FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Wednesday, 11 September 2019
Report Subject	Deposit Flintshire Local Development Plan: Confirming Renewable Energy Local Areas of Search
Report Author	Chief Officer (Planning, Environment and Economy)

EXECUTIVE SUMMARY

The Welsh Government has defined its vision in relation to delivering clean growth and the decarbonisation of energy and has set targets for the generation of renewable energy. With the publication of the latest version of national planning guidance (Planning Policy Wales Edition 10) (PPW) the Welsh Government has also made clear the expectations it has for the role that the planning system should play to help ensure the delivery of these targets. This encourages local authorities to take an active, leadership approach by identifying challenging but achievable targets in their development plans, seeking to maximise the deliverable capacity for renewable energy, and to define policies in development plans to give spatial expression to this.

In order to try to assess the capacity for renewable energy generation in Flintshire, a Renewable Energy Assessment has been carried out to both inform this calculation, as well as define Areas of Search for renewables in the County, that amount to no more than least constrained areas of the County where policies in the Local Development Plan (LDP) guide potential developers of renewable energy to consider these areas first, before other areas.

The definition of these areas was 'work in progress' at the time the Council approved the deposit LDP to go out for public consultation at its meeting held on 23rd July 2019, with the specific need to subsequently approve these Search Areas deferred until this meeting.

This report presents the outputs of the Renewable Energy Assessment and how these have been used to define a number of Indicative Local Search Areas (ILSA) to be shown on the Deposit LDP proposals map. These outputs are supported by a detailed background paper that explains the REA process and how the outputs have been derived, as well as their status. A series of maps also accompany the REA to illustrate the sequential process used to 'filter' renewable potential based on defined constraints, to arrive at the least constrained areas of Flintshire, defined as the ILSAs.

RECOMMENDATIONS	
1	That Members approve the Indicative Local Search Areas for renewable energy to be shown on the proposals map as part of the Deposit LDP public consultation.
2	That Members approve the amendments to deposit LDP policy EN13 Renewable and Low Carbon Energy Development highlighted in this report.
3	That Members authorise the Chief Officer (Planning, Economy and Environment) to make any additional minor wording, grammar, editorial or cartographic changes to the Deposit LDP which may arise or be necessary prior to formal consultation to ensure consistency with the ongoing LDP evidence base and to assist final presentation of the Plan.

REPORT DETAILS

1.00	EXPLAINING THE APPROACH TO DEFINING LOCAL SEARCH AREAS
1.01	The Welsh Government has set targets for the generation of renewable energy: • For Wales to generate 70% of its electricity consumption from renewable energy by 2030; • For one Gigawatt of renewable electricity in Wales to be locally owned by 2030; and • For new renewable energy projects to have at least an element of local ownership by 2020. Whilst these represent a clearly defined vision within PPW, these targets (other than for wind at the strategic scale) lack an empirical basis or assessment of the level of capacity in Wales to deliver on these. As PPW intimates, this is left to the planning system at the local level to play an "active role" to help ensure the delivery of these targets, encouraging local authorities to take an active, leadership approach by identifying challenging but achievable targets in development plans. PPW suggests that to set such targets, this should be expressed as an absolute energy installed capacity figure, calculated from the resource potential of the area. The 'scale' of this resource is derived from the outputs of a Renewable Energy Assessment (REA), which follows a methodology set out in the *Welsh Government Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners*.
1.02	Fortunately Flintshire is already a contributor to the targets set out above with existing private and local authority developed solar farms, and proposals for two further Council developed solar farms allocated in the deposit LDP. In addition, significant heat potential exists from a large energy from waste plant at Parc Adfer on Deeside, which has been developed for a consortium of local authorities in North Wales led by Flintshire, to deal with the cumulative residual waste from these authorities. Notwithstanding this and the lack of detailed national guidance about the existing capacity to

	achieve the national renewable targets, the Council has carried out a REA in accordance with the Welsh Government toolkit. The Council have also been provided with significant guidance from officers at Powys County Council who have developed expertise in the application of the toolkit and the consideration of the resultant REA at their LDP examination, working with the same consultants AECOM who developed the REA for Powys, and in fact who also developed the toolkit for Welsh Government.
1.03	PPW encourages the opportunities to enable renewable energy to be maximized and encourages the conversion of REA findings into policy to not be too locally constrained or limited to a local energy need, as the targets set for renewable energy by Welsh Government are national targets which all local authorities in Wales are required to contribute to meeting. PPW goes on to state that local authorities should use the evidence from the REA to establish spatial policies in their development plans to show the most appropriate locations for renewables development where once defined, "there should be a presumption in favour of development in identified areas, an acceptance of landscape change, with clear criteria-based policies setting out detailed locational issues to be considered at the planning application stage".
1.04	The deposit LDP has already defined its approach to the encouragement of the development of renewable energy with policies EN12 and EN13 included in the deposit LDP and already considered by Members at its meeting held on 23rd July 2019. Policy EN13 in particular made reference to areas of search but at the time these had not been defined on the proposals map as the REA was still ongoing at that time. The issue of confirming the areas of search was deferred to this meeting therefore. An amended version of policy EN13 is attached as appendix 1 to this report, with the amendments (mainly contextual) resulting from the outputs of the REA, and Members are requested to agree the revised policy wording, along with the proposed areas of search.
1.05	In terms of the REA outputs, whilst (as per PPW) the assessment has looked at the potential for a range of renewable technologies, it is the potential for wind and solar farms that has the most significant spatial implications as well as the range of other relevant material considerations that apply to the consideration of these types of renewable development. Of the two, wind in particular has by far the most significant visual and landscape impacts and these require careful consideration, hence the assessment criteria contained in policy EN13 which apply to all renewable development. This is relevant as whilst PPW encourages a 'presumption in favour' to be applied to local search areas, the Local Planning Authority still has to consider applications for renewables (up to 10MW) and weigh their impacts in the planning balance.
1.06	In essence the REA process is a technical 'sieve mapping' exercise carried out using a GIS system that produces a sequence of progressively filtered maps to arrive at the least constrained areas of Flintshire where solar or wind potential may be considered. Links to the REA maps for wind (Maps W1-3) and solar PV (Maps S1-5) are appended to this report (appendix 2) with each map essentially illustrating the sequence of filtering as follows: • Map 1 – unconstrained total resource; • Map 2 – identified statutory and strategic constraints;

	• Map 3 – remaining least constrained resource after applying statutory and strategic constraints; • Map 4 – Local constraints; • Map 5 – Remaining resource after applying all constraints. Critical to this process are the statutory constraints (Map 2) and local constraints (Map 4) that are progressively applied to the initial unconstrained resource, to arrive at the least constrained areas (Map 5) that have then been used to define local search areas. The key to Maps 2 and 4 highlight the individual constraints applied, and these are also appended to the supporting background paper attached as appendix 3 to this report.
1.07	In terms of the potential for onshore wind farms, based on the assumptions applied in the REA assessment and relevant constraints there were no remaining unconstrained areas of land identified for wind installations of greater than 5MW installed capacity. This is primarily driven by the application of a combination of three nationally important strategic constraints, the MoD military low fly zones and principally the NATS air traffic control safeguarding area, which blankets the entire County given proximity to a number of airports and flightpaths, together with the presence of the Clwydian Range AONB and the outward looking buffer of 3.5km, which was applied due to the duty to have regard to the purposes and designation of the protected landscape. As a consequence, **it has not been possible to define Local Search Areas for onshore wind technologies** of 5MW or above for Local Authority-wide scale developments, and the assessment for wind has not proceeded beyond Map 3 therefore. This is significant as notwithstanding the Welsh Government's desire to maximise renewable potential, clear constraints exist that weigh in the planning balance against proactively identifying areas of search for wind.
1.08	For solar PV farms, based on the assumptions and constraints applied in the REA, least constrained areas of land were identified across the County (Map S5). From this distribution, the most concentrated least constrained land parcels were grouped into 18 initial Indicative Local Search Areas (ILSA) that could be identified for solar PV farm installations of 5MW and above in installed capacity to be identified on the deposit LDP proposals map to be taken forward for consultation **(See Link to Map S5a Proposed Solar ILSAs in appendix 4)**.
1.09	At this phase of assessment, these areas could be said to represent the maximum indicative potential from the least constrained areas of Flintshire having applied the Toolkit approach and specified statutory and local constraints. That said, it would still be possible to consider proposals outside these ILASs subject to suitable justification and mitigation and LDP policy EN13 allows for this. For example whilst flood risk has been identified as a constraining factor for Deeside and along the industrialised coast in Flintshire, conversely this is where one might otherwise expect there to be most significant potential for solar PV to exist, particularly given the community and economic benefits of locating solar PV development there, that would result.
1.10	These initial ILSAs for solar PV farm potential need to be shown on the deposit LDP proposals map for the purposes of consultation and Members are requested to approve the areas identified on Map S5a attached to this report. This will allow comments to be made and considered about the areas and their extent. The REA report will also be made available for the

	consultation along with all of the output maps referenced above, and the report will also provide an initial calculation of the maximum energy (MWh) potential of the cumulative ILSAs, prior to further work being done to potentially refine these areas and their realistic energy generating potential.
1.11	In terms of the context and status of the REA outputs and the proposed solar ILSAs, it is important that Members are clear on what these areas are, or rather are not. In Terms of what the REA and ILSAs represent: The REA **IS NOT**: • A series of planning applications for renewable technology; • A series of allocations or designations specifically promoting renewable technologies; • The likely maximum extent of renewable development; • A definitive or realistic expression of the capacity for renewable energy in the County. In contrast, the REA **IS**: • A strategic high level document following a technical sieve mapping exercise based on a range of assumptions; • Provides guidance as to what each local authority across Wales could contribute towards National Targets across a wide range of renewable and low carbon technologies.
1.12	In summary therefore, despite what PPW encourages in terms of the status of ILSAs, in the context of the stage reached with the Flintshire REA, ILSAs DO NOT mean an automatic presumption in favour of renewable energy development. This is because the areas identified are the 'smoothed' outputs from the REA and have been identified as those parts of the County least constrained by following the steps in the guidance published by the Welsh Government. They have not yet been subject to further assessment and refinement, for example by carrying out a landscape assessment of the ILSAs to determine the degree of landscape impact that development of renewables in each area would have. Policy EN13 has criteria to require this and other assessments to be undertaken for all renewable development. Also, development proposals could come forward outside ILSAs subject to satisfying policy requirements and other material considerations. ILSAs are therefore the first place to look, but not the only place to look.

2.00	**RESOURCE IMPLICATIONS**
2.01	A budget and reserves have been committed which through judicious monitoring and use, are currently sufficient to complete the LDP. This does depend on matters beyond the Council's control, principally the length of and cost of the Examination and Inspectors fees. This budget will continue to be closely monitored.

3.00	**CONSULTATIONS REQUIRED / CARRIED OUT**
3.01	Six week public consultation period required following approval of the Deposit Plan by Cabinet and Full Council. To begin on 30th September 2019.

4.00	**RISK MANAGEMENT**
4.01	It is extremely important that the plan is approved to go out for public consultation, to allow the Council to meet its obligations under the Planning and Compulsory Purchase Act 2004 and to maintain progress in line with the Council's approved Delivery Agreement (May 2019). Whilst some Members will have concerns, particularly those with sites in their area, there are significant risks and repercussions for the Council if this final part of the deposit Plan is objected to by Members and/or not approved by full Council for consultation. These include: • Further delays and slippage with the timetable; • The Minister's most recent letter to the Council about the timetable, and the prospect of the Minister using her powers to intervene in the LDP process, with the Council losing control over the plan; • Continuing vulnerability to speculative development and the prospect of more sites being approved on appeal; • If objecting to sites, the need to identify sound planning reasons why sites are not appropriate or sound, and also what is a suitable alternative site to allocate and where? It is also likely that Members have already, or will be lobbied by the public, as the Plan essentially became public by being subject of the County Council meeting agenda considered on 23rd July 2019. In order to allow the public to make comments on the Plan, it must first be approved by the Council and so the best response that Members can give their communities is to approve the Plan to allow the consultation to take place.

5.00	**APPENDICES**
5.01	**Appendix 1 Revised LDP policy EN13 (attached to this report)** **Appendix 2 REA output maps accessible via the following links:** ***Wind:*** Map W1 unconstrained resource Map W2 statutory and strategic constraints Map W3 remaining least constrained resource after strategic constraints applied ***Solar PV:*** Map S1 unconstrained resource Map S2 statutory and strategic constraints Map S3 remaining least constrained resource after strategic constraints applied Map S4 local constraints Map S5 remaining least constrained resource after applying all constraints Map S6 remaining least constrained resource after applying all constraints within 10km of at least a 33kV electricity line **Appendix 3 Renewable Energy Background paper (attached to this report)**

	Appendix 4 LDP Indicative Local Search Areas accessible via the following link: Map S5a ILSAs ***NB: If Members press and hold on any of the above links a dialogue window will appear allowing an option to open [any map] in a new tab to be selected.***

6.00	**LIST OF ACCESSIBLE BACKGROUND DOCUMENTS**
6.01	**Contact Officer:** Andy Roberts, Service Manager Strategy **Telephone:** 01352 703211 **E-mail:** andy.roberts@flintshire.gov.uk

7.00	**GLOSSARY OF TERMS**
7.01	**Deposit Plan** – Formal version of the LDP representing the Council's final draft plan, to be deposited or made available for formal public consultation. **Examination in Public** – Where a Planning Inspector appointed by the Welsh Government formally examines the LDP to determine its degree of compliance with the tests of soundness. **Renewable Energy Assessment (REA) –** An assessment of the least constrained areas of the County for their potential to accommodate renewable energy development (primarily wind or solar). **Megawatt (MW) –** Standard measure of the amount of power generated from renewable energy technologies. **Indicative Local Search Area (ILSA) –** Least constrained areas of the County where developers of renewable energy schemes should look first before considering other location. Referred to in LDP policy EN13. **Geographic Information System (GIS) –** Computer based mapping system **National Air Traffic Service (NATS) –** UK wide air traffic control service monitoring air traffic and safety in all UK airspace.