

**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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