

## CLIMATE CHANGE COMMITTEE

<b>Date of Meeting</b>	18 July 2023
<b>Report Subject</b>	The planning policy context to help facilitate renewable energy development and carbon reduction
<b>Cabinet Member</b>	Lead Member for Climate Change
<b>Report Author</b>	Service Manager Strategy
<b>Type of Report</b>	Strategic

### EXECUTIVE SUMMARY

In future Wales The National Plan 2040, the Welsh Government consider that Wales is abundant in opportunities to generate renewable energy and they are committed to maximising this potential. Generating renewable energy is a key part of the commitment to decarbonisation and tackling the climate emergency.

The National Plan contains policies 17 and 18 specifically, that promote the development of renewable and low carbon energy development at both the national and local scales.

National Planning Guidance as set out in Planning Policy Wales (edition 11) (PPW) then sets the context for the planning system to make its contribution to this agenda, when it states *“the planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government’s aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development”*.

PPW also sets the context for how this facilitation role should be transposed into local planning policies, via the Local Development Plan (LDP). Having recently been found sound following Examination, and adopted by the Council, the LDP contains a range of policy interventions that allow this national ambition for renewable energy generation and carbon reduction to be implemented at the local level. Supported by a Renewable Energy Assessment, the LDP policies do not preclude consideration of proposals for any type of renewable generation, but at the same time also focus on what are the more significant and likely forms to be implemented, given the various environmental, spatial, and deliverability considerations involved.

## RECOMMENDATIONS

1	That Members note the content of this report and the planning framework available to facilitate renewable energy development and carbon reduction via the planning system.
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## REPORT DETAILS

<b>1.00</b>	<b>Explaining the planning policy context for renewable energy and carbon reduction development</b>
1.01	<p>There is a clear commitment in Wales by the Welsh Government to finding deliverable and permanent solutions to mitigate the climate emergency. This includes the generation of renewable and low carbon energy from a range of potential sources to achieve ambitious targets that have been set. These targets specify:</p> <ul style="list-style-type: none"> <li>• For 70% of electricity consumption to be generated from renewable energy by 2030.</li> <li>• For one gigawatt of renewable energy capacity to be locally owned by 2030.</li> <li>• For new renewable energy projects to have at least an element of local ownership from 2020.</li> </ul>
1.02	<p>The Welsh Government consider that the planning system has a key role to play in helping to facilitate this type of development and has set out a policy context at the national level via <a href="#">Future Wales the National Plan 2040</a>, to define how this can be achieved. There are a range of policies in the National Plan that aim to promote sustainable development and carbon reduction, but policies 17 and 18 in particular, set the national context in relation to renewable energy and low carbon development:</p> <p> <b>Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure</b> </p> <p>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.</p> <p>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 and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.</p> <p>In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18.</p> <p>Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.</p> <p>Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.</p> <p>New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure.</p>

	<p> <b>Policy 18 – Renewable and Low Carbon Energy Developments of National Significance</b> </p> <p>Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 and the following criteria:</p> <ol style="list-style-type: none"> <li>1. outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);</li> <li>2. there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;</li> <li>3. there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);</li> <li>4. there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;</li> <li>5. the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;</li> <li>6. there are no unacceptable adverse impacts on statutorily protected built heritage assets;</li> <li>7. there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;</li> <li>8. there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);</li> <li>9. there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;</li> <li>10. the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;</li> <li>11. there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.</li> </ol> <p>The cumulative impacts of existing and consented renewable energy schemes should also be considered.</p>
1.03	<p>Policy 18 deals specifically with larger scale proposals for renewable development where above a generating threshold of 10MW, such proposals would be dealt with directly by the Welsh Government under the Developments of National Significance (DNS) process. Such proposals would typically relate to larger solar farms or wind farms but could also include energy from waste development and district heating proposals for example. The key point is that these policies set the context for both national planning guidance, and policies at the local level to follow.</p>
1.04	<p>National Planning Guidance is set out in <a href="#">Planning Policy Wales (Edition 11) (PPW)</a> and amongst other things this provides guidance on how to transpose the national planning policy framework to the local level. PPW guides how local planning authorities (LPAs) should approach the topic of renewable and low carbon energy development and how this should be captured in locally specific planning policies. Energy in a planning context is considered in section 5 of the guidance.</p>
1.05	<p>A specific requirement of PPW is for LPAs to carry out a <a href="#">Renewable Energy Assessment</a> utilising a Welsh Government toolkit, that aims to assess the potential that exist for renewable generation over a plan period for various sources. The Council uses specialist consultants AECOM to carry out this assessment and this was submitted as part of the LDP evidence base to the Examination of the plan along with <a href="#">accompanying maps</a>. Whilst the assessment reviewed the potential for a range of renewable generation sources, the main potential identified relates to Energy from Waste given the level of existing installed capacity in Flintshire, and the potential for solar farm development where a number of solar areas of search are identified in the LDP and defined by policy EN13.</p>
1.06	<p>A key point for Members to note from the above national planning policy context is that whilst the Welsh Government have set ambitious targets for renewable energy generation by 2030, much of the policy context is ‘supportive of the principle’ or ‘encourages’ rather than ‘requires’ the provision of renewable and low carbon energy in new development. The significance of this is that the LDP policies cannot in effect go beyond these principles to absolutely require these via its policies at the local level, given that as part of the examination of the plan the LDP needs to retain and demonstrate conformity with PPW and the national plan policies.</p>
1.07	<p>In terms of the <a href="#">relevant policies in the LDP</a>, the plan has been found to be sound by the Inspectors following Examination and has been adopted. The</p>

	<p>policies within it therefore are deemed to be compliant with national policy and guidance and are fixed for the duration of the plan period. Any change to policy could only be done if national policy changed and this was sufficient to trigger a review of the plan.</p>												
1.08	<p>The LDP seeks to bring about sustainable development and in doing so has regard to climate change considerations, in terms of the sustainable location of development and means of travel as well as more detailed considerations such as the siting and orientation of development to maximise solar gain. There are a series of policies that help facilitate these principles:</p> <table border="1"> <thead> <tr> <th><b>Policy</b></th> <th><b>Key consideration</b></th> </tr> </thead> <tbody> <tr> <td>STR4: Principles of Sustainable Development, Design and Placemaking</td> <td>This policy seeks to promote the creation of new sustainable places where criterion vii. Specifically states that <i>'all development should incorporate where possible on-site energy efficiency and renewable energy generation'</i></td> </tr> <tr> <td>STR14: Climate Change and Environmental Protection</td> <td>This policy seeks to mitigate the effects of climate change and criterion v. specifically seeks to do this by <i>'encouraging energy efficient development, environmentally acceptable renewable and zero/low carbon energy generation and combined heat and power and communal/district heating networks'</i></td> </tr> <tr> <td>PC4: Sustainability and Resilience of New Development</td> <td>This policy seeks to locate development sustainably to reduce the impacts of development. It includes at criterion a. that development should be <i>'sustainably located and accessible to non-private car means of travel, so as to reduce carbon emissions'</i>; it also requires at criterion e. that development should <i>'incorporate renewable energy technologies and carbon sinks where appropriate'</i>.</td> </tr> <tr> <td>EN12: New Development and Renewable and Low Carbon Energy Technology</td> <td>This policy states that new development is required to <i>'maximise the potential for renewable or low carbon energy technology'</i>. It does this by setting thresholds for development (100 residential units or 1,000 sqm of commercial/industrial floorspace) and requiring developers to submit an Energy Assessment with their applications to look at the feasibility of incorporating low carbon or renewable energy technology or connecting to nearby renewable or low carbon energy sources or neat networks.</td> </tr> <tr> <td>EN13: Renewable and Low Carbon Energy Development</td> <td>This policy specifies types of renewable development that will be permitted, and defines a set of criteria that any development will need to satisfy to be approved. This</td> </tr> </tbody> </table>	<b>Policy</b>	<b>Key consideration</b>	STR4: Principles of Sustainable Development, Design and Placemaking	This policy seeks to promote the creation of new sustainable places where criterion vii. Specifically states that <i>'all development should incorporate where possible on-site energy efficiency and renewable energy generation'</i>	STR14: Climate Change and Environmental Protection	This policy seeks to mitigate the effects of climate change and criterion v. specifically seeks to do this by <i>'encouraging energy efficient development, environmentally acceptable renewable and zero/low carbon energy generation and combined heat and power and communal/district heating networks'</i>	PC4: Sustainability and Resilience of New Development	This policy seeks to locate development sustainably to reduce the impacts of development. It includes at criterion a. that development should be <i>'sustainably located and accessible to non-private car means of travel, so as to reduce carbon emissions'</i> ; it also requires at criterion e. that development should <i>'incorporate renewable energy technologies and carbon sinks where appropriate'</i> .	EN12: New Development and Renewable and Low Carbon Energy Technology	This policy states that new development is required to <i>'maximise the potential for renewable or low carbon energy technology'</i> . It does this by setting thresholds for development (100 residential units or 1,000 sqm of commercial/industrial floorspace) and requiring developers to submit an Energy Assessment with their applications to look at the feasibility of incorporating low carbon or renewable energy technology or connecting to nearby renewable or low carbon energy sources or neat networks.	EN13: Renewable and Low Carbon Energy Development	This policy specifies types of renewable development that will be permitted, and defines a set of criteria that any development will need to satisfy to be approved. This
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		policy refers to the solar Search Areas identified in the plan.
1.09	<p>Despite the ambitious intentions of Welsh Government in terms of addressing the impacts of climate change, in practical terms there is for example presently no requirement via the planning system for solar panels to be installed on new homes. Also, electric vehicle charging points are only required in national policy at a rate of 10% of all parking spaces for commercial development (Future Wales policy 12 and LDP policy PC5) with no requirement for installation in new homes. To attempt to do so via local policies would have met with objections from developers in terms of not acting reasonably and in line with national policy requirements. There are also practical constraints to this in that the present electrical supply infrastructure can only facilitate the installation of home chargers of a certain capacity as faster charging speeds would require a significantly greater capacity connection from the mains.</p>	
1.10	<p>As well as some of the limitations on how the planning system can facilitate the provision of renewable and low carbon energy in new development, the way energy efficiency is incorporated into construction is not directly the remit of the planning system. Several years ago, the planning system in Wales sought to address the energy efficiency of new development through a certification process called Code for Sustainable Homes, and an equivalent for non-residential development known as BREEAM. It was a cumbersome and time-consuming process which slowed down the planning system and was not assisted by planning officers lacking the skills to adjudicate on such matters. These matters were therefore subsequently incorporated into Building Regulations. Whilst there is no specific policy or requirement for Passivhaus developments in Wales for example, this does not mean that they cannot be considered as a sustainable form of development and meet the Building Regulation requirements for 'excellent' in terms of energy efficiency. At the small scale, installation of solar panels on individual properties or ground or air source heat pumps do not necessarily require planning consent and would therefore be classed as permitted development.</p>	
1.11	<p>Whilst there are constraints on the planning policy framework as set out above in this report and not every type or source of renewable energy, energy efficient, or low carbon development is specifically covered, there is still a general range of sufficient flexibility within the policies to allow for their positive consideration. This depends on scale, location and context which are covered by the policies in the LDP and allow for each case to be considered on its individual merits.</p>	

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	<p>The adopted LDP provides guidance to Development Management, Members of Planning Committee, plan users and developers, and third parties in terms of what development can take place where and in what circumstances. An adopted plan also facilitates an efficient development management process.</p>

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
3.01	The LDP was subject to a comprehensive sustainability appraisal and strategic environmental assessment which were part of the evidence base considered at the Examination. Its renewable energy policies were also informed by the completion of a Renewable Energy assessment in line with the requirements of PPW.

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	N/A

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	These are all contained within the body of the report.

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<b>Contact Officer:</b> Andy Roberts, Service Manager Strategy <b>Telephone:</b> 01352703211/07920701241 <b>E-mail:</b> andy.roberts@flintshire.gov.uk

<b>8.00</b>	<b>GLOSSARY OF TERMS</b> These are provided corporately on the Infonet (link) and maintained by the Executive Office
8.01	