



Replacement Local Development Plan 2018-2033

Topic Paper

September 2018

Topic Paper 09: Renewable Energy

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1. Introduction

The Local Development Plan (LDP) is first and foremost a land use plan that identifies site specific development opportunities in response to the needs of the community for more housing, jobs, services and facilities. It also seeks to preserve, protect and enhance where appropriate, those aspects of the built and natural environment which are important in defining the quality and sensitivity of the places we value, enjoy, move through, and live in. The ultimate aim of the LDP will be to deliver sustainable development.

The LDP is a vehicle for the Council to define its key growth and development priorities and will provide the ongoing framework of policies to guide decisions on planning applications. As part of this is the guidance relating to renewable energy technologies and any designations as a result of the Renewable Energy Assessment.

2. Purpose of this Topic Paper

This is one of a series of 12 Topic Papers which have been put together to inform the production of the Conwy Replacement Local Development Plan (RLDP). Their aim is to interpret the relevant evidence and guidance in relation to the specific topic and identify the key issues that the Plan will need to address as well as possible policy approaches to be incorporated in the Plan. Each topic paper has been compiled from detailed evidence originating from LDP Background Papers (technical documents that form the evidence base for the RLDP.) Topic papers are designed to cover key subject areas currently covered in the adopted LDP and summarise technical data contained within the Background Papers to make the presentation of data more accessible to readers. Topic papers establish a baseline position and identify the key issues facing the County Borough which the RLDP will need to address.

The Topic Papers are intended to provide an early opportunity for stakeholders and the public to have an input into the Plan. This topic paper covers key issues relating to Renewable Energy within the plan area.

3. Key Changes to Legislation and Policy (since LDP adoption)

3.1 National

Planning control for renewable energy is provided in various pieces of legislation and guidance. In terms of primary legislation, the Environment (Wales) Act 2016, Planning (Wales) Act 2015, Wellbeing of Future Generations (Wales) Act, 2015 and the Town and Country Planning Act 1990 are relevant. These pieces of legislation set out the legal requirements for the control of development which effects the natural environment, landscape, renewable energy and the framework by which control is maintained.

Planning Policy Wales Draft (Edition 10, 2018)

Planning Policy Wales (PWW) sets out the national land use planning policies of the Welsh Government. It is supplemented by Technical Advice Notes (TANs); procedural advice given in circulars; and policy clarification letters. National Planning Policy and Guidance is not repeated throughout the Plan, but must be taken into account in managing the development and use of land in the public interest and contributing to the achievement of sustainable development.

The planning system should:

- Integrate development with the provision of additional electricity grid network infrastructure;

- Optimise energy storage;
- Facilitate the integration of sustainable building design principles in new development;
- Optimise the location of new developments to allow for efficient use of resources;
- Maximise renewable and low carbon energy generation;
- Maximise the use of local energy source, such as district heating networks (DHWs);
- Minimise the carbon impact of other energy generation; and
- Move away from the extraction of energy minerals, which the burning of is carbon intensive.

There is scope to revise the policy in the RLDP to better reflect the above ambitions through policy and SPG.

Energy Policy Statement Energy Wales: A Low Carbon Transition (2012).

Priorities being to:

- Reduce the amount of energy we use in Wales;
- Reduce our reliance on energy generated from fossil fuels, and
- Actively manage the transition to a low carbon economy.

Renewable energy targets

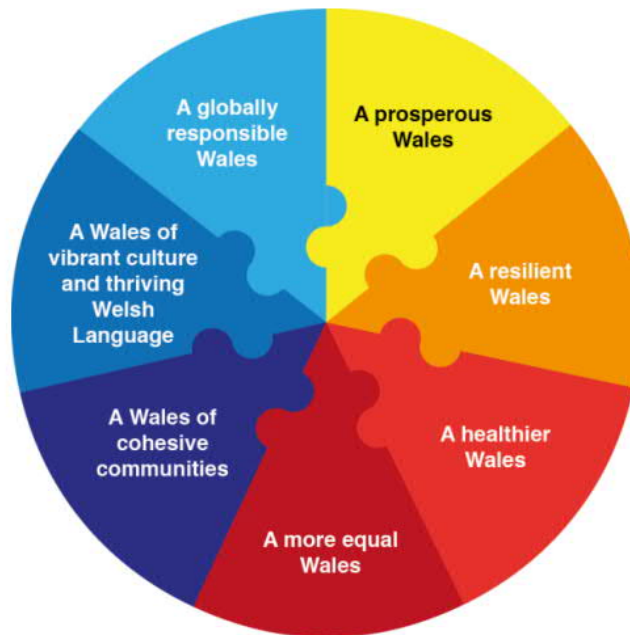
The Welsh Government has set targets for the generation of renewable energy:

- For Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- For one Gigawatt of renewable electrical capacity in Wales to be locally owned by 2030; and
- By 2020 for new renewable energy projects to have at least an element of local ownership.

Wellbeing of Future Generations (Wales) Act, 2015.

This Act places a duty on all public bodies in Wales to ‘carry out sustainable development’ in order to achieve the wellbeing goals of:

- A prosperous Wales;
- A resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales of vibrant culture and thriving Welsh Language; and
- A globally responsible Wales.



With the introduction of this Act, a statutory Public Service Board (PSB) has been established who are tasked with undertaking a well-being assessment and producing a Well-being Plan for Conwy.

3.2 **Regional** – No policy change

3.3 **Local**

There has been no policy change at a local level however Conwy has completed its Renewable Energy Assessment which will inform policy in the RLDP.

4. **LDP Policy – Current position**

There is much pressure on the environment and not all as a result, or in the control, of the planning system. However the Conwy LDP has performed well in the promotion of renewable energy in the plan area although much depends on viability and incentive drivers.

The main pressure on the Landscape and Protecting Special Landscape Areas (policy NTE/4) is from small scale wind turbine and solar development. The big increase seen in regard to policy NTE/6 Energy Efficiency and Renewable Technologies in New Development, is the number of solar farm developments seen through pre-application enquiries and planning applications with two solar farms granted since adoption. However grid connection viability and FIT are the main drivers rather than private ambition to reduce use and reliance on carbon-rich sources of energy.

Some changes to the LPA's internal procedures are being looked at to ensure that the monitoring is carried out so these targets are met. A Renewable Energy SPG will also be prepared and adopted alongside the RLDP.

Policy NTE/7 Onshore Wind Turbine Development seems to be working reasonably well and links together with other related policy. The main area of concern is the wording to part 3 of the policy with regards to the assessment of proportionality. The Onshore Wind Turbine SPG will help in this regard but ultimately this section of the policy can be reworded at this review stage. Another amendment required is the change to TAN 8 and the thresholds for how larger

applications are dealt with, so the policy will need to reflect this. Larger wind turbine development is still promoted within the SSA and supported in national and local policy.

Other factors out of the remit of the policy or Council include grid connection and feed-in tariff both of which are the biggest influences on build rate.

Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA).

The Sustainability Appraisal Scoping Report outlines the proposed approach to the LDP’s Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA) to ensure that it meets social, economic and environmental objectives. The SA/SEA is an important process in identifying areas of change and mitigation measures to ensure the RLDP is sustainable.

SA objectives in relation to Renewable Energy are shown below:

Feature	Objective
Landscape	Ensure special and distinctive, semi-natural and historic landscapes are their specific features are conserved and enhanced.
Biodiversity	Maintain and enhance the diversity and abundance of indigenous species in the plan area
Water	Prevent pollution of all water bodies, including surface and groundwaters, and ensure development takes into account the need for efficient water use, development must also be located so as not to increase the risk of flooding or risk from flooding.
Air	Reduce all forms of air pollution locally and globally improve the atmosphere.
Economic Diversification	Encourage diversification of the economic base in rural and urban areas.
Wealth Creation	Emphasise and increase factors conducive to wealth creation and attractiveness to investors

A SA/SEA process is underway and will progress in parallel with the RLDP with consultation carried out at each stage.

The tables below highlight baseline data sources for the SA Scoping:

<p>Greenhouse Gas Emissions: 2015 statistics from InfoBase Cymru show that total greenhouse gas (GHG) emissions from within CCBC (4.9) show CO2 levels per resident (tonnes) below the Welsh average (8.0) in 2016. Although positive, reductions in the level of GHG emissions need to continually be made.</p> <p>CCBC provided 2.7% of low carbon energy generation for Wales in 2015. However, this can be improved</p>	<p>Due to the rural nature of CCBC, greenhouse gas emissions from rural heavy goods transport should be mitigated, with local development favoured in more accessible locations to mitigate the effects of climate change.</p>	<p>Any replacement LDP resulting from this LDP Review should set out policies, proposals and guidance to support the transition to a low carbon economy. This should include the provision of a supportive policy framework for renewable and low carbon energy generation in appropriate locations. The replacement LDP should also include policies to encourage low carbon design and should set out a sustainable transport strategy which capitalises on existing rail and port infrastructure within the CCBC area to contribute to the decarbonisation of the transport sector.</p>	<p>The SA Framework should include objectives relating to energy use, resource efficiency, sustainable transport, GHG emissions and climate change mitigation.</p>
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through further generation of future renewable capacity.			
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<p>Climate Change Impacts: Climate change research predicts an increase in the severity and frequency of rainfall events. Flooding from rivers, sewers and surface water is therefore likely to increase throughout CCBC in the future. CCBC is also expected to become increasingly vulnerable to tidal flooding as sea levels rise.</p> <p>The 2004 Foresight Future Flooding report suggested that the annual economic damages in Wales will rise from £70 million in 2004 to £1,235 million in the 2080s under the most likely scenario. However, as the Stern Report found, acting now can reduce the longer term total economic damage.</p>	<p>Predicted impacts from climate change up to 2050 will place significant strain on infrastructure and available resources across the UK, including within the CCBC area and the effects associated with flood risk.</p>	<p>Any replacement LDP resulting from this LDP Review should set out policies, proposals and guidance which responds to predicted climate change impacts and allows communities and businesses in the CCBC area to adapt to the changing climate.</p>	<p>The SA Framework should include objectives relating to climate change adaptation and the resilience of environmental assets within the CCBC area.</p>
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<p>Utilities infrastructure:</p> <p><u>Solar Energy</u> CCBC had 1,272 Solar PV projects underway in 2016 generating 4,523MWh of electricity. Additionally, in the same year, 256 Solar Thermal projects generated 587MWh of heat.</p> <p><u>Wind Farms</u> CCBC had 36 onshore wind projects underway in 2016 which generated 46,093MWh of electricity. Conversely, CCBC had 0 offshore wind projects along its northern coastline.</p>	<p>There is a need for continued decarbonisation of the energy generation sector across Wales to support the transition to a low carbon economy and to help mitigate climate change. At the same time, a mix of energy generation sources is required to ensure continued security of supply and to overcome intermittency issues associated with wind and solar technologies. Community groups in Conwy are currently eligible to apply to the Gwynt y Môr Community Fund from the GYM Offshore Wind Farm offering £19 million for communities in Conwy, Denbighshire and Flintshire. The benefits of CCBC's involvement in future renewable energy projects should be explored in order to tackle issues of deprivation within the CCBC area through additional funding opportunities.¹</p>
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5. LDP AMR findings and Review Report Conclusions

There is a strong emphasis on safeguarding and enhancing the character and appearance of the undeveloped coast and countryside, sites of landscape / conservation importance, features of historic or architectural interest and ensure the conservation of biodiversity and protected species. The policies used together are a tool in achieving this in resisting inappropriate development.

¹ Gwynt y Mor Community Fund <http://cvsc.org.uk/en/gwynt-y-mor/>

However there are policies supporting renewable energy development but greater clarity is needed and the format is intended to follow that in PPW, especially with regards to targets, local ownership, community involvement and biodiversity enhancement.

6. Updated LDP Evidence Base

The following areas will see amendments which may influence the policy approach with regards to renewable energy within the plan area.

- a. **Green Wedge Assessment**
This will be revised and an assessment made based on the sites put forward through the call for sites and its suitability. This assessment will be contentious and involve previously safeguard land but due to constraints seen in other areas some Green Wedge land may need to be released.
- b. **Settlement Hierarchy and Settlement Boundary Assessment**
This will be updated to take account of minor changes and for proposed allocations. Some greenfield sites will undoubtedly be needed however they will have to go through the full process of assessment.
- c. **Special Landscape Areas**
These will need to be assessed and some revision to accommodate urban extension may be necessary but in the main they will be defended to protect the most valuable landscapes in the plan area.
- d. **SA/SEA**
The SEA seeks the views of the SEA Consultation Bodies on the proposed methodology and assessment framework for a legally compliant SA of the Conwy LDP Review. The report also seeks the views of the SEA Consultation Authorities on a draft SEA screening determination to satisfy procedural requirements and to confirm that a SEA needs to be incorporated within the SA. The SA/SEA process is ongoing and runs in parallel with the preparation of the RLDP.
- e. **Habitats Regulations Assessment**
This report will need to be revised to assess impact on habitats of European importance and will form a Background Paper to the LDP.
- f. **Joint Flood Risk Protocol**
This document forms a joint protocol to the approach to development in the coastal East area of the county which is subject to flood risk. It will be revised as part of the RLDP to explore the potential for development within the area affected.
- g. **Local Biodiversity Action Plan**
This is monitored independently but includes targets which the LDP helps to meet. Ongoing AMR identifies progress.
- h. **LDP AMR and Review**
This has been carried out four times since the LDP was adopted. Recommendations from which will be assessed and revised policies will be carried forward through the RLDP.
- i) **Related Plans & Strategies**

This will bring together the related policy documents which might influence the future delivery of a topic area. There is potential to improve this section in terms of Renewable energy to offer more clarity of combined objectives between plans.

- j) Local Biodiversity Action Plan
This requires collaboration with the county ecologist and neighbouring authorities to ensure appropriate monitoring is achieved and targets are met.

The Renewable Energy section has been separated from the Natural Environment for clarity.

7. Potential Land Use Policies and Proposals

It is considered that the policies are aiding to deliver the Strategic Objectives SO11, SO12 and SO14 in the promotion of reducing energy consumption through the careful siting and design of buildings and the promotion of renewable energy developments where they are economically viable and environmentally and socially acceptable.

There is a strong emphasis on safeguarding and enhancing the character and appearance of the undeveloped coast and countryside, sites of landscape / conservation importance, features of historic or architectural interest and ensure the conservation of biodiversity and protected species. The policies used together are a tool in achieving this in resisting inappropriate development.

Agricultural land classification is an area that will also require greater policy coverage and guidance through the review.

More could be done to promote the prudent use of resources through the minimisation of waste and assist in providing an integrated network of waste management facilities consistent with the needs of the area and the waste hierarchy. However much depends on whether developers will go over and above national or regional guidance.

8. Further Evidence base needed

There are no concerns over the implementation of the strategic objectives however greater clarity is needed with regards to target-setting in line with national guidance and highlighting cross-strategy benefits. As stated above, NTE/7 will need to be amended to clarify the issues over proportionality. Neither go to the heart of the plan or strategy, but both will add further clarity to users of the RLDP.

Key issues and problems

Welsh Government sent a letter to local planning authorities in 2015 outlining the Minister for Natural Resources' expectations for energy policies in LDPs. A "Practice guidance: Planning for renewable and low carbon energy– a toolkit for planners" was published in 2015 and CCBC have been working alongside consultants to carry out a Renewable Energy Assessment for the plan area and to introduce policies to ensure RE is integrated from an early stage of the planning process. In particular is the Welsh Government requirement for spatial policies to reflect RE aspirations and its concern that local authorities had not been fully implementing these requirements in their LDPs.

The current adopted LDP was not influenced by the current energy policies in PPW as the requirements were set out just after the LDP was put on deposit. PPW states that local

planning authorities should facilitate the development of all forms of renewable and low carbon energy by considering the contribution their area can make and creating LDP policies that enable this contribution to be delivered. It also suggests that development management decisions are consistent with national and international climate change obligations.

	Key issues and problems	source
1.	Policy regarding the control and assessment of wind turbine development is well used however requires amendment through the LDP review process. This issue of defining 'proportionate' and 'predominant energy' could not be overcome as part of the SPG as it changed the essence of the policy. It is clear that significant contextual changes have occurred in respect of renewable and low carbon energy since the adoption of the LDP. This will be a key issue for a revised LDP and policy changes are anticipated.	AMR/ Review Report
2.	REAs should inform policies, areas of search and allocations which guide local-authority scale (5MW – 25MW) renewable energy schemes or other low carbon technologies to the most appropriate locations. It explains it is imperative that the planning system identifies and protects areas with renewable energy generation potential for the long term.	AMR/ Review Report
3.	The key driver is national incentive through FITs therefore planning policy is more a control over siting as Building Regulations determine minimum standards. There is a need for greater national guidance with regards to achieving targets where FITs are being reduced and where Building Regulations are expected to be exceeded.	AMR/ Review Report
4.	Community and DHN schemes need to be promoted and incentivised. Great cross-strategy emphasis could be made with community based/owned schemes.	National guidance

9. Conclusion

The Topic Paper raises the key issues covered and the areas that require change in the review of the LDP. In the case of 'Distinctive and Natural Places' and 'Productive and Enterprising Places' in Conwy, this will include recommendations around the landscape and biodiversity enhancement and protection whilst incorporating new guidance on renewable energy targets and community involvement. This will entail working in line with the SA/SEA, HRA and balanced need for sustainable growth and distribution of housing and employment sites, along with details of policies that require review due to changes in European/ national/local context. It is clear that significant contextual changes have taken place in respect of renewable and low carbon energy since the adoption of the LDP and several changes are foreseen for the RLDP.

Appendix 1: Existing policies to be reviewed.

POLICY NTE/6 – ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES IN NEW DEVELOPMENT

The efficient use and conservation of natural resources are essential to the overall quality of life within the Plan Area and to support wider social and economic sustainability objectives. The Council will:

- a) Promote high levels of energy efficiency through the application of sustainable design and construction techniques in all new residential developments (as set out in Strategic Policy HOU/1 – ‘Meeting the Housing Need’) and non-residential developments, in line with the Development Principles and other related policies within the Plan;
- b) Promote renewable energy sources within development proposals which support energy generation from biomass, marine, waste, solar and wind sources, including micro generation where this is acceptable, in terms of impact on quality of life, amenity, landscape, viability and biodiversity in line with Policies DP/6 and NTE/7 – ‘Onshore Wind Turbine Development’;
- c) Ensure that all new developments incorporate the principles of sustainable design such as: appropriate layout, massing, orientation, use of materials, rain water harvesting, energy efficiency, sustainable drainage, and waste recycling areas/storage in line with the Development Principle Policies and NTE/8 – ‘Sustainable Drainage Systems’, NTE/9 – ‘Foul Drainage’ and NTE/10 – ‘Water Conservation’;
- d) Support proposals which minimise the use of new materials in construction, utilise recycled materials and maximise opportunities for the subsequent reuse of materials in line with the Development Principles and Strategic Policy MWS/1 – ‘Minerals and Waste’.

POLICY NTE/7 – ONSHORE WIND TURBINE DEVELOPMENT

1. The development of large or very large-scale (over 25MW) wind farms will be concentrated within the Clocaenog SSA in accordance with Policy DP/6 and be subject to a satisfactory Environmental Impact Assessment. Proposals will be expected to:
 - a) Demonstrate measures for the safeguarding, remediation and enhancement of habitat and species and conform to the principles contained in the Clocaenog Statement of Environmental Master Planning Principles (SEMP);
 - b) Ensure all details of associated ancillary development are submitted with the planning application as an integral part of the scheme;
 - c) Ensure that the potential cumulative impacts on surrounding communities, landscape and environment are considered acceptable. Where the

development of a wind farm is considered to have an unacceptable cumulative impact it will be refused;

- d) Demonstrate that the development will not lead to noise levels or shadow flicker that would be detrimental to the residential amenity of the surrounding area.
- 2 Outside the Clocaenog SSA the development of medium-scale wind farms over 5MW and below 25MW will only be approved in exceptional circumstances in the context of the following:
- a) Acceptability in terms of other Local Development Plan policies;
 - b) The potential cumulative impacts on surrounding communities, landscape and environment are considered acceptable. Where the development of a wind farm is considered to have an unacceptable cumulative impact it will be refused;
 - c) The development will not generate noise levels or shadow flicker that would be unacceptably detrimental to the amenity enjoyed by nearby residents or by users of public rights of way or other recreational facilities or areas;
 - d) A satisfactory Environmental Impact Assessment should propose measures for the safeguarding, remediation and enhancement of habitat and biodiversity;
 - e) Where possible, turbines are located no less than 500 metres from an occupied dwelling or other noise-sensitive building;
 - f) Within SLAs wind turbine schemes medium-scale or larger will be resisted;
 - g) Exceptional circumstances are considered to be where there is an overriding need or capacity issue which cannot be met within the SSA.
3. Micro and small scale wind turbine development (5MW and less) will only be supported where:
- a) It is of a proportionate scale in terms of predominant energy production to supply the building(s) which it directly serves;
 - b) It does not compromise the ability of the SSA to achieve its anticipated target of energy production;
 - c) Criteria 2 a) – f) above are met and where appropriate a satisfactory EIA has been submitted;
 - d) Within SLAs wind turbines will not be permitted unless serving a dwelling or cluster of dwellings at micro scale.