

PRE- PLANNING APPLICATION ADVICE REPORT

Ref No: 061108 **Case Officer:** Mr M Harris

Proposal: CONFIDENTIAL PRE-APP - Re-use of site

Location: Powergen Plc Connahs Quay Power Station, Kelsteron Road,
Connahs Quay, Deeside, Flintshire, CH5 4BP

Applicant: Uniper Energy

Agent:

Date Received: 04/03/2020

Constraints

Potential Archaeological Remains (CPAT)
Site of Special Scientific Interest (SSS1)
Special Area of Conservation (SAC)
Special Protection Area (SPA)
Ramsar Site
Technical Advice Note 15 – Zones B,C1& C2
Coal Authority Referral Area

Site History

None relevant

Relevant Policies

Flintshire Unitary Development Plan

Policy STR1 – New Development
Policy STR3 – Employment
Policy GEN1 – General Requirements for Development
Policy GEN2 – Development in the Open Countryside
Policy D1 – Design Quality, Location and Layout
Policy D2 – Design
Policy D3 – Landscaping
Policy WB2 – Sites of International Importance
Policy WB3 – Statutory Sites of National Importance
Policy AC13 – Access and Traffic Impact
Policy AC18 – Parking Provision and New Development

Policy EMP1 – General Employment Land Allocations
Policy EWP17 – Flood Risk

Additional Guidance

Planning Policy Wales (PPW) – Edition 10
Technical Advice Note 5 – Nature Conservation and Planning
Technical Advice Note 12 - Design
Technical Advice Note 15 – Development and Flood Risk
Technical Advice Note 18 – Transport
Technical Advice Note 23 – Economic Development

Supplementary Planning Guidance Note 8 Nature Conservation and Planning

Consultation & Responses

Planning Policy : See Main Report

Highway Development Control Manager : See Main Report

Land Contamination Officer : See Main Report

SAB

From the 7th of January 2019 any new development that involves construction work of 100m² or more must obtain approval for surface water drainage proposals from Flintshire County Council in its role as the SuDS Approving Body (SAB).

Furthermore, SuDS serving proposals of greater than one property will be subject to adoption by the SAB and must be constructed to be compliant with Welsh Government statutory standards.

No formal application for SAB approval or request for pre application SAB advice has been received to date therefore it has yet to be demonstrated that a compliant SuDS scheme can be delivered for the site. The applicant should give full consideration to the National SuDS standards with respect to this development and commence the SAB application process at the earliest opportunity as SuDS designs can have implications for proposed development, particularly in relation to the layout. Notwithstanding the above the applicant should be advised that construction works cannot commence without SAB approval whether or not planning permission is in place.

The earlier it can be determined that the proposed surface water drainage proposals are compliant with the new standards the less chance of delay, wasted effort and costs for all parties involved. The applicant can obtain further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Flintshire SAB webpage:

<https://www.flintshire.gov.uk/en/Resident/Planning/Sustainable-Drainage-Systems.aspx> or by contacting the SAB Team directly at SAB@Flintshire.gov.uk

We ask that the above comments are forwarded to the applicant/agent so that they can consider the relative implications of pursuing the planning application without consideration of SAB approval requirements. If the Local Planning Authority are to approve the application a note must be imposed upon the planning permission to ensure that the applicant fully understands the consequences of not obtaining the requisite SAB approval.

Council Ecologist : See Main Report

Appraisal:

This pre-application enquiry seeks to establish the potential for employment related development on land at Connah's Quay Power Station, Connah's Quay, Flintshire. A number of indicative suggestions have been advanced in Section 6.00 of the submitted Development Brief and the general principle of development discussed by way of a Webex meeting previously held on 6th June 2020. This report seeks to address and encapsulate the key issues addressed, in the event of a formal planning application being submitted.

It is important to reference that the pre-application process only involves consultation with **internal departments** of the council, but does at the same time try to give an indication of other statutory consultees that a prospective applicant may need to engage with, should an application be pursued. In this context the key material considerations are referenced below.

Planning Policy

The site is allocated within the Flintshire County Council Unitary Development Plan (UDP)for general employment use by virtue of Policy EM1.This remains the adopted development plan against which consideration of this proposal is undertaken. It forms the southern section of the Deeside Energy Park which also includes the operational Power Station and land to its north. The proposal is located on Previously Developed (PDL) or Brownfield Land. Policy EM1 (General Employment Land Allocations) is permissive of proposals for B1, B2 and B8 uses subject to relevant Development Management Considerations.

Scale / Form

Whilst the indicative site plans form the basis /parameters for development at this location which are considered acceptable – in the absence of specific design detail it

is not possible to precisely comment on the scale /form of the development at this stage

Ecology

The site is adjacent to the Dee Estuary Site of Special Scientific Interest (SSSI) Special Area of Conservation (SAC) Special Protection Area (/SPA) Ramsar site and the River Dee SSSI/SAC. The Dee Estuary SAC designation relates to the estuarine habitats while the SPA/Ramsar designations relation to the migratory and wintering bird populations; the River Dee designations primarily relate to migratory fish and otter (the full details are in Table 1 below).

Any project/planning application will need to consider direct and indirect effects on these designated sites and how these can be overcome.

Direct effects are primarily disturbance of wintering/migratory birds during construction and potentially operation of the proposed development. Construction disturbance can potentially be avoided by timing of works to avoid key time periods and /or by installation of screens/fences. If the works are likely to extend over the summer months, then provision of construction screens should be included as part of the application.

With regards to the River Dee SSSI/SAC piling vibrations have the potential to impact on migratory fish and affects can be avoided by timing and minimizing vibrations. Otters are known to use the Dee estuary, River Dee and associated tributaries so maintenance of continuous corridors is key.

Operational disturbance will depend on what is proposed and whether it can be avoided through design of the buildings, access points, lighting etc with the installation of relevant screening.

Indirect impacts will include potential for pollution eg surface water management during construction/operation and any pollution issues associated with the proposed development.

As part of any Planning application, the Local Planning Authority will need to undertake a Habitats Regulation Assessment for the application in relation to the designated site and will therefore require enough information to be able to conclude that the proposal is or is not likely to have a significant effect on the designated features of the Dee Estuary SAC, SPA or Ramsar site. Demonstration of liaison with NRW will also be important as part of the Planning application submission.

Other Ecological Issues

Much of the site has naturally vegetated and there are likely be other habitats/species of interest protected in their own right or listed under Section 7 Environment Act (Wales) 2016 especially Biodiversity Priority Species. Brown field sites can be of particular value for reptiles, invertebrates including butterflies and ground nesting birds such as skylark and little ringed plover which have been recorded nesting here previously. NRW do not tend to comment on this issues.

Irrespective of the adjacent designations, an assessment of the Ecology of the site and the development impacts with measures to avoid, mitigate, compensate, enhance and manage wildlife features would be required.

Any project/planning application will need to consider direct and indirect effects on these designated sites and how these can be overcome.

Direct effects are primarily disturbance of wintering/migratory birds during construction and potentially operation of the proposed development. Construction disturbance can potentially be avoided by timing of works to avoid key time periods and /or by installation of screens/fences. If the works are likely to extend over the summer months, then provision of construction screens should be included as part of the application.

With regards to the River Dee SSSI/SAC piling vibrations have the potential to impact on migratory fish and affects can be avoided by timing and minimizing vibrations. Otters are known to use the Dee estuary, River Dee and associated tributaries so maintenance of continuous corridors is key.

Operational disturbance will depend on what is proposed and whether it can be avoided through design of the buildings, access points, lighting etc with the installation of relevant screening.

Indirect impacts will include potential for pollution eg surface water management during construction/operation and any pollution issues associated with the proposed development.

As part of any Planning application, the Local Planning Authority will need to undertake a Habitats Regulation Assessment for the application in relation to the designated site and will therefore require enough information to be able to conclude that the proposal is or is not likely to have a significant effect on the designated features of the Dee Estuary SAC, SPA or Ramsar site. Demonstration of liaison with NRW will also be important as part of the Planning application submission.

Other Ecological Issues

Much of the site has naturally vegetated and there are likely be other habitats/species of interest protected in their own right or listed under Section 7 Environment Act (Wales) 2016 especially Biodiversity Priority Species. Brown field sites can be of particular value for reptiles, invertebrates including butterflies and ground nesting birds such as skylark and little ringed plover which have been recorded nesting here previously. NRW do not tend to comment on this issues. Irrespective of the adjacent designations, an assessment of the Ecology of the site and the development impacts with measures to avoid, mitigate, compensate, enhance and manage wildlife features would be required.

Refer to FCC Planning Guidance SPG No 8 Nature Conservation and Planning: <http://www.flintshire.gov.uk/en/Resident/Planning/Supplementary-planning-guidance.aspx>

Associated with this, Welsh Government policy (PPW10) recommends that “*development should not cause any significant loss of habitats or populations of species locally or nationally and must provide a net benefit for biodiversity* “

Flood Risk

As previously referenced the site is part located within B & C1 Flood Zones and development will need to comply with the general principles established in Technical Advice Note 15 – Development and Flood Risk (TAN15)

A C1 Zone is served by significant infrastructure, including flood defences. TAN15 states that, development can take place within such locations subject to application of a justification test, including acceptability of consequences.

In addition part of the site is located within Flood Zone B. TAN15 states that Zone B are areas known to have been flooded in the past evidenced by sedimentary deposits. As the proposed development is classified as less vulnerable development for employment land only, the proposal may be considered acceptable for development within these zones. Any application would however need to be accompanied by a Flood Consequences Assessment (FCA) to confirm that the risks from potential flooding can be acceptably managed on which consultation would be required with Natural Resources Wales (NRW)

Highways

The planning brief raises no significant highway concern. The brief clearly identifies and evaluates the existing points of access to the site and their suitability for future uses, it also acknowledges Welsh Government intentions for a review/upgrade of the A548 in the vicinity of the site. The scale of potential re-development is likely to justify a requirement for submission of a Transport Assessment to be submitted with any future planning application.

Particular focus would be on the capacity of the Kelsterton Interchange along with provision of appropriate Active Travel and sustainable travel facilities. Any significant change in potential traffic movements through the Kelsterton Interchange should be discussed with Welsh Government highways.

Land Contamination

The Councils Land Contamination Officer has advised that having regard to historic maps / records held that there is reasonable ground to suspect that it may be grossly affected by land contamination by process wastes, landfilled wastes, hydrocarbons, PAH's, asbestos, tars, acid tars and solvents.

Taking this into account, Phase 1 and Phase 2 land contamination assessment reports (to include proposals for remediation), would be required to be submitted in support of a planning application if it is made.

Consideration may be given to securing remediation by condition but the preceding phases of the assessment, including details of how remediation may be achieved, need to be submitted in support of the application

Summary

To conclude, given the sites UDP allocation and classification as PDL or Brownfield Land there is no objection to the principle of development in accord with the established planning policy framework subject to compliance with relevant development management considerations. This includes highway, contamination, flood risk, ecology and design assessment on which further details would be required to be submitted as outlined and would need to be supplemented by :

A Transport Assessment

Phase 1 & 2 Land Contamination Report

A Flood Consequences Assessment

An Ecological Assessment

An Archaeological Assessment

A Coal Mining Report

Dee Estuary (TABLE 1)

SPA Features

Article 4.1: 1% or more of the Great Britain populations of Bar-tailed Godwit, Common Tern, Little Tern and Sandwich Tern.

Article 4.2: 1% or more of the biogeographical populations of the following regularly occurring migratory species: Redshank, Shelduck, Teal, Pintails, Oystercatcher, Grey plover, Knot, Dunlin, Black-tailed Godwit, Curlew.

Ramsar Features

Criterion 1: Extensive intertidal mud and sand flats (20 km by 9 km) with large expanses of saltmarsh towards the

head of the estuary. Habitats Directive Annex I features present see SAC below

Criterion 2: supports vulnerable , endangered or critically endangered species or threatened ecological communities –Natterjack Toad.

Criterion 5: it regularly supports 20,000 or more waterbirds in the non-breeding season.

Criterion 6: it regularly supports 1% of the individuals in the populations of the following species or subspecies of waterbird in any season: Redshank, Shelduck, Teal, Pintail, Oystercatcher, Grey Plover, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew.

SAC Features

Fixed dunes with herbaceous vegetation (“grey dunes”, dune grassland)

Annual vegetation of drift lines (strandline of shingle beaches)

Atlantic salt meadows (saltmarsh)

Embryonic shifting dunes

Humid dune slacks

Lampetra fluviatilis (River lamprey)

Mudflats and sandflats not covered by low tide (intertidal)

Petalophyllum ralfsii (Petalwort, a rare dune slack liverwort)

Petromyzon marinus (Sea lamprey)

Salicornia (Glasswort) and other annuals colonising mud and sand.

Shifting dunes along the shoreline with Ammophila arenaria, Marram, (“white dunes”).

Vegetated sea cliffs of the Atlantic and Baltic coasts (vegetated sea cliffs).

Estuaries.

River Dee SAC features:

Cottus gobio Bullhead

Lampetra fluviatilis River Lamprey

Lampetra planeri Brook Lamprey

Luronium natans Floating Water Plantain

Lutra lutra Otter

Petromyzon marinus Sea lamprey

Salmo salar Salmon

Waters courses of plain to montane levels with Ranunculion fluitans and Callitriche-Batrachion vegetation (Rivers with floating vegetation often dominated by water-crowfoot).

