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WELSH GOVERNMENT
Examination Hearing
Statement

Flintshire County Council
Local Development Plan

Matters 17, 18 & 19

Renewable Energy, Flood Risk and Minerals

19 May 2021

Matter 17 – Renewable Energy

EN12: New Development and Renewable and Low Carbon Energy Technology

EN13: Renewable and Low Carbon Energy Development

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?

To give context, the Deposit plan was prepared under PPW Edition 9, which asked LPAs, through the preparation of an REA (based on the methodology in the WG toolkit) to explore opportunities, and if appropriate allocate Local Search Areas (LSAs) for Wind and Solar in the LDP. The Council concluded that there was limited opportunity for wind areas, with more potential for solar LSAs based on the REA conclusions. In light of this policy context, our Deposit Representation highlighted the following:

- Policy EN13 is broadly in line with national policy and the toolkit, which based on the REA, concluded there are no suitable wind LSAs, but there is significant potential for solar. The Council has allocated 18 indicative LSAs (ILSAs) for solar and has allocated specific sites for Solar on Council owned land at Crumps yard and Castle Park.
- The proposed ILSAs for solar should be specifically listed in the plan, together with the contributions from each site.
- The 'actual' solar allocations should be separated from the ISLAs within the policy as they have a different status, ILSAs are indicative/preferred areas of search, not proposed allocations.
- ILSAs should be included on the proposals map.
- Policy EN13 should include the target contribution from renewable and low carbon energy from the REA over the plan period within the reasoned justification and reflected as indicators in the monitoring framework.
- Land at Castle Park Flint – overlaps in part with a proposed Gypsy and Traveller Allocation, which requires clarification on any deliverability issues associated with both allocations.

Since then, PPW Edition 11 and the publication of the NDF has substantially changed the national policy requirements in respect of renewable energy. A summary of key areas linked to the examination questions are as follows:

- PPW 5.75 states that applications for onshore projects with a generation capacity of **10MW** – 350MW are made directly to Welsh Ministers under the DNS and will be considered under policies in the NDF (Policy 17 and 18).
- PPW 5.95 states that using the REA in this case, the LDP should identify an RE target for the area. See also PPW 5.96 and 5.98.
- PPW 5.9.14 planning authorities should assess opportunities and include spatial policies in their development plans which identify **the most appropriate locations below 10MW**. There should be a presumption in favour in such areas, including an acceptance of landscape change. Policies

should set out clear location issues to be considered at the planning application stage.

- PPW 5.9.15 – outside identified areas planning applications for RE and low carbon energy should be determined based on the merits of the individual proposals
- NDF: Future Wales - To confirm, none of the Pre-Assessed Areas for wind identified in the NDF cover the FCC boundary.
- NDF - Policy 18 is the national development plan policy for the determination of Renewable & Low Carbon DNS.
- PPW 5.9.18 states that LDPs may seek to define areas within the Pre-Assessed Areas (identified in Future Wales) for other land uses including renewable energy development sites of below 10MW, although any local policy and planning decisions should not prejudice the ability for large scale wind developments to come forward in the Pre-Assessed Areas.

The above changes in PPW and the publication of Future Wales means there are now two options for the plan going forward.

Option 1

De-allocate all ILSAs/Council owned land allocations over 10MW from the plan and include a criteria based policy to consider all renewable energy proposals under 10MW. Any proposals under 10MW should be retained in the plan and listed in a policy as set out in our Deposit summary response above.

Option 2

Retain the proposed ILSAs/Council owned land allocations over 10MW within the plan. However, if these areas are retained changes will be required to Policy EN13 and the reasoned justification to ensure alignment with national policy and Future Wales.

If the LDP solar areas are considered by the examination to be sound & logical and can help smooth delivery of solar schemes, keeping them as a tool to help deliver is considered to be positive. But if ILSAs are to be retained they would need to be retained in such a way that made clear that Policy 18 of the NDF applies to DNSs; and that DNSs in accordance with Policy 18 are acceptable whether they are inside or outside the LDP solar areas. We would object to LDP policies that sort to refine or limit the scope of Policy 18 of Future Wales. Policy EN13 and its reasoned justification would need to be amended to convey this hierarchy and approach and ensure it clear to plan users.

The most appropriate way forward on this matter will be for the Council to consider the above options and decide how they wish to approach this issue going forward. We can discuss this matter further in more detail at the hearing session.

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

No comment.

Are the policies and requirements clear, reasonable and sufficient?

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?

This is for the LPA to answer. See also our previous comments in respect of changes to PPW and publication of Future Wales and its implications for the plan.

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?

See our previous comments.

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

This is for the LPA to answer.

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

The Council's Statement of Common Ground (SoCG) with Natural Resources Wales (NRW) identifies that planning permission for a solar farm at Crumps Yard was approved in September 2020. As part of the application process, a detailed Flood Consequences Assessment (FCA) was submitted, which demonstrated that flood risk to the site could be managed in an acceptable way and resulted in NRW withdrawing their objection to the proposal and Policy EN13.

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

This requires clarification. See also our Gypsy and Traveller hearing statement.

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?

No comment.

g) Is EN12 consistent with national policy or more onerous?

Welsh Government has no concerns.

Matter 18 – Flood Risk

EN14: Flood Risk

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?

The Welsh Government considers that policies and proposals on flood risk, as amended through the SoCG with NRW, achieve the relevant objectives of the plan and are broadly consistent with the requirements in national planning policy to avoid or mitigate flood risk. The evidence to support the plans policies and proposals is robust and credible and is supported by a Strategic Flood Consequences Assessment (SFCA), updated in July 2020, and a bespoke Flood Risk Appraisal to address the specific concerns of NRW on employment allocations in flood risk areas. The Council's commitment to reduce flood risk and work with NRW to demonstrate that the plans policies and proposals are acceptable in line with TAN 15 is supported.

Are the policies and requirements clear, reasonable and sufficient?

a) Are all housing, employment and other allocations in the LDP now the subjects of a detailed Strategic Flood Consequences Assessment? Does this result in any significant constraints on the delivery of the allocations?

Yes. All housing, employment and other allocations are subject to an SFCA that is appropriate for the plan making stage. The evidence on flood risk, detailed site specific work and the SoCG with NRW all evidence, that for the most part, allocations in the plan subject to flood risk are deliverable with appropriate management and mitigation measures in place. However, we note that it cannot be demonstrated that flood risk can be acceptably managed on four of the employment allocations in Policy PE1 and NRW maintains significant concerns on a further two employment allocations. In response to these concerns, and to align with findings in the Flood Risk Appraisal, the Council has proposed the deletion of six employment allocations in Policy PE1 totalling 11.1ha. The Welsh Government does not object to the principle of this approach, as the total employment allocations (128.57ha) still exceeds potential demand to provide flexibility and choice for developers.

Matter 19 – Minerals

EN25: Sustainable Minerals Development

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?

Yes. The policies and proposals on minerals achieve the relevant objectives of the plan to, amongst other things, minimise the causes and impacts of climate change and pollution and support the sustainable use of natural resources.

The plan policies (Policy STR16) currently reference the apportionment figures in the Regional Technical Statement (RTS) - 1st Review. This document has now been superseded by a 2nd Review, which was recently endorsed by the Minister for Housing and Local Government and Flintshire Council. To reflect the findings in the RTS - 2nd Review, the relevant plan policies and reasoned justification should:

- Replace reference to the RTS - 1st Review with the updated RTS - 2nd Review
- Set out the updated apportionment figures for crushed rock, sand and gravel
- Explain that a Statement of Sub-regional Collaboration (SSRC) for north-east Wales may change the pattern of supply as the apportionment of the RTS - 2nd Review will be met on a sub-regional basis. Further detail is included in our response to question (b) below.

Are the policies and requirements clear, reasonable and justified?

Yes. The Welsh Government considers that subject to the points raised above, the policies are clear, reasonable and justified.

a) Are the minerals policies locally specific and consistent with national policy?

Yes. The Welsh Government considers that subject to the points already raised, the policies are locally specific and broadly consistent with the requirements in national policy.

b) Is the work with regard to the RTS 2nd Review now completed? Will the LPA be able to meet the higher apportioned need?

Yes. The RTS - 2nd Review is now complete and has been endorsed by the Minister for Housing and Local Government and Flintshire Council.

The RTS - 2nd Review introduces a new requirement for all authorities, including Flintshire Council, to agree a Statement of Sub-regional Collaboration (SSRC) in respect of their contributions to the future provision of land-won primary aggregates. The Welsh Government acknowledges that a draft SSRC has been agreed by

authorities in the north-east Wales sub-region and is published on Flintshire's examination webpage (FCC008). It will be for the authority to demonstrate how they will meet the apportionments set out in the RTS - 2nd Review, either individually or as a sub-region. If there is a small shortfall in meeting the apportionments, then we consider that this issue can be appropriately dealt with through the plans monitoring framework with new indicators on meeting the apportionments, and any shortfall, either individually or in Wrexham and Denbighshire Councils. This approach will not preclude minerals development from coming forward in the meantime, supported by the relevant policies in the plan.

c) Is the proposed extension to Ddol Uchaf proportionate and appropriate?

This is for the authority to respond.

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