From April 2015 if there have been 5 or more S.106 obligations relating to an infrastructure project/type of infrastructure since 2010 then no further obligations for that infrastructure project/type of infrastructure can be considered in determining an application.
- 7.24 Members are advised that since the advent of the CIL Regulations, no more than 5 obligations have been entered into in respect of the contribution requested, and that on application of the tests set out above the contributions would satisfy these requirements.
- 7.25 Impacts upon living conditions  
As noted previously, the site is located in varying proximities to existing dwellings. The terraced properties at Pottery and Parry's

Cottages, by virtue of their location in relation to the existing industrial and commercial sites in the local area, experience a certain degree of noise and disturbance associated with traffic using these businesses and traffic using the adjacent A494 Trunk Road. Consultation with Community and Business protection colleagues has not generated any adverse comments or objection in this regard. Indeed, in the case of Pottery Cottages, it can be suggested that vehicles which presently utilise the A494 to access the traffic interchanges at Ewloe as a means of accessing the services would be reduced by virtue of the ability to access the services without the need to pass these properties.

- 7.26 The location of the access being located at a point of some distance to the nearest point of each terrace of dwellings is such that this is not envisaged to result in any adverse impact upon the living conditions presently enjoyed by the occupiers of these dwellings. Nevertheless, the applicant has indicated upon the road layout drawing that a bund will be provided to the east of the access road at the junction which is intended to provide further protection from disturbance in this direction.
- 7.27 The existing dwelling to the north of the site is presently located adjacent to, and accessed via, the Services access roads. As such, this dwelling experiences a certain degree of disturbance associated with the same. It is noted however, that the proposed road would pass within close proximity of the dwelling at its closest point before linking into the existing access road which serves the dwelling. The applicant has indicated that landscaped bund will be provided to help to mitigate such impacts.
- 7.28 Notwithstanding the indication of bunds to be landscaped, there is need for further detail of these bunds in terms of their height and intended scheme of landscaping. As such. It is proposed that a condition requiring the submission, agreement and implementation of such a scheme should be imposed to ensure the bunds serve as both a visual buffer and sound mitigation to ensure that the living conditions of nearby residents are not unacceptably impacted. The details submitted in respect of the matter will also serve to contribute to the need to aims of bio-diversity net benefit.
- 7.29 Subject to this condition, it is not considered that the proposals would give rise to significant impacts upon the living conditions of the occupiers of the identified dwellings and therefore would satisfy the requirements of the Policy PC2 in this regard.
- 7.30 Impacts upon Character & Appearance  
The area within which the site is located comprises a wide range of differing land uses set within in otherwise open countryside location. Whilst commercial, waste, industrial and tourism service uses are all



prevalent in the area, they are all largely the subject of significant screening from wider landscape views.

7.31 The proposal has the potential, particularly as it would be viewed in the landscape against the woodland backdrop of the former railway line and landfill buffer to Parry's Quarry, of seeming potentially intrusive in the landscape, especially to views from the west and particularly in the autumn and winter. To mitigate this impact, a condition is suggested for the submission and agreement of a scheme of structural landscaping.

7.32 Visual impacts from the east and north are not considered to be significant in character and appearance terms as ample screening exists and is retained to ensure that the proposal does not detract from wider views from these directions. Similarly, the view of the proposed access point itself from the south is seen in the context of a busy trunk road and, whilst pedestrian and cycle provision is made within the access formation works, these will be seen against the backdrop of retained hedgerow boundaries and the additional planting required at the back edge of the newly formed access itself will compliment this existing vegetation to soften impacts in the longer term.

7.33 As such, the proposals are not considered to be detrimentally impacting to the character and appearance of the area and as such are compliant with the aims of policies STR13, PC2, PC3, EN4 and EN7 in this regard.

7.34 Other Matters

Concern has been expressed that the proposals will give rise to increased opportunity for anti-social behaviour in the form of drug dealing. This issue is not related to the application in any way and is also not a planning matter, being an issue enforceable by the Police. As such it does not carry weight in the determination of this application.

**8.00 CONCLUSION**

The proposal is in accord with the relevant development plan policies within the Flintshire Local Development Plan, there being no objection from either a Trunk Road or local Highway network perspective, subject to the completion of the S.106 agreement (or similar) and imposition of planning conditions, as referenced in Paragraphs 2.01 to 2.03 of this report. It is therefore recommended that planning permission be granted.

8.01 Other Considerations

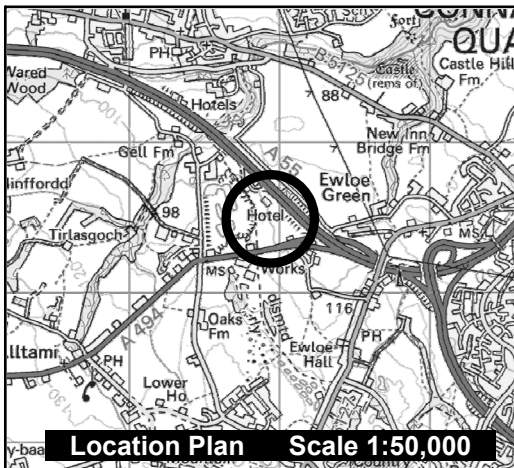
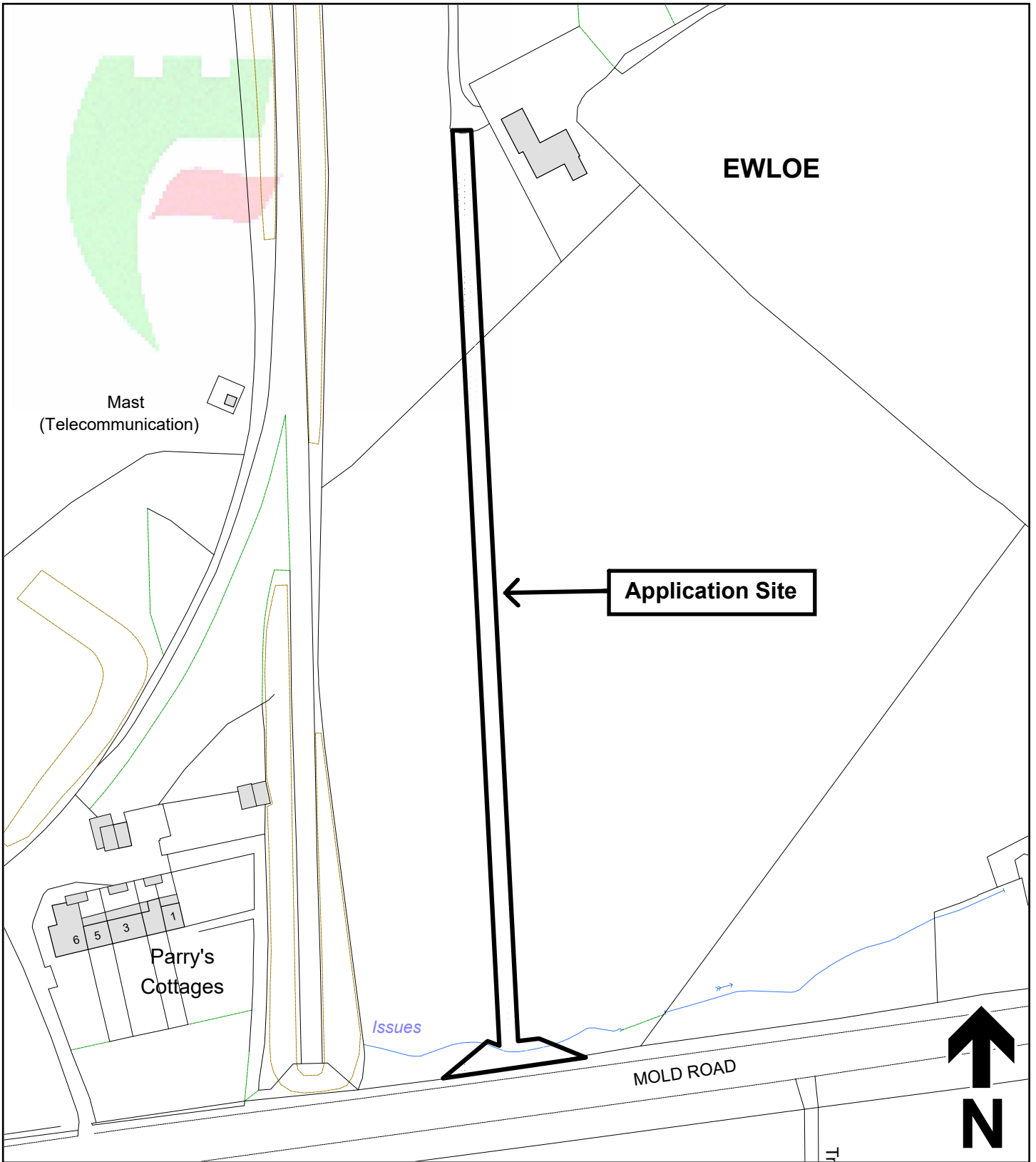
The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

- 8.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

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

**Contact Officer:** Glyn Jones  
**Telephone:** 01352 703281  
**Email:** [david.glyn.jones@flintshire.gov.uk](mailto:david.glyn.jones@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 2766

Planning Application **59489**

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## FLINTSHIRE COUNTY COUNCIL

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

**DATE:** **19<sup>th</sup> JUNE 2024**

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

**SUBJECT:** **CONSTRUCTION AND OPERATION OF A 7.5MW GREEN HYDROGEN ELECTROLYSER (GHE) AND ASSOCIATED INFRASTRUCTURE.**

**APPLICATION NUMBER:** **FUL/000599/23**

**APPLICANT:** **HRYO ENERGY LIMITED**

**SITE:** **KIMBERLEY CLARK FACTORY, ABER PARK, ABER ROAD, FLINT, CH6 5EX**

**APPLICATION VALID DATE:** **13<sup>TH</sup> JULY 2023**

**LOCAL MEMBERS:** **COUNCILLOR P. CUNNINGHAM**  
**COUNCILLOR M. PERFECT**  
**COUNCILLOR V. PERFECT**

**TOWN/COMMUNITY COUNCIL:** **FLINT TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SITE AREA EXCEEDS THRESHOLDS IN SCHEME OF DELEGATION**

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

### **1.00 SUMMARY**

- 1.01 This full application is for a Green Hydrogen Electrolysis (GHE) Facility and connections to existing facilities within the Kimberly Clark compound at Aber Park, Flint. The proposed facility would produce 'green hydrogen' which would allow Kimberley Clark to decarbonise their operations at the Coleshill paper mill by displacing the need for natural gas to be used at the mill.

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

2.01 The application is recommended for approval subject to the conditions outlined below.

2.02 Conditions:

**Time limit for commencement**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Written notification of the date of commencement of any works on the site deemed to begin the development shall be sent to the Local Planning Authority within seven days of such commencement.

**General**

2. The development hereby approved shall only be carried out in accordance with the approved plans / documents listed below:-
  - Site Location Plan, DRWG No: 05040-RES-LAY-DR-PE-001, Rev 1
  - Landscape Master Plan, DRWG No: P23-0117\_EN\_0001, Rev B
  - Elevation View Infrastructure Layout, DRWG No: 05040-RES-PRO-DR-PT-002, Rev 1
  - Route to site, DRWG No: 05040-RES-ACC-DR-PT-001, Rev 1
  - Infrastructure Layout, DRWG No: 05040-RES-PRO-DR-PT-001, Rev 3
  - Typical Services Support Frame, DRWG No: 05040-RES-SDP-DR-PT-001, Rev 1
  - Typical Security Fence Details, (Sheet 1) DRWG No: 05040-RES-SEC-DR-PT-001, Rev 0
  - Typical Security Fence Details, (Sheet 2) DRWG No: 05040-RES-SEC-DR-PT-001, Rev 1
  - Typical Lighting & CCTV Column, DRWG No: 05040-RES-SEC-DR-PT-002, Rev 1
  - Typical Vehicle Barrier, DRWG No: 05040-RES-SEC-DR-PT-003, Rev 1
  - Hydrogen Electrolysers, DRWG No: 05040-RES-SUB-DR-PT-001, Rev 1
  - Hydrogen Storage Tank, DRWG No: 05040-RES-SUB-DR-PT-002, Rev 1
  - DNO Substation Building, DRWG No: 05040-RES-SUB-DR-PT-003, Rev 1
  - Hydrogen Facility Substation Building, DRWG No: 05040-RES-SUB-DR-PT-004, Rev 1
  - Odourisation System, DRWG No: 05040-RES-SUB-DR-PT-005, Rev 1
  - Emergency Vent Stack, DRWG No: 05040-RES-SUB-DR-PT-006, Rev 1

- Nitrogen Storage Tank, DRWG No: 05040-RES-SUB-DR-PT-007, Rev 1
  - Uninterruptible Power Supply Unit, DRWG No: 05040-RES-SUB-DR-PT-008, Rev 1
  - Office & Spares Container, DRWG No: 05040-RES-SUB-DR-PT-009, Rev 1
  - Low Pressure Buffer Tank (20 FT Container), DRWG No: 05040-RES-SUB-DR-PT-010, Rev 1
  - Low Pressure Buffer Tank (40 FT Container), DRWG No: 05040-RES-SUB-DR-PT-011, Rev 1
  - Compressor, DRWG No: 05040-RES-SUB-DR-PT-012, Rev 1
  - Pressure Let Down System and Safety Valve, DRWG No: 05040-RES-SUB-DR-PT-013, Rev 1
  - Feed Water Tank, DRWG No: 05040-RES-SUB-DR-PT-014, Rev 1
  - Grid Compliance Equipment Harmonic Filter, DRWG No: 05040-RES-SUB-DR-PT-015, Rev 1
  - Instrumentation Air Unit, DRWG No: 05040-RES-SUB-DR-PT-016, Rev 1
  - Meter Cabinet, DRWG No: 05040-RES-SUB-DR-PT-017, Rev 1
  - Grid Compliance Equipment Pre-Insertion Resistor, DRWG No: 05040-RES-SUB-DR-PT-018, Rev 1
  - Auxiliary Transformer, DRWG No: 05040-RES-SUB-DR-PT-019, Rev 1
  - Preliminary Ecological Appraisal, Report Version 2.0 dated 11<sup>th</sup> April 2023
3. Notwithstanding the plans hereby approved in Condition 2, no development shall take place until full details of the final locations, alignment, elevations, finishes and materials (including details of non-chrome, non-reflective material to be used) for the following development (if to be installed):
- Compressor
  - Grid Compliance Equipment
  - Hydrogen Electrolysers
  - Hydrogen Pipeline
  - Connecting Pipework
  - Instrumentation Air Unit
  - Low Pressure Buffer Tanks
  - Meter Cabinet
  - Odourisation System
  - Uninterruptable Power Supply
  - Pressure Let Down System
  - Office and Spares Container
  - Hydrogen Tanks
  - Nitrogen Storage Tanks
  - Distribution Network Operator Substation
  - Hydrogen Facility Substation

- Emergency Vent Stacks
- Water Feed Tank
- Access Track
- Hardstanding
- Vehicle Barrier (0.8m in height)
- Security Fencing and Gates
- CCTV / Lighting Columns

and any other structure required for the operation of the site as a Green Hydrogen Electrolyser has been submitted to and approved in writing by the local planning authority.

The plans approved in Condition 2 represent the maximum parameters of the proposal.

Subsequently the development shall be carried out in accordance with the approved details.

### **Highways**

4. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles. Such facilities shall be completed prior to the proposed development being brought into use.

### **Landscape / Biodiversity**

5. Prior to the commencement of the development a Landscape Environment Management Plan based upon the 'Landscape Masterplan' shown on approved drawing Ref: P23-0117\_EN\_0001 Rev B, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:
  - Finalised planting schedules including location, species, numbers, timing and density of planting, seed mixture and application rates
  - Prescriptions for management measures to be carried out over a 5 year period to ensure a net benefit for biodiversity
  - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - On-going monitoring and remedial measures (including replacement of any failed planting)
  - Aspects of tree protection / removal / retention and proposed tree works including details of tree protection measures, tree works specifications and a detailed tree protection plan
  - Mitigation for loss of woodland habitat

The development hereby permitted shall be implemented in accordance with the approved plan.



6. Prior to the operation of the development a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. No lighting shall be erected or operated other than in accordance with the approved scheme thereafter.  
The strategy shall identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using this corridor or having access to their breeding sites and resting places. The strategy shall also consider minimising when lighting will be in operation and also intensity of lighting.
7. The development shall not be carried out other than in accordance with the recommendations set out in section 4.3 of the 'Preliminary Ecological Appraisal' dated April 2023.
8. No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
  - Construction methods: details of materials, how waste generated will be managed.
  - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
  - Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
  - Soil Management: details of topsoil strip, storage, and amelioration for re-use.
  - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
  - Control of Nuisances: details of restrictions to be applied during construction including hours of construction, timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
  - Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater, and energy use

- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

### **Hydrology**

9. Development shall not begin until additional information relating to the foul water drainage scheme for the site based on the Flood Risk Screening and Drainage Management Plan (Ref 05040-5327792, Issue 3, 12.04.23 and its associated appendices) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

### **Noise**

10. Noise levels from site operations shall not exceed the background sound level plus 5 dB during daytime and night-time at the nearest residential properties (H1 – H5 as determined in the RES/HYRO report 05040-5493917 dated 20 April 2023).

The background sound levels shall be as detailed in the RES/HYRO report 05040-5493917 dated 20 April 2023, or those obtained in an updated survey, whichever are greater.

### **Decommissioning**

11. If the development does not produce any hydrogen for a period of more than 18 months in a continuous period following the first export of hydrogen from the site, details of a scheme to remove the development and all associated infrastructure, buildings, equipment and access points, shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 18 month period unless permission to extend the period is requested by the owner and granted in writing by the Local Planning Authority.

The scheme shall detail a timetable and method statement for the removal of all development and associated equipment, infrastructure and access shall be removed within 12 months of the details being approved.

The scheme shall be implemented in accordance with the approved details.

### **3.00 CONSULTATIONS**

3.01 **Flint Town Council:** Support the application.

**Local Member Councillor P. Cunningham:** No response received at time of writing.

**Local Member Councillor M. Perfect:** No comment to make on the application.

**Local Member Councillor V. Perfect:** No response received at time of writing.

**Airbus Operations Ltd:** Consider that the proposal does not conflict with safeguarding criteria as required by Dft/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014.

**Dwr Cymru / Welsh Water:** Advises the applicant to consult Natural Resources Wales and the Building Regulations Authority as the proposal seeks to use an alternative to mains drainage. Also advise that the proposal may be subject to Schedule 3 of the Flood and Water Management Act 2010 and thus engagement with the SuDS Approval Body is advised.

Further advice regarding unmapped sewers and drains is provided alongside water sustainability with regards to efficiency and consumption.

**North Wales Fire and Rescue Authority:** The authority does not have any observations in regard to access for appliances and water supplies.

**Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW):** Subject to the imposition of conditions, concerns with the application can be overcome. NRW request a Construction Environment Management Plan (CEMP) to be secured to mitigate potential impacts upon The Dee Estuary Special Area of Conservation (SAC), Dee Estuary Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Dee Estuary Ramsar. With regards to protected species NRW advise the ecology report is included in any condition securing the list of approved plans / documents. Further advice is provided to the applicant regarding various legislation related to the operation of the site.

**The Coal Authority:** Advise that the application falls within the Low Risk Area which means there is no requirement for a Coal Mining Risk Assessment to be provided or for consultation of the authority. They advise the inclusion of their Standing Advice on any decision notice.

**Community & Business Protection:** Have reviewed the application including the noise impact assessment and dust impact assessment. They have no objection subject to a condition securing noise limits.

**Highways Development Management:** The Transport Statement addresses any highway concerns. Recommend a condition securing facilities are provided for loading, unloading, parking, and turning of vehicles.

**Built Conservation:** There are heritage assets nearby, namely Enterprise House (Grade II) and Scheduled Ancient Monuments Bryn Castell Mound and Hen Blas Castle. The officer advises that following a site visit and analysis of application documents there would be no significant adverse effect upon any of the listed heritage assets.

**Clwyd Powys Archaeological Trust (CPAT):** Advise that having consulted the information held within the Historic Environment Record that there are no archaeological implications for the development.

**County Ecologist:** Advises that subject to the development being carried out in accordance with the CEMP condition requested by NRW that the proposal would not adversely affect the protected sites at the Dee Estuary in accordance with the Habitat Regulations.

Notes habitats making up the application site and that the development would result in the loss of 0.7ha of improved grassland of negligible value, 0.05ha of mixed plantation of moderate value and 0.05ha of semi natural broadleaved woodland (Habitat of principle importance in Wales of high ecological value).

The ecologist advises that the footprint has been designed to minimize loss of woodland habitats and to avoid four trees with low bat roost potential. The County Ecologist advises a lighting scheme is secured to manage impacts upon bats.

The County Ecologist also remarks upon the proposed habitat creation from the scheme which includes creation of a wildflower meadow, additional tree, and shrub planting as well as the species rich hedgerow. They advise a detailed landscape plan and associated management plan is secured by condition. They advise that the proposal is carried out in accordance with the submitted preliminary ecological assessment (PEA).

Following the update to Planning Policy Wales the ecologist was reconsulted and noted the submitted PEA followed the stepwise approach and that the landscape plan would ensure biodiversity net benefit. The ecologist notes

that whilst there is no specific Green Infrastructure Assessment, the PEA and landscape proposals cover the policy requirements.

**Health and Safety Executive Land Use Planning:** The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

**Forestry Officer:** The officer notes that the development would not be viable without a vehicular access from the existing factory to the proposal area was not enabled by the removal of some trees. They advise that the trees to be removed, whilst category B features, are young or early specimens which are not prominent in the landscape. They also advise that the site is well contained by the adjacent woodlands and topography reducing landscape and visual impacts. They advise that a LEMP should be required that would incorporate measures for the protection of retained trees/woodlands and enhancement of existing woodland.

**SAB:** No objections. Note that the supporting details and reports cover most of the details required at this stage. Advise that final design details will need to be scrutinised as they are progressed for SAB approvals and thus early engagement from the applicant is encouraged.

**Highways Rights of Way:** Advise that Public Footpath 35 crosses the site and is directly affected by the proposal. They have liaised with the developer and supported the proposed diversion but would require a condition preventing commencement of the development until the route is diverted.

**Ramblers Cymru:** Object. Comment upon the diversion of path Flint 35. They comment upon the proposals conflicting with the likely path line and a lack of detail regarding the footpath diversion. They advise of potential new path links and concerns over the diversion creating a 'dog-leg' on the route. They advise that if issues raised are not addressed they could object to the later diversion order application. They request a reduction in the overall size of the compound area and note the importance of the proposed landscaping in reducing impacts.

The Ramblers were advised of the new submissions removing the conflict of the path line and the proposal and agree that this has been resolved. However, they advise the rest of their comments still apply.

**Cadw:** No comments.

#### **4.00 PUBLICITY**

- 4.01 53 Neighbour Notification letters were sent to adjoining/nearby properties. Two Site Notices were also posted, one at the proposed entrance to the site on the public highway, and one on the fence adjacent to the public right of

way proposed to be diverted. Also, a Press Notice was published in the local newspaper.

4.02 No representations have been received following the publicity of this application.

## **5.00 SITE HISTORY**

5.01 There is no relevant planning history for this site. The application site lies adjacent to the main Kimberly Clark Mills and Distribution Centre which covers circa 95 acres/38ha of land on the Aber Park Industrial Estate.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Local Development Plan (LDP)**

- STR2: The Location of Development
- STR4: Principles of sustainable development, design and placemaking
- STR13: Natural and built environment, green networks and infrastructure
- STR14- Climate change and environmental protection
- PC1: The Relationship of development to settlement boundaries
- PC2: General requirements for development
- PC3: Design
- PC4: Sustainability and resilience of new development
- PC5: Transport and Accessibility
- PE5: Expansion of existing employment uses
- EN2: Green Infrastructure
- EN4: Landscape character
- EN6: Sites of biodiversity importance
- EN7: Development affecting trees, woodland, and hedgerows
- EN8: Built historic Environment and Listed Buildings
- EN13: Renewable and low carbon energy development
- EN14: Flood Risk
- EN15: Water Resources
- EN18: Pollution and Nuisance
- EN23: Mineral safeguarding

### **Adopted Supplementary Planning Guidance (SPG)**

- SPG3 Landscaping
- SPG4 Trees and Development
- SPG6 Listed Buildings
- SPG8 Nature Conservation & Development
- SPG8a Great Crested Newt Mitigation Requirements

### **National Planning Policy**

- Planning Policy Wales (PPW) Edition 12, 2024

- Future Wales – The National Plan 2040 Building Better Places (2020)
- TAN 5: Nature Conservation & Planning
- TAN 6: Planning for Sustainable Rural Communities
- TAN 11: Noise
- TAN 12: Design
- TAN 15: Development and Flood Risk
- TAN 18: Transport
- TAN 23: Economic development
- National Policy Statements for Energy Infrastructure

### **National Policy Statements for Energy Infrastructure**

The energy National Policy Statements (NPSs), set out the government's policy for the delivery of energy infrastructure. Although the proposed development is under the threshold for national significance, the Overarching National Policy Statement (NPS) for Energy (EN-1), in combination with any relevant technology specific NPS, may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).

## **7.00 PLANNING APPRAISAL**

### **Description of Location**

- 7.01 The application site relates to approximately 4.3 hectares of land located immediately to the southwest of the Kimberly Clark Coleshill mill in Flint. Predictive mapping indicates that sections of the site comprise best and most versatile agricultural land.
- 7.02 The application site consists of a main compound area where above ground development is proposed to provide a Green Hydrogen Electrolysis Facility and connections to existing facilities within the Kimberly Clark compound. The site where the Green Hydrogen Electrolyser is proposed consists of an agricultural field and surrounding woodland. Other aspects of the development lie within and connect to the existing internal workings of the Kimberly Clark facility. A foul water pipeline would connect the site to the Kimberly Clark water treatment works located circa 100m east of proposed Green Hydrogen Electrolysis facility. A hydrogen pipeline would be laid between the facility and existing boiler house providing power to the mill. Approximately 2.3 ha of the site is within the existing Kimberley Clark premises.
- 7.03 The application site is located within the lowest-risk river/ tidal/ coastal flood zone, Zone A. Localised areas near the site are at risk of surface water flooding.
- 7.04 The application area is bisected by Public Footpath 35.
- 7.05 The application site is located outside the settlement boundary of Flint. Part of the site lies within a mineral safeguarding area.

## **Description of Proposed Development**

- 7.06 The proposal is for the construction of and operation of a 7.5MW Green Hydrogen Electrolyser and associated infrastructure. The proposal would allow Kimberley Clark to decarbonise their operations at the Coleshill paper mill by displacing the need for natural gas to be used at the mill.
- 7.07 Green Hydrogen is the term used to describe electrolytic hydrogen produced using electricity sourced from renewable energy assets used in an electrolyser to split water into its component molecules, hydrogen and oxygen. The facility would have a production capacity of circa 5.6MW of Hydrogen per hour.
- 7.08 Electrolysers comprise of several 'cells' which comprise two electrodes, one positively charged anode and one negatively charged cathode of several 'cells' which comprise two electrodes, one positively charged anode and one negatively charged cathode. The two electrodes are separated by an electrolyte, in this. The two electrodes are separated by an electrolyte, in this case a polymer. The electrolyte transports the electrical charge between electrodes where hydrogen and oxygen are produced.
- 7.09 Although plans have been provided showing the layout of the Green Hydrogen Facility and details of the associated plant, equipment and associated development, these are intended to show the 'worst case scenario' and are therefore intended by the applicant to be indicative only. The applicant therefore seeks a degree of flexibility, utilising the "Rochdale Envelope" approach, so that discussions with the distribution network operator and innovations in technology can inform the final design, without requiring formal amendments to any planning permission.
- 7.10 The "Rochdale Envelope" approach is a widely accepted approach particularly in renewable development, to provide flexibility in design options where details of the whole project are not available when the application is submitted, while ensuring the impacts of the final development are fully assessed. Consents granted on the basis of the "Rochdale Envelope" are conditional on providing the final details for agreement prior to construction (secured by an appropriately worded condition).
- 7.11 The proposal seeks permission for the following (all dimensions are indicative at this stage with maximum dimensions provided):
- Compressor (2.4m x 6.1m x 2.6m [wh])
  - Grid Compliance Equipment [Harmonic Filter, Pre-insertion resistor) (2.8m x 4m x 3m [wh] , 2.2m x 3.2m x 2.7m [wh])
  - Hydrogen Electrolysers (16.4m x 10.4m x 5.5m [wh])
  - Hydrogen Pipeline (To be buried at depth of 1.2m with diameter of 80mm)
  - Connecting Pipework
  - Instrumentation Air Unit (6.1m x 2.4m x 2.6m [wh])



- Low Pressure Buffer Tanks (6.1m x 2.4m x 2.6m [wlh]) (12.1m x 2.4m x 2.6m [wlh])
- Meter Cabinet (0.8m x 0.3m x 0.6m [wlh])
- Nitrogen Storage Tanks (1.7m x 1.4m x 2.4m [wlh])
- Odourisation System (6.1m x 2.4m x 2.6m [wlh])
- Uninterruptable Power Supply (2.4m x 6.1m x 2.6m [wlh])
- Pressure Let Down System (2.4m x 6.1m x 2.6m [wlh])
- Office and Spares Container (12.2m x 2.4m x 2.6m)
- Hydrogen Tanks (2.6m x 6.1m x 2.4m [wlh])
- Distribution Network Operator Substation (12.2m x 3.4m x 3.4m [wlh])
- Hydrogen Facility Substation (14m x 4 m x 4.5m [wlh])
- Emergency Vent Stack (0.6m diameter rising to 0.9 at peak, 15m in height)
- Water Feed Tank (6.1m x 2.4m x 2.6m [wlh])
- Access Track
- Hardstanding
- Vehicle Barrier (0.8m in height)
- Security Fencing and Gates (Palisade or weld mesh, maximum 3m in height).
- CCTV / Lighting Columns (4m in height)
- Earthwork Deposition Areas / Soil Bunding
- Surface Water Attenuation Basin

- 7.12 With the exception of the two vent stacks which are 15m in height, the other proposed development is below 5.5m in height. The vents would, in the unlikely event of a major system issue / emergency, if necessary, vent the hydrogen inventory from the site to minimise risk of event escalation.
- 7.13 Access for construction and operational phases of the development would be from Aber Road via the existing Kimberly Clark site entrance. Access to the main development area would be created through the removal of trees and laying of access track.
- 7.14 To create the development platform site derived soil bunds would be created to store the displaced material.
- 7.15 As previously mentioned, the application site is bisected by Public Footpath 35; it is proposed to permanently divert the route along the southern boundary of the development under the Town and Country Planning Act.
- 7.16 Once operational, the facility would be remotely controlled and monitored and as such would be unmanned aside from infrequent monitoring / maintenance visits.
- 7.17 External lighting would be provided atop of 4m high poles. The lighting is proposed to be utilised mainly within traditional working hours particularly during winter months. It is stated by the applicant that they would not be used overnight (except for potential unplanned maintenance).

- 7.18 With regards to hours of operation, the hydrogen facility would be running constantly to supply Kimberly Clark's boiler, however, hours of construction would be required to be set out in a Construction Environmental Management Plan that would be required by condition.

### **Main Planning Considerations**

- 7.19 In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.
- 7.20 The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4). The DMM has to be considered in conjunction with Planning Policy Wales, Edition 12 (PPW) (2024) and other relevant legislation.
- 7.21 The development has been screened under the Environmental Impact Assessment Regulations and the local planning authority has concluded that an environmental impact assessment will not be required in this case. (Reference: SCR/000361/24, Decision Date: 09/05/2024)
- 7.22 The main planning considerations include:
- Principle of the Proposed Development
  - Principle of the Location of the Development
  - Transport and Highways Matters
  - Landscape & Visual Impacts and Arboriculture Impacts
  - Pollution, Amenity and Nuisance (Noise, Air Quality)
  - Ecology and Net Benefit for Biodiversity
  - Hydrology and Flood risk
  - Historic Environment
  - Design
  - Other Matters (Employment, Mineral Safeguarding, Agricultural Land and loss of Agricultural Land)

### **Principle of the Proposed Development**

- 7.23 Policy EN13 of the LDP advises low carbon energy generation proposals will be permitted provided that :

- i. the development does not prejudice the purpose of the Indicative Local Search Areas (ILSAs) to maximise opportunities for large scale solar PV development;
- ii. the siting, design, layout, type of installation and materials used do not have a significant adverse effect on the character and features of the proposed location;
- iii. there would not be unacceptable loss of public amenity or accessibility to the area;
- iv. the impact of the development upon agriculture, forestry, recreation and other land uses is minimised to permit existing uses to continue unhindered;
- v. there would be no individual or cumulative significant adverse effect on the landscape, particularly the AONB and its setting;
- vi. any associated ancillary buildings or structures are sensitively sited and designed to minimize their impact on the character and quality of the locality;
- vii. in sensitive areas where above ground connections will have an
- viii. unacceptable adverse effect on the landscape, connection lines and pipes should be located underground;
- ix. adequate provision has been made in the scheme for the restoration and aftercare of the site on the cessation of use

7.24 In accordance with policy EN13 of the LDP, the principle of the Green Hydrogen Facility is supported, subject to satisfying the relevant criteria of the policy. A full assessment of the potential impacts associated with the proposal, and therefore compliance with the criteria of policy EN13 is undertaken within the report that follows.

7.25 Policy STR4 of the LDP sets out high level principals for delivering sustainable development. Policy STR14 provides support for renewable / low carbon energy generation. These strategic policies are underpinned by individual detailed policies and a full assessment of the proposal in line with the requirements of the relevant policies is set out in the following report.

7.26 The applicant sets out that based on the data relating to the Kimberley Clark Mill annual consumption the carbon savings were estimated at circa 10,000 tonnes per annum. The applicant also advises that the project would provide energy security for the mill which would be provided from a renewable source.

7.27 The above is a material consideration in the determination of the application.

#### Principle of the location of the development

7.28 Policy STR2 of the LDP directs the location of new development. It directs new development to allocated sites, principal employment areas set by policy PE2, and sustainable settlements based on the settlement hierarchy. The proposal does not lie within any of these areas.

- 7.29 Of relevance to this application, policy PC1 of the LDP sets out that development outside settlement boundaries will be permitted for specific forms of employment development as set out in employment policies.
- 7.30 Policy PE5 of the LDP advises that outside of allocated sites of principal employment areas, the expansion of employment uses will only be permitted where:
- It is located on land within or abutting the boundary of existing premises; and
  - the resultant scale of development is in keeping with the existing operation, site and its surroundings; and
  - any new site boundary is logical, utilising existing features wherever possible, or incorporates suitable boundary treatment, supplemented by sensitive landscaping measures.
- 7.31 The proposal site is on land abutting the boundary of the existing Kimberly Clark premises. The Green Hydrogen Electrolyser facility would be situated within the surrounds of an existing woodland buffer, which would be retained aside from the trees lost to provide the access. The proposal would not extend beyond the existing western field boundaries and the layout responds and is sympathetic to the existing landscape. The proposal is considered to comprise a logical extension to the existing development and would incorporate appropriate landscaping measures.
- 7.32 It is considered that the proposal is in accordance with the above LDP policies taken as a whole.
- 7.33 Of relevance to policy EN13 of the LDP, the policy is not within land identified within an Indicative Local Search Areas (ILSA) and therefore does not prejudice the purpose of the areas.

#### Transport and Highways Matters

- 7.34 Policy PC5 of the LDP requires new development to be supported by appropriate transport infrastructure and depending on circumstance:
- a) Incorporate good access to the more sustainable modes of travel, firstly by walking and cycling, secondly by public transport, then by low emission private vehicle and finally by private motor vehicle;
  - b) Not compromise the safe, effective and efficient use of the highway network and not have an adverse impact on highway safety or create unacceptable levels of traffic generation;
  - c) where significant adverse effects upon the transport network arising from the proposed development are unavoidable, they must be mitigated by, for example, improvements to transport infrastructure and traffic management;
  - d) provide appropriate levels of parking, servicing and manoeuvring space and in non-residential development, a minimum of 10% of parking spaces to have electric vehicle charging points;

- e) create well designed people orientated streets and make provision for people with restricted mobility including those with characteristics as defined by the Equality Act 2010;
  - f) safeguard, enhance and expand the active travel network, particularly by means of improving connectivity to and from the proposed development
- 7.35 Policy PC6 of the LDP sets out that proposals should: provide appropriate walking and cycling routes, provide infrastructure and facilities that promote walking and cycling, provide appropriate travel choice information, incorporate measures to increase the priority of pedestrians and cyclists, develop and enhance active travel routes identified on the Integrated Network Map and incorporate existing public rights of way as an integral part of the design and layout of the development.
- 7.36 Access for construction and operational phases of the development would be from Aber Road via the existing Kimberly Clark site entrances.
- 7.37 A new access road from the road network within the Kimberly Clark premises would be constructed. The route would be circa 5m in width.
- 7.38 The Highway Authority was consulted on the proposal and advised that there were no outstanding highway concerns. The officer recommended the inclusion of a condition securing facilities for loading, unloading, parking and turning of vehicles being provided prior to use of the development.
- 7.39 In consideration of the above policies, the proposal would not compromise the safe, effective and efficient use of the highway network and would not have an adverse impact on highway safety or create unacceptable levels of traffic generation. With regards to active travel mode access to the site, the site would be unmanned and therefore it is not considered appropriate, or reasonable to require provision in this case.
- 7.40 It is considered the proposal is in accordance with above policies.

#### *Parking*

- 7.41 Supplementary Planning Guidance No.11 'Parking Standards' sets out the parking standards within Flintshire.
- 7.42 The Transport Statement submitted in support of the application advises that during construction parking for the workforce would be provided within the existing Kimberley Clark site with no parking on, or near to, the adopted highway being required.
- 7.43 During operation, the site would be remotely controlled and unmanned. However, there would be maintenance visits infrequently and parking for these visits would be accommodated within the internal site layout.
- 7.44 It is considered that sufficient parking is provided for the development proposed.

### *Public Rights of Way*

- 7.45 Paragraph 9.10 of the LDP advises that the public rights of way network are part of the green infrastructure network in Flintshire. Policy EN2 of the LDP states development is required to protect, maintain and enhance the quality and connectivity of the green infrastructure network and where appropriate create new linkages to the existing network and fill in gaps to improve connectivity.
- 7.46 The proposal seeks to permanently divert the Public Footpath around the southern boundary of the proposed electrolyser compound before it rejoins the network. The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and the local planning authorities should ensure that the potential consequences are taken in account whenever such applications are considered.
- 7.47 The Council's Rights of Way Officer supports the proposed diversion but requests that a condition securing the diversion prior to the commencement of the development. The view is taken that such a condition is unnecessary in that it duplicates the separate statutory procedure that exists for diverting or stopping-up the right of way and would require the applicant to do something outside their control. This would be pursued by means of a separate application under section 257 of the Town and Country Planning Act 1990 (as amended).imposed.
- 7.48 Ramblers Cymru was consulted and as set out in previous sections of this report object to the proposal. In particular they remark upon the proposed earthwork deposition areas conflicting with the likely path line and a lack of detail regarding the footpath diversion. They advise of potential new path links and concerns over the diversion creating a 'dog-leg' on the route. They advise that if issues raised are not addressed, they could object to the later diversion order application. They request a reduction in the overall size of the compound area and note the importance of the proposed landscaping in reducing impacts.
- 7.49 The potential conflict with the diverted route on the layout drawing as identified by Ramblers Cymru has been addressed with an amended submission. The amendment removed any conflict between earthwork deposition areas and the diverted right of way route. The Ramblers were advised of the new submissions removing the conflict of the path line and the proposal and agree that this has been resolved. However, they advise the rest of their comments still apply.
- 7.50 Officers consider that the diversion would be in accordance with national and local policy and would protect, maintain and enhance the quality and connectivity of the green infrastructure network.

## Landscape & Visual Impacts and Arboriculture Impacts

### *Landscape and Visual Impacts*

- 7.51 PPW 12 Section 6.3.3 states ‘All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.’
- 7.52 Policy EN4 of the LDP states that new development, either individually or cumulatively, must not have a significant adverse impact on the character or appearance of the landscape. The policy adds that landscaping and other mitigation measures should seek to reduce landscape impact and where possible bring about enhancement.
- 7.53 The Landscape and Visual Impact Assessment (LVIA) which accompanied the application has been carried out in accordance with the industry’s guidelines (GLVIA 3rd Edition) and examines the anticipated effect on the landscape and visual amenity of proposed development. The application is also supported by a BS5837:2012 survey and a Landscape and Visual Impact Assessment and Landscape Masterplan.

### *Landscape Features*

- 7.54 The submitted LVIA identifies that there would be inevitable change to the land use and land cover from its agricultural use to form what would be an extension to the Kimberley Clark complex. The existing woodland cover would largely be retained, and the landscape mitigation proposed would include tress and shrub planting and species rich wildflower grasslands.

### *Landscape Character*

- 7.55 The submitted LVIA identifies that the contained nature of the site limits impacts upon Landscape Character with proposed mitigation further containing the site. Impacts would be limited to the site area and the very immediate surrounds.

### *Visual Effects*

- 7.56 Due to the location of the site being of a lower elevation to most of the surrounds, as well as the contained nature of the site, the submitted LVIA identifies that views towards the proposed development are limited in nature from the wider landscape. The containment is enhanced by the proposed landscape mitigation. The LVIA finds that only locations which are located adjacent to the proposals, such as the northern extents of Red Pit Community Woodland and the redirected footpath travelling through the site would have the potential to give rise to visual effects which in themselves would be no greater than Minor in magnitude.

### *Landscape/visual Impact Summary*

- 7.57 Officers consider that the proposed site well contained by the adjacent woodlands, and to some extent the site topography, which limits the landscape impact of the proposal. Aside from the 15m high vent stacks, the development is limited in height and would assimilate with existing factory buildings to the north and east of the application site. For the same reasons, it is considered that visual impact is limited, with the main visual effect being received by users of the public right of way immediately adjacent to the development (following its diversion) and to a much lesser extent other footpaths in the vicinity.
- 7.58 A condition would be required for the submission of a Landscape and Ecological Management Plan (LEMP). The approved would secure the management of the landscape proposals for a 5 year period to help ensure their effectiveness.

### *Arboriculture*

- 7.59 Policy EN7 of the LDP states that development that would result in significant loss of, or harm to, trees, woodland or hedgerows of biodiversity, historic and amenity value will not be permitted. The policy adds that where the impact of development upon such assets is acceptable, development would only be permitted where:
- a) the development maximises their retention through sensitive design measures; and
  - b) where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and
  - c) it results in a net benefit in biodiversity.
- 7.60 The Council's Forestry Officer was consulted on the application and raised no objection. They advise that a LEMP should be required that would incorporate measures for the protection of retained trees/woodlands.
- 7.61 The proposed vehicular access to the site passes through a birch woodland and the proposed hydrogen pipe is routed along the inside edge of the woodland where trees would require removal. Whilst the trees to be removed are Category B features, they are young or early mature specimens and are not prominent in the landscape from public viewpoints, with only a short stretch of public footpath in the vicinity of the trees shown to be removed.
- 7.62 The required LEMP should also provide details for the protection of retained trees/woodlands which have not yet been provided.
- 7.63 It is considered that, with the requirement for the submission and approval of a LEMP secured by condition, the proposal accords with the provisions of Policy EN7 with regards to development affecting trees, woodland and hedgerows.



## Pollution, Amenity and Nuisance

- 7.64 Policy EN18 of the LDP states that new development that would create an increased risk of noise, vibration, odour, dust, light or other pollution or hazard will only be permitted if they would not cause unacceptable harm to amenity and would not impose significant restrictions on the use or development of surrounding land.
- 7.65 Policy EN18 adds that if new external lighting is proposed this should be considered as part of an overall landscaping scheme and be kept to a minimum to avoid light pollution.

### *Noise*

- 7.66 The proposal includes plant / machinery which would generate noise. The applicant provided an assessment of acoustic impact for the proposal in accordance with the relevant British Standards. In summary, the assessment provided acoustic emission data for the proposed plant / machinery, background sound levels for the site, identified nearby noise sensitive receptors (Properties on Royal Drive and Old London Road) and assessed the likely impacts of the development both during the day and at night. The report found that impacts at all identified receptors during the day would be low with sound levels from the development being below background levels.
- 7.67 The assessment found that aside from 48 Royal Drive all impacts at receptors would be low during the night. The impact at 48 Royal Drive was assessed as adverse. The assessment qualifies this by noting that the significance of sound from a development also depends on the context within which the sound occurs. The report notes that the sound levels are calculated with downwind propagation, with wind blowing from the development to the assessed receptors. The existing acoustic environment includes a number of existing industrial uses and thus the sound from the development is not incongruous in comparison to the existing environment. The report also notes that the British Standard for assessing industrial and commercial sound states that “where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night”. The report thus notes that the rating level is considered to be very low.
- 7.68 The report concludes that that the proposal would not have an adverse impact on nearby residents.
- 7.69 The Council’s Community and Business Protection Officer was consulted on the proposal and reviewed the noise impact assessment, they had no objection subject to a condition being imposed securing noise limits.

### *Air Quality*

- 7.70 The application has potential to produce dust / air quality impacts during construction. The applicant produced an Air Quality and Construction Dust Risk Assessment in support of the application.
- 7.71 The report found that with the implementation of mitigation / best practice measures risks of dust impacts during construction will be negligible to low with non-significant effects.
- 7.72 The Council's Community and Business Protection Officer was consulted on the proposal and reviewed Air Quality and Construction Dust Risk Assessment, they had no objection.

### *Lighting*

- 7.73 As set out in this report, the proposals include external lighting. It is considered that subject to a condition securing a lighting strategy that the proposal would be in accordance with abovementioned policy.

### Ecology and Net Benefit for Biodiversity

- 7.74 Policy EN6 of the LDP places a presumption against permitted development which result in adverse impacts upon sites of international conservation importance. Development likely to impact the features of nationally designated sites would only be granted in exceptional stances.
- 7.75 Policy EN6 requires that development proposals that could have a significant negative effect on designated local sites or those with biodiversity and/or geological interest, including priority species, will only be permitted if: a) the need for development outweighs the site's ecological or geological importance; b) there are no reasonable alternative locations; and c) effective mitigation measures are implemented to minimise harm and ensure no overall reduction in biodiversity value. If mitigation is not possible, compensation measures should be provided to create, restore, and enhance biodiversity.
- 7.76 Policy STR13 of the LDP requires new development to not only conserve and protect Flintshire's natural environment but also to promote opportunities to enhance biodiversity and ensure resilience.
- 7.77 Planning Policy Wales (Edition 12, 2024) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non-native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems" (Section 6.4.5).
- 7.78 Planning Policy Wales (Edition 12, 2024) also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local

Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

- 7.79 Future Wales – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment'.
- 7.80 Dee Estuary (SSSI, SAC, SPA, Ramsar) is located circa 670m northeast of the application site. There are four Local Wildlife sites within 1km of the site with the nearest circa 610m southwest of the application site.
- 7.81 The application is supported by a preliminary ecological appraisal which included a walkover survey and Phase 1 Habitat Survey. The development would result in the loss of 0.7ha of improved grassland of negligible value, 0.05ha of mixed plantation of moderate value and 0.05ha of semi natural broadleaved woodland.
- 7.82 With regards to impacts upon protected species the preliminary ecological appraisal provided commentary on impacts to Great Crested Newts, Badgers, Bats and Nesting Bird and suggested mitigation measures to minimise impacts.
- 7.83 The preliminary ecological appraisal also assessed whether the proposal would provide a net benefit for biodiversity. The assessment concluded that the proposed mitigation would result in a small net benefit to biodiversity.
- 7.84 Natural Resources Wales were consulted on the proposal and in summary concluded that subject to a Construction Environment Management Plan (CEMP) being secured by condition to mitigate potential impacts upon The Dee Estuary they have no objections.
- 7.85 The Council's Ecologist was consulted upon the application and advises that a detailed LEMP can be secured which includes mitigation for the loss of habitats as well as biodiversity enhancement. The ecologist has no objection subject to the proposal being carried out in accordance with the recommendations of the preliminary ecology assessment and conditions relating to the LEMP and lighting detailed are secured. The ecologist advised that landscape proposals would ensure a net biodiversity benefit is provided.
- 7.86 With regards to the requirements of The Conservation of Habitats and Species Regulations 2017 the council's ecologist screened the proposal and found that subject to the development being carried out in accordance with the CEMP condition recommended by NRW the integrity of the Dee Estuary (SAC, SPA, Ramsar) would not be adversely affected and an appropriate assessment is not required.

7.87 In accordance with Chapter 6 of PPW12, the development needs to be assessed to ensure it meets Net Benefit for Biodiversity. The proposed Landscape Masterplan shows the provision of new habitats with indicative planting schedules. It is considered that the Landscape Masterplan demonstrates net benefit for biodiversity sufficiently to determine the application. A LEMP (to be secured by condition) would ensure that the proposal complies with PPW chapter 6 with regards to net benefit for biodiversity.

7.88 In conclusion, it is considered that the proposal would be in accordance with relevant policies.

#### Hydrology and Flood Risk

7.89 Policy EN14 of the LDP states that to avoid the risk of flooding development will not be permitted:

- a) in areas of risk of fluvial, pluvial, coastal and reservoir flooding, unless it can be demonstrated that the development can be justified in line with national guidance and is supported by a technical assessment that verifies that the new development is designed to alleviate the threat and consequences of flooding;
- b) where it would lead to an increase in the risk of flooding on the site or elsewhere from fluvial, pluvial, coastal or increased surface water run-off from the site;
- c) where it would have a detrimental effect on the integrity of existing flood risk management assets; or
- d) where it would impede access to existing and proposed flood risk management assets for maintenance and emergency purposes

7.90 Policy EN15 of the LDP advises that development affecting resources will only be permitted if:

- a) it would not have a significant adverse impact on the capacity and flow of groundwater, surface water, or coastal water systems;
- b) it would not pose an unacceptable risk to the quality of groundwater, surface water, or coastal water; and
- c) it would have access to adequate water supply, sewerage and sewage treatment facilities which either already exist, or will be provided in time to serve the development, without detriment to existing abstractions, water quality, fisheries, amenity or nature conservation; and
- d) there is no adverse effect on the integrity of the River Dee and Bala Lake SAC in particular through the treatment of waste water.

7.91 The proposed development would see surface water drainage via an attenuation basin, with a restricted discharge rate into the nearby Kimberly Clark drainage infrastructure, ultimately being discharged into the River Dee. With regards to foul water, effluent from the electrolyzers would be discharged via a foul drainage system to the existing Kimberly Clark water treatment plant.

- 7.92 The Lead Local Flood Authority were consulted on the proposal (Flintshire County Council SAB) and hold no objection to the proposals. They advise the applicant engages with them at the appropriate time to progress the SAB approval process.
- 7.93 Dwr Cymru Welsh Water advise that since the proposal would use an alternative to mains drainage for foul water that the applicant seek advice from Natural Resources Wales and the Building regulations authority. They also advise that with regards to the use of SuDS it would be prudent for the applicant to engage with the SAB.
- 7.94 Officers consider that subject to a condition securing finalised details of the proposed drainage schemes that the proposal would be in accordance with the above policy.

#### Historic Environment

- 7.95 Policy EN8 of the LDP states that buildings and features of special architectural and historic importance, and their settings, will be preserved.
- 7.96 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.97 The most proximal assets to the main include Enterprise House (Grade II) located circa 200m southeast and Scheduled Ancient Monuments Bryn Castell Mound and Hen Blas Castle located circa 850m and 1050m west respectively of the nearest site boundary.
- 7.98 The Council's Built Conservation Officer was consulted on the proposal and provided a summary of the abovementioned assets. The officer undertook analysis of submitted documents and completed a site visit. They conclude that they are of the opinion that the proposed development would not have a significantly adverse impact upon any of the listed heritage assets.
- 7.99 Clwyd Powys Archaeological Trust (CPAT) were consulted on the proposal and advise that having consulted the information held within the Historic Environment Record that there are no archaeological implications for the development.
- 7.100 Cadw were also consulted on the proposal and had no comments to make.
- 7.101 It is considered that the proposal would not result in a negative impact upon designated historic assets nor archaeology. It is therefore considered the proposal would be in accordance with relevant policy.

## Design

- 7.102 Policy PC2 of the LDP in summary sets out broad development considerations and that that all development should:
- a) harmonise with and enhance the existing character and appearance of the site and surroundings
  - b) not have a significant adverse impact on the safety and living conditions of nearby residents, uses or local communities
  - c) incorporate personal and community safety in design
  - d) maximise sustainable travel choice
  - e) not have an unacceptable effect on the highway network or highway safety
  - f) not result in, or be susceptible to, problems relating to foul and surface water drainage, land stability, contamination, flooding, or pollution of light, air and water, either on or off site.
- 7.103 Policy PC3 of the LDP develops the key principles raised by policy PC2 and focuses on securing high quality design.
- 7.104 Policy PC4 of the LDP provides a framework for sustainable development. The policy advises development should:
- a) Be sustainably located and accessible to non-private car means of travel
  - b) Be designed to be resilient and adaptable to the effects of climate change
  - c) Incorporate planting, landscape and design features which mitigate the effects of climate change
  - d) Make efficient use of resources through sustainable construction and design techniques
  - e) Incorporate renewable energies and carbon sinks where possible.
- 7.105 At this stage the details submitted in respect of the plant / machinery is yet to be finalised in order to provide a degree of flexibility for the applicant in accordance with the principals of the 'Rochdale Envelope'. The submissions all reflect maximum dimensions and it is recommended that a condition securing this is attached to any forthcoming consent.
- 7.106 The abovementioned policies are far reaching in their nature being relevant to various aspects of the proposed development and as such the consideration of the referenced matters are detailed throughout the report. Responding to the above policies, the proposal is for a renewable energy installation which would have an effective landscaping scheme secured by condition which would help to integrate the proposal in its surroundings. It is considered subject to the conditions detailed in this report that the proposal would not have a significant adverse impact on the matters detailed in above policies

## Other Matters

### *Employment*

- 7.107 The applicant advises that during construction a small number of jobs would be created alongside some maintenance roles during operation.

### *Mineral Safeguarding*

- 7.108 The application site lies within the mineral safeguarding area for Flintshire as defined on the proposals map.

- 7.109 Policy EN23 of the LDP sets out non-mineral development within the safeguarded areas would only be permitted where it can be demonstrated that:

- a) the mineral underlying the site does not merit extraction; or
- b) the need for the non-mineral development outweighs the need to protect the resource; or
- c) the mineral can be satisfactorily extracted prior to the non-mineral development; or
- d) the development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed; and
- e) essential infrastructure that supports the supply of minerals, including Mostyn Docks and Padeswood Cement Works (as shown on the proposals maps), would not be compromised or would be provided elsewhere

- 7.110 Policy EN23 adds that the application should be supported by a Mineral Safeguarding Assessment which the applicant has provided.

- 7.111 Policy EN23 also states that proposals for non-mineral development on sites of 4ha or more, which are underlain by Category 1 sand and gravel shall be supported by a Prior Extraction Assessment.

- 7.112 In summary the assessment identified that only circa 0.67ha of developed area of the site falls within the British Geological Surveys areas identified as being underlain by category 1 sand and gravel. The applicant carried out a further ground investigation which determined the underlying resources to be of a high silt percentage and unviable to be extracted.

- 7.113 It is considered that the applicant has provided sufficient information to show that the proposals would not lead to the sterilisation of any safeguarded minerals which would merit extraction. It is thus considered that the proposal meets the Policy requirements.

### *Agriculture Land Quality and loss of Agricultural Land*

- 7.114 As previously mentioned the application site comprises both existing developed land within the Kimberly Clark facility and also an area of land

currently is agricultural use (circa 1.9ha). The Predictive Agricultural Land Classification Map 2 provided by 'DataMapWales' indicates this land to likely mainly comprise grades 3a and 3b. Due to the resolution of the predictive mapping it is not possible to accurately estimate the area of land which may / may not be best most versatile land.

- 7.115 Policy EN13 of the LDP requires low carbon energy proposals to minimise the impact of the development upon agriculture, to permit existing uses to continue unhindered.
- 7.116 Paragraphs 3.58 and 3.59 of PPW sets out that agricultural land of grades 1, 2 and 3a should be conserved as a finite resource for the future with considerable weight to be given to protecting such land from development because of its importance.
- 7.117 Responding to the predictive classification the applicant in summary advised that the land quality is likely lower than the predictive mapping indicates. They advise that the field has been grazed for a considerable time, that soil samples indicates a high silt/gravel content in the soil, that the land is prone to waterlogging which is not conducive to good crop growth. They also advise that the need for the development and the related benefits regarding the climate crisis and energy security for the paper mill should be taken into account.
- 7.118 The Guidance Note Version 2.1 (May 2021) regarding the predictive agricultural land classification map (Wales) produces by Welsh government indicated that should a survey not be completed the predictive mapping should be taken as the best available information. In this case a survey has not been completed.
- 7.119 Officers consider that the area of land which comprises best most versatile land is a fraction of the overall site area and is a relatively small area of land. The impact of the loss of this area will be taken into the planning balance in accordance with above policy.

## **8.00 CONCLUSION**

### Overall Assessment

- 8.01 The application seeks planning permission for the proposed development of a Green Hydrogen Electrolyser and associated infrastructure.
- 8.02 In considering the application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.03 In accordance with policy EN13 of the LDP, the principle of the Green Hydrogen Facility is supported, subject to satisfying the relevant criteria of the



policy. As set out in the above report, it is considered that subject to conditions the application would meet the relevant requirements of policy.

- 8.04 International, National and Local policy is committed to reducing reliance on carbon emitting development. The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and carbon budgets. The Welsh Government subsequently in 2019 declared a climate emergency in order to coordinate action nationally and locally to help combat the threats of climate change.
- 8.05 Future Wales, The National Plan 2040 sets out the national development plan context for energy and provides specific policies for heat network and renewable energy development. It states, "Future Wales together with Planning Policy Wales will ensure the planning system focuses on delivering a decarbonised and resilient Wales through the places we create, the energy we generate, the natural resources and materials we use and how we live and travel.". Policy 17 is clear that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet Wales' future energy needs requiring that "In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments".
- 8.06 Overall, mindful of the relevant national and local policy and material considerations weigh in favour of the approval of this application. It is therefore recommended that the application is approved subject to the conditions detailed in section 2 of this report.

#### Other Considerations

- 8.07 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.
- 8.08 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.
- 8.09 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.10 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

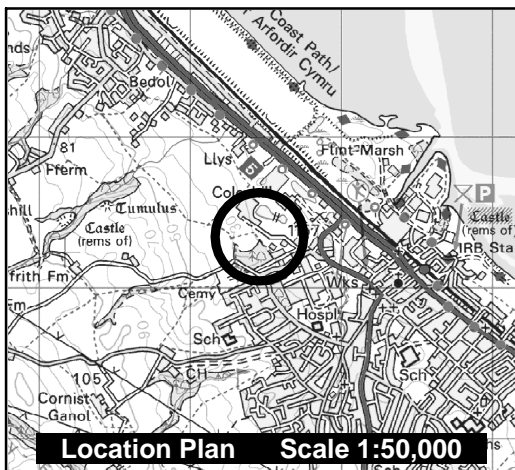
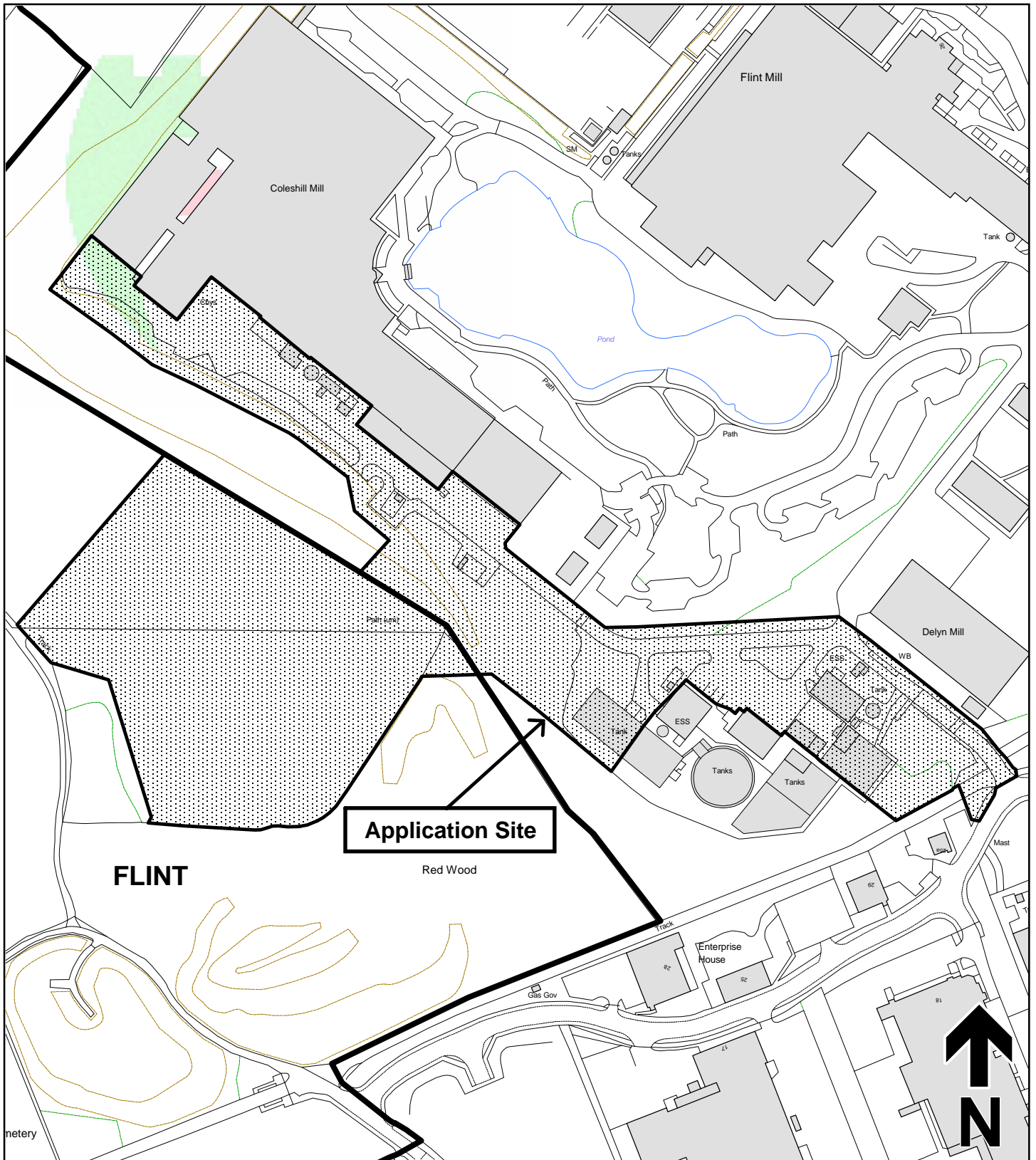
Responses to Consultation

Responses to Publicity

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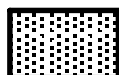
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**Legend**



Planning Application Site



Adopted Flintshire Unitary  
 Development Plan  
 Settlement Boundary

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Map Scale: 1:2500

OS Map: SJ 2373

Application: FUL/000599/23

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