

M17.01

Flintshire Local Development Plan 2015 – 2030

Hearing Session Matter 17

Wednesday 19th May 2021

Renewable Energy

**EN12 New Development and Renewable and Low
Carbon Energy Technology**

**EN13 Renewable and Low Carbon Energy
Development**

Hearing Statement by Flintshire County Council

Flintshire Local Development Plan (2015 - 2030) Examination in Public

Flintshire County Council Statement: Matter 17: Renewable Energy (EN12 New Development and Renewable and Low Carbon Energy Technology; EN13 Renewable and Low Carbon Energy Development)

This statement has been prepared by Flintshire County Council (FCC) in response to the Inspectors' hearing questions:

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Where appropriate, have alternative strategies been considered, is the identification of any sites based on a robust and rational site selection process?

Are the policies and requirements clear, reasonable and sufficient?

Response:

1. Policy STR14 sets out the strategic principles in relation to climate change and environmental protection and clearly references the need to consider the incorporate of renewable and low/zero carbon energy technologies in new development in criterion v. The strategic policy them signposts to the more detailed guidance in development management policies EN12 and EN13, in the 'Valuing the Environment' section of the Plan.
2. Policy EN12 specifically requires new development to seek to maximise the potential for renewable and low carbon energy technology to meet the energy needs of the development in a sustainable manner. It does this primarily by setting a development threshold which when met requires a prospective developer to assess the degree to which renewable and low carbon technology is feasible, and to evidence this. This is not unduly onerous and simply reflects the intention and spirit of national policy and guidance that the planning system (and therefore prospective developers) should play an important role in exploring all reasonable means to ensure that our carbon footprint can be reduced.
3. Policy EN13 provides more detailed guidance on how renewable energy (primarily, but not exclusively solar) can be developed, including a series of specific criteria to assess proposals against. There are no objections to the policy criteria themselves, and they allow a balanced assessment of the proposed development with the appropriateness of the location selected. Reference is made to the Indicative Local Search Areas for solar (above 5MW) which have been derived from a Renewable Energy Assessment carried out in accordance with the guidance in PPW and specifically following the Toolkit for Planners.

4. The above policies and the evidence that underpins them is considered to be compliant with the relevant guidance in PPW11 and in conformity with the Future Wales – The National Plan, noting that for the latter that Priority Solar Search areas have not been carried through from the draft NDF. The Council is aware of the need to incorporate the various renewable energy targets currently shown in the REA, as well as listing the solar Areas of Search directly within the plan, and is happy to work with Welsh Government to identify the best way to achieve these technical changes.
5. In terms of site selection, firstly the solar areas of search are not allocations per se, and represent the least constrained areas with potential for consideration for solar development, resulting from the process followed in the REA guided by the Toolkit. There is little scope therefore to vary from the prescribed approach in terms of alternative strategies.
6. In relation to the identification of two specific allocations for solar development in policy EN13, these are two areas of land in Council ownership and are part of the Council's specific response to the challenge to the public sector in Welsh Government policy and PPW to provide a community lead in identifying and developing sites in its ownership for renewable energy generation. The two sites represent a second stage of the Council developing its own solar farms, having already built two relatively small solar farms on former landfill sites. The two sites identified in the plan as a stage 2 in the Council's ambition to identify ways of achieving the carbon neutral target set for the public sector by Welsh Government by 2030, and with the two previous sites already developed, represent the development of around 6MW of solar generated energy cumulatively. Further sites are being considered, including specific installations to serve key sites like the County Hall site, Law Courts, and Theatr Clwyd in Mold. As the two sites referenced in policy EN13 have now also been built, and are awaiting final commissioning, it would make sense to remove their reference from EN13, thereby making the intentions of EN13 more clear.
7. The above policies are considered to provide a suitable and reasonable local response to the guidance and intentions set out in national policy and guidance.

Question a)

How have the search areas for renewable energy been identified? What were the key constraints used? Is the work on a landscape assessment to refine the areas of search complete?

Council's Response:

a.1 The Solar Indicative Local Search Areas or 'Search Areas' have been identified through a mapping exercise as evidenced in the Renewable Energy Assessment ([LDP-EBD-RE1](#)) and the associated Maps ([LDP-EBD-RE2](#)). An overview of the process, stages and outcomes is set out in Background Paper 13 Renewable Energy ([LDP-EBD-BP13](#)). Phase 1 involved an assessment by the Council's specialist consultants AECOM for all technologies against a baseline of

renewable and low carbon energy generation, and constraints to identify the potential over the Plan period. Phase 2 involved a series of spatial representations of the initial Search Areas based on differing assumptions and scenarios. Phase 3 sought to refine the Search Areas whereby the somewhat artificial and fragmented areas have been 'smoothed' into the 18 Search Areas as shown on the Deposit LDP proposals maps. This phase used a set of guidelines including:

- A minimum size of 0.12sq km
- The non-inclusion statutory environmental designations (eg SPA, SAC, SSSI)
- Boundaries drawn tight to clusters of least constrained land parcels, thereby some 'outliers' being excluded.

a.2 The Assessment explains in para 4.11 that the initial ILSAs identified for solar PV farm development are in general compliance with the requirements of PPW and the Practice Guidance Toolkit for Planners, and that further phases of work will continue in order to test and refine the initial areas identified. The main phase of further work comprises a landscape assessment of each of the 18 initial ILSAs and this has now been carried out and has reported back on its outcomes. A report carried out by EnPlan for the Council has been submitted to the examination alongside this statement (Appendix 1).

Landscape Sensitivity Assessment:

a.3 Following identification of the solar Areas of Search in the REA, a Landscape Sensitivity Assessment Has been done by Enplan. This is a high level assessment of the 18 Search Areas for Solar PV energy development identified in the Deposit LDP. Para 1.11 of the Assessment explains Landscape sensitivity can be considered to be either inherent sensitivity, i.e. a landscape's intrinsic sensitivity to any change, or sensitivity to a specific form of change and in this case the Assessment focusses on the latter i.e. '*...the susceptibility of the characteristics of that landscape to change as a result of the development in question in combination with consideration of the value attached to the landscape*'. The Assessment has used Landmap as the key determinant of landscape value. For each of the 18 Sites the Assessment includes:

- An assessment of Landscape Value against the Landmap Criteria to give a 'relative landscape value'
- An Assessment of Landscape Susceptibility against a set of criteria to give a 'relative landscape susceptibility'
- An Assessment of Landscape Sensitivity by comparing landscape value against landscape susceptibility to give an overall 'Landscape Sensitivity'
- A commentary and recommendation

a.4 The Assessment includes a summary table (Table 9 following section 6) of results which demonstrates that none of the Search Areas are of High sensitivity. Many of the site are of Low sensitivity which indicates there is capacity for solar farm development. All of the Search Areas of Medium- Low sensitivity have some

capacity for solar farm development. However there are a number of Search Areas of Medium sensitivity and only two of these are considered to have some capacity for solar park development due mainly to the large area they occupy and the ability within this to accommodate a solar farm without the likelihood of significant landscape harm to key characteristics or significant visual effects.

a.5 The summary results of the Assessment are presented in the table below along with the suggested implications for the LDP in terms of whether each Search Area should be retained within the Plan or deleted. Of the 18 Search Areas 13 are proposed to be retained in the Plan with a combined capacity of 130MW.

Search Area no.	Search Area Name	Landscape Sensitivity	Recommended Capacity MW	Retain / Delete Search Area
1	Buckley 1 (North of Buckley Mountain)	Medium	0	Delete
2	Buckley 2 (West of Buckley)	Medium-Low	5	Retain
3	Buckley 3 (South of Buckley)	Low	10	Retain
4	Buckley 4 (South East of Lane End)	Low	5	Retain
5	Coed Talon & Pontybodkin (West)	Medium-Low	10	Retain
6	Connah's Quay	Medium-Low	5	Retain
7	Drury and Burntwood	Medium	0	Delete
8	HCAC (North East)	Medium	30	Retain
9	Holywell	Medium-Low	5	Retain
10	Leeswood	Low	5	Retain
11	Llanfynydd North West	Low	5	Retain
12	Llanfynydd North	Medium	0	Delete
13	Mynydd Isa	Low	5	Retain
14	New Brighton	Medium	5	Retain
15	Northop (North East)	Low	30	Retain
16	Penyffordd & Penymynydd	Low	10	Retain
17	Penyffordd & Penymynydd (West)	Medium	0	Delete
18	Rhosesmor	Medium	0	Delete
			Total 130 MW	

Question b)

What is the purpose of the search areas? Should they be shown on the Proposals Map? How will potential energy contributions be indicated in the LDP?

Council's Response:

b.1 The purpose of the Solar Indicative Local Search Areas or 'Search Areas' is to identify within the LDP the generally unconstrained areas which have been determined through the Renewable Energy Assessment ([LDP-EBD-RE1](#)) and the

associated Maps ([LDP-EBD-RE2](#)) as being suitable in principle for solar energy generation. This is considered to provide sufficient guidance to the renewable industry in terms of alternative locations that have been pre-assessed as being unconstrained and with potential for development. However, any solar farm development proposal will still need to be assessed against the criteria i) to viii) within the policy. The policy approach does not preclude solar wind farm proposals from arising on land outside of the Search Areas and these will be assessed against the same criteria.

b.2 The Search Areas have been identified on the proposals maps in order to allow their location and spatial extent to be identified. The Search Areas can be numbered and listed in the policy and referenced accordingly on the proposals maps to make it easier to identify each Search Area. The Development Plans Manual Edition 3 identifies in Table 1 (following para 3.12) that proposals maps should be an OS base map clearly illustrating the plan's policies and proposals which have a spatial component including defining areas to which specific development management policies will be applied.

b.3 The Council is aware from the representations made by Welsh Government that the renewable energy targets set out in the REA need to be brought forward and included in the Plan directly. The Council is happy to discuss with Welsh Government the most appropriate way and location to do this, and report back to the Inspector.

Question c)

Will there be any conflict between the Holway Level SSSI and the nearby search area?

Council's Response:

c.1 The Search Area comprises some 35ha of land centred on Moor Farm which lies to the north of Holway and to the west of Greenfield. To the south of the Search Area is the Halkyn Common and Holywell Grassland SSSI. A small part is also an area of Halkyn Common SAC in the form of an area of lead spoil/Calaminarian grassland where there are GCN records in the wetland area. The mapping exercise on which the Search Areas were based excluded SSSI's with the result that the Search Areas identified on the proposals maps should not conflict with SSSI's. In fact the Search Area is approximately 400m from the boundary of the SAC/SSSI.

c.2 To the south east is the Gowdal Wood and Grassland Wildlife Site and to the north the Stockdyn Dingle Wildlife Site and Coed Mawr / Coed Maes Glas Wildlife Site. All of the designations are shown on the plan in Appendix 2. However none of these encroach onto the solar Search Area and are physically well defined, generally comprising narrow wooded valleys. The County Ecologist advises that all the habitats and associated species with these designated sites can be avoided and are unlikely to be impacted by small scale solar development. Any application would need to take the ecology of the Search area into account, the key features being connecting hedgerows and trees.

c.3 The Council commissioned Enplan to undertake a Landscape Sensitivity Test in respect of the Solar Search Areas, as part of the wider Renewable Energy Assessment. The Landscape Sensitivity Test considered the 18 Solar Search Areas identified on the Proposals maps. The site at Holway is numbered '9' and the commentary was '*A fairly compact LSA of some 35ha and one that is highly visually exposed but has a landscape of low value. It is probable that any commercial scale solar farm would give rise to significant visual effects and any scheme would have to be limited to 5MW*'. The recommendation is 'Potential capacity for one small solar farm to a maximum of 5MW'.

c.4 The Solar Search Area at Holway is considered to be acceptable in landscape terms for a small scale solar farm and there is no overlap of the designation with the SSSI/SAC nor the Wildlife Sites. No objection has been made by NRW in respect of impacts on ecological habitats.

c.5 The Search Areas are not allocations and any solar development proposals would require detailed assessment, against the criteria in policy EN13 as well as the Plans policies as a whole, as part of a planning application and consultation with the relevant bodies i.e. NRW.

Question d)

What is the position with Crump's Yard and flood risk?

Council's Response:

d.1 An objection by NRW referenced that the solar farm allocation at Crumps Yard, Connah's Quay was within zone C1 flood risk and that the retention of the allocation would need to be supported by a suitable Flood Consequences Assessment. Since the objection was made, planning permission has been granted for the solar farm and the planning application ([060765](#)) was supported by a suitable FCA. NRW have confirmed in the SoCG ([SOCG006](#)) that their concerns have been addressed. The solar farm has now been constructed and is awaiting final commissioning and energization.

Question e)

Is there any conflict between the solar and Gypsy and Traveller allocations at Castle Park, Flint?

Council's Response:

d.2 The HN1.4 allocation for a transit gypsy site utilizes the site of a former household recycling / civic amenity site. It is presently a self-contained vacant fenced compound. The only 'link' with the adjacent solar farm is that both will share the same vehicular access road. The two notations on the proposals map 02 Front ([LDP-KSD-DEP2.3](#)) and the [Interactive Map](#) are adjoining but do not overlap each other. There is not considered to be any conflict between the two uses. The solar farm has now been constructed and is awaiting final commissioning and energization. Given the position with both solar farms it is no longer necessary to reference these as part of the wording of policy EN13.

Question f)

Should the floorspace threshold in EN12 be increased to 2,500 sqm as a more reasonable reflection of the scale of development which could support its own low carbon or renewable energy source?

Council's Response:

f.1 See response below to question g, which incorporates the Council's response to this question.

Question g)

Is EN12 consistent with national policy or more onerous?

Council's Response:

- g.1 Both parts of the policy have been the subject of a single objection. Firstly the requirement to maximize the potential for renewable and low carbon energy development and secondly, the establishment of a threshold above which commercial development will be required to submit an Energy Assessment to determine the feasibility of incorporating such technologies.
- g.2 In respect of the first element, it is evident that one of the key themes in PPW11 is the generation of renewable and low carbon energy. Para 5.7.1 stresses that electricity will be used for heating, transport and power and that low carbon and renewable energy will be the main source of energy in Wales. Para 5.7.2 recognises that power demand is likely to increase as a result of the growing electrification of transport and heat. Para 5.7.7 states that the planning system should (amongst other aims):
- facilitate the integration of sustainable building design principles in new development
 - maximise renewable and low carbon energy generation
- g.3 Chapter 3 of Future Wales – The National Plan identifies 11 Outcomes in terms of where Wales should be in 20 years time and Outcome 11 states '*The challenges of the climate emergency demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonized society*'.
- g.4 In this context it is considered that a policy wording which states that new development will be required to maximize the potential for renewable energy is entirely appropriate.
- g.5 In respect of the second element, Policy 17 'Renewable and Low Carbon Energy and Associated Infrastructure states '*The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs*'. The policy has sought to identify thresholds in terms of the size of development at which it is reasonable to require the undertaking of an Energy Assessment. A similar approach has been taken in the recently adopted Swansea LDP and the Wrexham LDP also proposes to take such a stance. To increase the threshold from 1,000sqm to 2,500sqm would result in a large number of commercial

developments not being required to undertake an Energy Assessment, which appears to the Council to be inconsistent with the emphasis in national policy and guidance, and also a concern if large scale commercial developers do not consider that this responsibility should apply to them.

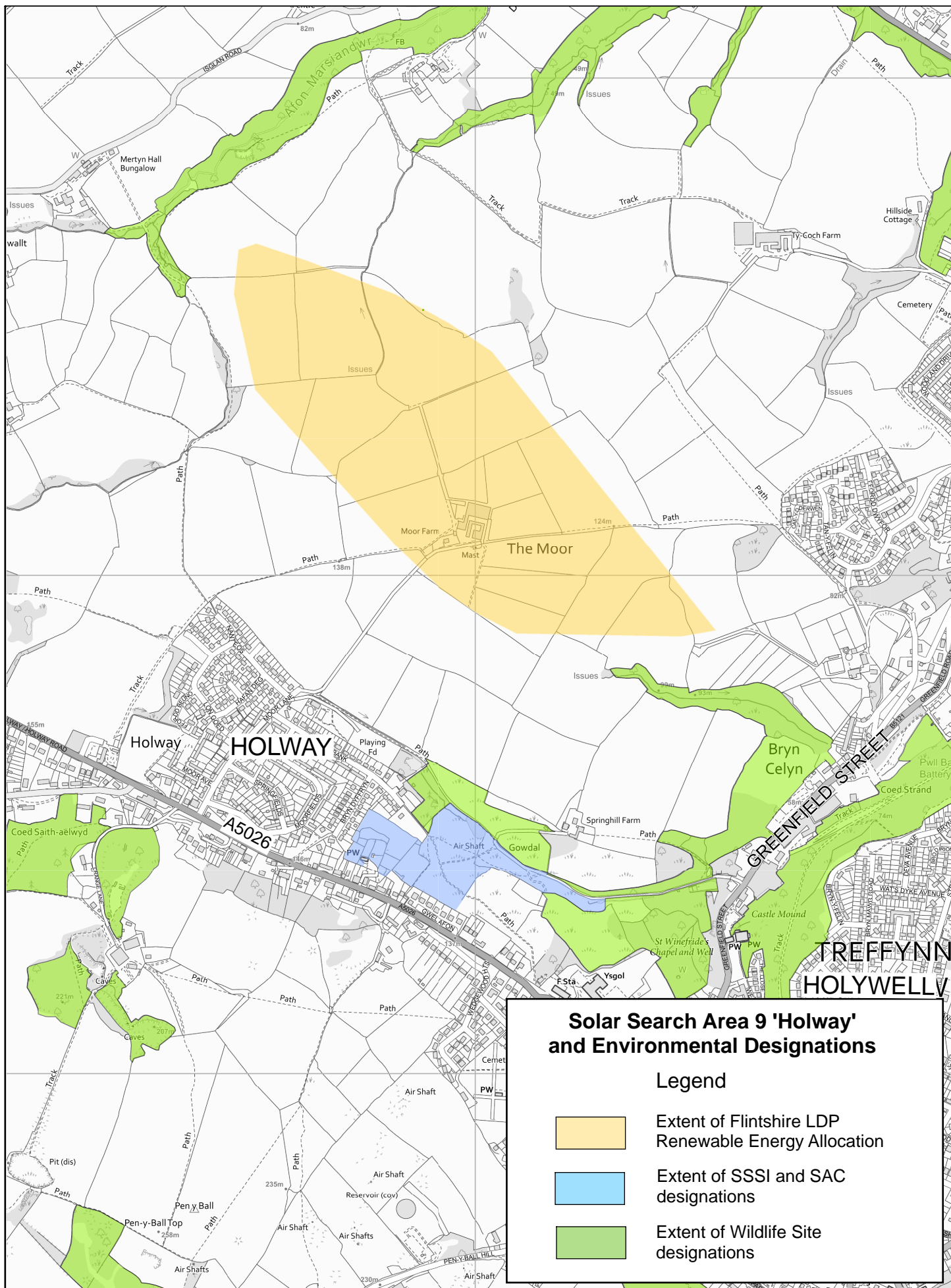
g.6 The policy wording does not require that developments over 100 dwellings or commercial development over 1,000sqm has to incorporate renewable or low carbon technology. Rather, it requires that such developments undertake an Energy Assessment to determine the feasibility of incorporating such technology as part of new development. This appears to take account of the concerns of the objector that it may not be feasible for all developments to incorporate renewable and low carbon technologies as the assessment can explain and evidence this in relation to specific circumstances.

g.7 The Council published a Background Paper on Renewable Energy ([LDP-EBD-BP13](#)) which sought to provide an overview of the Renewable Energy Assessment undertaken to inform the Plan. The Renewable and Low Carbon Energy Assessment by AECOM ([LDP-EBD-RE1](#)) provides an assessment of a variety of types of energy generation in the County including wind, biomass, energy from waste, hydro electric power and solar PV. It also looked at the potential of Building Integrated Renewable Energy in section 10 which encompasses micro generation and building integrated renewables, in both existing and new buildings, such as:

- solar PV panels
- solar hot water panels
- micro building mounted wind turbines
- small free standing wind turbines
- micro scale biomass heating



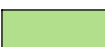
g.8 The Assessment states '*The uptake of BIR in future new buildings (residential and non-residential) is predominantly driven by future Building Regulations and planning policies*'. Section 5 explains that for new buildings (homes) the current Building Regs can be met through the design of fabric alone and that compliance does not require the installation of low and zero carbon technologies. For non-domestic buildings the Assessment explains that buildings are likely to require either improvements to fabric, services and/ or low and zero carbon energy technologies sufficient to produce an equivalent to CO2 savings from the installation of PV panels covering an area of 5.3% of GIA of each building in order to comply. Clearly, Welsh Government undertook between 19/12/19 and 12/03/20 a review of Part L (Conservation of Fuel and Power) of the Building Regs for new dwellings but the outcome of that consultation has not been published. The Assessment quantifies the amount of residential development over the Plan period and establishes that there is scope for this to contribute renewable and low carbon energy generation over the Plan period'.

g.9 There is a clear emphasis within PPW11 and Future Wales – The National Plan on renewable and low carbon energy generation. It is therefore appropriate and necessary that policy EN12 seeks to maximize renewable and low carbon energy technologies and ensure that consideration is given, through certain thresholds of residential and commercial development, to the need to establish the feasibility of incorporating such technologies. To do otherwise would appear to contradict national planning guidance.



**Solar Search Area 9 'Holway'
and Environmental Designations**

Legend

	Extent of Flintshire LDP Renewable Energy Allocation
	Extent of SSSI and SAC designations
	Extent of Wildlife Site designations



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