Connah's Quay Low Carbon Power

Preliminary Environmental Information Report
Volume II, Chapter 7: Planning Policy and Need

Uniper

The Planning Act 2008
The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
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Delivering a better world

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7. Planning Policy and Need

7.1 Introduction

7.1.1 This chapter provides an overview of the policy context that is relevant to the Proposed Development.

7.1.2 This chapter is accompanied by **Appendix 7-A: Legislative, Policy and Guidance Framework for Technical Topics** in PEIR Volume IV.

7.2 Overview

7.2.1 The Proposed Development is defined as a Nationally Significant Infrastructure Project (NSIP) under Section 14(1)(a) of the Planning Act 2008 ('the 2008 Act') (Ref 7-1), comprising "the construction or extension of a generating station" which falls under Section 15(1) and 15(3A) of the same Act as being in Wales, having a capacity of more than 350 megawatts (MW) and not generating electricity from wind. Under Section 115(1)(b) and 115(4A) of the 2008 Act, it also includes 'associated development'.

7.2.2 Under the 2008 Act regime, the framework for determining applications for development consent is provided by National Policy Statements (NPSs). Section 5 of the 2008 Act allows the Secretary of State (SoS) to designate NPSs which set out national policy in relation to the types of NSIP listed in Section 14 of the 2008 Act.

7.2.3 Where an NPS has effect, the SoS must, under Section 104 of the 2008 Act, determine the application in accordance with the relevant NPSs (and marine policy documents if they exist), while having regard for the views of a relevant local planning authority, any relevant matters prescribed in regulations, and any other matters the SoS believes to be both "important and relevant", unless this would:

- lead to the UK being in breach of its international obligations;
- be in breach of any statutory duty that applies to the SoS;
- be unlawful;
- result in the adverse impacts of the development outweighing the benefits; or
- be contrary to any condition prescribing how decisions regarding an NSIP application are to be taken.

7.2.4 Matters which the SoS may consider to be important and relevant for their determination could include government energy and climate change policy, national planning policy and local planning policy. Consequently, policies on the following topics are considered in this chapter:

- the National Policy Statements (NPSs) for Energy;
- relevant marine policy documents;
- relevant UK energy and climate change policy;

- Welsh planning policy; and
- Local planning policy.

7.3 National Planning Policy Statements and Marine Policy Statements

National Policy Statements for Energy

Overarching National Policy Statement for Energy (EN-1)

7.3.1 Revised NPSs for energy infrastructure were published by the UK Government on 22 November 2023 and came into force on 17 January 2024. The following revised energy NPSs are considered to be relevant to the Proposed Development and are detailed below:

- the Overarching NPS for Energy (EN-1) (Ref 7-2);
- the NPS for Natural Gas Electricity Generating Infrastructure (EN-2) (Ref 7-3);
- the NPS for Natural Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) (Ref 7-4); and
- the NPS for Electricity Networks Infrastructure (EN-5) (Ref 7-5).

7.3.2 Section 2.2 of EN-1 confirms the Government's legally binding target of achieving net zero in terms of greenhouse gas emissions by 2050, as enshrined in law by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (Ref 7-6).

7.3.3 Section 2.3 'Meeting net zero' underlines how the provision of new energy infrastructure will be critical to the UK achieving net zero by 2050, while maintaining adequate, secure and reliable energy supplies and supporting economic growth. Paragraph 2.3.4 goes onto state:

"Meeting these objectives necessitates a significant amount of energy infrastructure, both large and small-scale. This includes the infrastructure needed to convert primary sources of energy (e.g. wind) into energy carriers (e.g. electricity or hydrogen), and to store and transport them into and around the country. It also includes the infrastructure needed to capture, transport and store carbon dioxide. The requirement for new energy infrastructure will present opportunities for the UK and contributes towards our ambition to support jobs in the UK's clean energy industry and local supply chains."

7.3.4 Paragraph 2.3.6 of EN-1 underlines the need to transform the energy system by:

"… tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This includes increasing our supply of clean energy from renewables, nuclear and hydrogen manufactured using low carbon processes (low carbon hydrogen), and, where we still emit carbon, developing the industry and infrastructure to capture, transport and store it."

7.3.5 EN-1 therefore underlines the importance of technologies such as carbon capture and storage (CCS) in decarbonising power generation and industry in order to achieve net zero by 2050. Furthermore, Section 2.4 'Decarbonising the power sector' of EN-1 sets out how the Government is developing business models and commercial frameworks to incentivise and support developers to finance the construction and operation of power stations with carbon capture.

7.3.6 Section 2.5 'Security of energy supplies' confirms the vital role of energy to economic prosperity and social well-being. Paragraph 2.5.1 states that *"…it is important that our supplies of energy remain secure, reliable and affordable".* Paragraph 2.5.6 continues to assert:

"The British Energy Security Strategy emphasises the importance of addressing our underlying vulnerability to international energy prices by reducing our dependence on imported oil and gas, improving energy efficiency, remaining open minded about our onshore reserves including shale gas, and accelerating deployment of renewables, nuclear, hydrogen, CCUS, and related network infrastructure, so as to ensure a domestic supply of clean, affordable, and secure power as we transition to net zero".

7.3.7 Section 2.6 'Sustainable development' confirms (paragraph 2.6.1) that the Government's wider objectives for energy infrastructure include contributing to sustainable development and ensuring that our energy infrastructure is safe. Paragraph 2.6.2 is clear that:

"Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of the environment, society and the economy, for both current and future generations. For example, the availability of appropriate infrastructure supports the efficient working of the market so as to ensure competitive prices for consumers. The regulatory framework also encourages the energy industry to protect the more vulnerable".

7.3.8 Part 3 of EN-1 covers 'The need for new nationally significant energy infrastructure projects'. It sets out why the United Kingdom (UK) Government sees a need for significant amounts of new large-scale energy infrastructure to meet its energy objectives and why it considers that the need for such infrastructure will often be urgent (paragraphs 3.1.1 and 3.1.2). However, it notes at paragraph 3.1.2 that it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. It goes on to state that:

"These impacts will be minimised by the application of policy set out in Parts 4 'Assessment Principles' and 5 'Generic Impacts' of EN-1 as well as Part 2 of each technology specific NPS".

7.3.9 Section 3.2 provides guidance on SoS decision-making. Paragraph 3.2.1 confirms that the UK Government's objectives for the energy system are to ensure that supplies of energy always remain secure, reliable, affordable and consistent with net zero emissions by 2050. Paragraph 3.2.2 continues by stating that the UK needs a range of different types of energy infrastructure, while paragraph 3.2.3 states that it is for industry to propose new infrastructure within the strategic framework set by the UK Government. It also states that it

is not appropriate for planning policy to set limits on different technologies. Furthermore, paragraphs 3.2.6 to 3.2.8 state that the SoS should assess all applications for development consent for the types of infrastructure covered by EN-1 on the basis that the Government has demonstrated that there is a need for those types of infrastructure which is urgent; that substantial weight should be given to that need; and that the SoS is not required to consider separately the specific contribution of any individual project to satisfying that need.

7.3.10 In considering 'The need for new electricity generating capacity', EN-1 confirms that there is an urgent need for new electricity generating capacity (paragraph 3.3.58). The role of gas-fired plants with CCS in meeting this need is acknowledged at paragraph 3.3.44:

"Closed Cycle Gas Turbines (CCGTs) using natural gas can be equipped with CCS which is intended to reduce emissions compared to unabated gas-fired plants by 90 per cent or more."

7.3.11 Paragraphs 3.3.44 to 3.3.48 refer specifically to natural gas-fired plants. Paragraph 3.3.44 notes that CCGTs using natural gas can be equipped with CCS to reduce emissions by 90 per cent or more and provide flexible generation that is able to ramp up or down to meet demand.

7.3.12 Section 3.4 sets out the need for new nationally significant gas infrastructure and at paragraphs 3.4.10 to 3.4.11 underlines its role in delivering affordable decarbonisation. Paragraph 3.4.11 states that this *"… means retaining the capability for using natural gas for low carbon dispatchable output in power stations equipped with CCS..."*.

7.3.13 Section 3.5 of EN-1 deals with 'The need for new nationally significant carbon capture and storage infrastructure'. Paragraph 3.5.1 notes that:

"There is an urgent need for new carbon capture and storage (CCS) infrastructure to support the transition to a net zero economy."

7.3.14 Paragraph 3.5.2 highlights the Committee on Climate Change (CCC) statement that CCS is a necessity and not an option and that:

"CCS infrastructure will also be needed to capture and store carbon dioxide from hydrogen production from natural gas …"

7.3.15 Paragraph 3.5.8 also confirms that *"to support the urgent need for new CCS infrastructure, CCS technologies, pipelines and storage infrastructure are considered to be CNP [critical national priority] infrastructure."*

7.3.16 Part 4 of EN-1 deals with the 'Assessment principles' that must be taken into account by applicants and the SoS in preparing and determining applications for nationally significant energy infrastructure. Paragraph 4.1.3 states that the SoS will start with a presumption in favour of granting development consent for applications for energy NSIPs given the level and urgency of need for such infrastructure. The assessment principles to be taken into account, which are set out in Part 4, include matters such as environmental effects; health; marine considerations; environmental and biodiversity net gain; criteria for good design; climate change adaptation and resilience; pollution control; and safety and security considerations, among others.

7.3.17 One of the matters dealt with in Section 4.2 of Part 4 of EN-1, is the 'critical national priority' (CNP) for the provision of nationally significant low-carbon infrastructure. Paragraph 4.2.5 confirms that low-carbon infrastructure for the purposes of this policy include for electricity generation, natural gas fired generation which is carbon capture ready (CCR). The Proposed Development, which is for a carbon capture enabled gas-fired power station, would therefore fall under this policy.

7.3.18 Paragraph 4.1.7 of EN-1 confirms that for projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. It states that:

"This presumption, however, does not apply to residual impacts which present unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk".

7.3.19 Part 5 of EN-1 deals with 'Generic impacts' – those impacts that arise from the development of all types of energy infrastructure covered by the energy NPSs. Generic impacts include matters such as air quality and emissions; flood risk; historic environment; landscape and visual; noise and vibration; socio-economic impacts; and traffic and transport, amongst others.

Other National Policy Statements (EN-2, EN-4 and EN-5)

7.3.20 The NPSs for Natural Gas Electricity Generating Infrastructure (EN-2), Natural Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) and Electricity Networks Infrastructure (EN-5) are also of relevance to the Proposed Development, with the relevant sections considered further in Appendix 7-A. They are additional to the policy provided in EN-1 and are considered relevant for the Proposed Development, providing further technology-specific information for the assessment of NSIPs delivering such infrastructure.

Marine Policy Documents

7.3.21 Section 104 of the 2008 Act requires the SoS to have regard to *"…the appropriate marine policy documents…"* relevant to the NSIP. The Proposed Development will involve some works within the UK Marine Area, that is, within the tidal River Dee.

7.3.22 The appropriate marine policy documents are defined at Section 59 of the Marine and Coastal Access Act 2009 (MCAA) (Ref 7-7). These include any marine policy statement which is in effect and to the extent that a decision relates to a marine plan area, any marine plan which is in effect for that area (Section 59(3) and 59(5)).

UK Marine Policy Statement

7.3.23 The UK Marine Policy Statement (MPS) (Ref 7-8), adopted in March 2011, provides the policy framework for preparing marine plans and taking decisions affecting the marine environment. It has been prepared and adopted for the purposes of Section 44 of the MCAA and is intended to sit alongside terrestrial consenting regimes, including the 2008 Act regime. The MPS was subject to

updates in September 2020 relating to how references to European Union (EU) law should be interpreted from 1 January 2021 following the UK's withdrawal from the EU.

7.3.24 Chapter 2 of the MPS outlines the vision for the UK Marine Area, the high-level approach to marine planning and general principles for decision making covering economic, social and environmental considerations. It also covers detailed considerations relevant to developments such as marine ecology and biodiversity; air quality; noise; water quality and resources; seascape; historic environment; climate change adaptation and mitigation; and coastal change and flooding.

7.3.25 Chapter 3 sets out the policy objectives for key activities that take place in the marine environment. Section 3.3 deals specifically with 'Energy production and infrastructure development'. Paragraph 3.3.1 notes that "A secure, sustainable and affordable supply of energy is of central importance to the economic and social well-being of the UK". Paragraph 3.3.4 sets out issues that the decision maker should take into account when examining and determining applications for energy infrastructure. Those of relevance to the Proposed Development include:

- the national level of need for energy infrastructure, as set out in EN-1;
- the positive wider environmental, societal and economic benefits of low-carbon electricity generation and CCS/ carbon capture and underground storage (CCUS) as key technologies for reducing carbon dioxide emissions; and
- the UK's programme to support the development and deployment of CCS/ CCUS and in particular the need for suitable locations that provide for the permanent storage of carbon dioxide.

7.3.26 Paragraph 3.3.6 recognises that in some parts of the UK power stations may be sited in coastal locations and will have an important contribution to play in the UK's energy mix. It notes that the construction, operation or decommissioning of power stations may have impacts on the local marine environment through the construction of plants and associated development. There may also be impacts from abstraction and discharge of cooling water during operation. It refers to more detail on the impacts and specific measures and actions to avoid or minimise adverse impacts, including those on marine ecology, being contained within the NPSs, including EN-2 in respect of fossil fuel generating stations.

7.3.27 Paragraphs 3.3.31 to 3.3.35 deal with CCS/CCUS. Paragraph 3.3.31 recognises that fossil fuels will remain an important source of electricity generation for the foreseeable future and that, to comply with the UK's legally binding carbon reduction commitments, virtually all fossil fuel generation will eventually need to be fitted with technology that captures carbon dioxide and permanently stores it deep underground. It goes on to state that this will generate considerable volumes of carbon dioxide and that the UK offshore area is thought to be one of the most promising hub locations in Europe for the permanent storage of carbon dioxide.

7.3.28 The significant climate change and economic benefits of CCS/CCUS to the UK are set out at paragraph 3.3.34. Removing carbon dioxide emission from

electricity generation will considerably reduce the potential for further acidification of the marine environment, while CCS/CCUS is estimated to be worth up to £3 billion a year to the UK economy by 2030, sustaining up to 100,000 jobs.

Welsh National Marine Plan

7.3.29 The Welsh National Marine Plan (WNMP) (Ref 7-9) is the first marine plan adopted under the MCAA for the Welsh inshore and offshore regions. It was adopted and published on 12 November 2019 and its preparation and approval complied with the statutory requirements set out in Schedule 6 to the MCAA. The WNMP highlights the Dee estuary as being a 'cross-border' estuary as it is adjacent to the North West English marine planning regions. The WNMP covers the Welsh inshore waters of the River Dee Estuary, including and adjacent to the Site.

7.3.30 Paragraphs 15 and 16 refer to NSIPs and state that such projects should seek to deliver lasting legacy benefits for the local community, the economy and the environment. One of a number of ways to achieve this is through "contributing to the transition toward the achievement of low-carbon, sustainable economic development, minimising carbon emissions and increasing the resilience of people, places and the environment to the effects of climate change".

7.3.31 The WNMP contains a number of 'General Cross-Cutting Policies'. This includes 'GEN General Policy – Planning Policy'. GEN_01: Planning Policy confirms that there is a presumption in favour of the sustainable development of the plan area. 'ECON General Policy – Achieving a Sustainable Marine Economy', includes ECON_1, which supports sustainable economic growth, including that which builds a more resilient economy and generates employment opportunities for coastal areas. Other cross-cutting policies are aimed at ensuring a strong, healthy and just society; living within environmental limits; promoting good governance; and using sound science responsibly.

7.3.32 The WNMP also includes a number of 'Sector Policies'. Sector Policy 'Energy – Low Carbon' applies to both the inshore and offshore regions of the plan area and has the objectives of contributing toward the decarbonisation of the economy, albeit primarily through the increased development of marine renewable energy, and there is no reference to carbon capture-enabled electricity generation. Nevertheless, paragraph 351 does state that application for new NSIP development above the 350 MW threshold will be examined using the criteria on national need, benefits and impacts set out in the relevant NPSs.

7.3.33 Sector Policy 'Energy – Oil and Gas' is of particular relevance to the Proposed Development as its covers CCS. Paragraph 371 deals specifically with carbon capture-enabled gas-fired electricity generation stating:

"*The Energy Generation in Wales 2017 report recognises that gas, as a flexible, reliable, responsive energy source with lower emissions than other fossil fuels, is expected to continue to play a gradually diminishing role in the energy mix. However, it is unlikely to be a long-term basis for the energy economy of Wales without measures to mitigate the environmental effects, such as CCS. This Plan therefore recognises the need to identify and exploit*

opportunities for the wider use of CCS. Such opportunities are currently understood to be small because of the geology of Wales and, consequently, there are currently no known suitable depleted oil and gas reservoirs. Should a development opportunity arise during the term of this Plan, it is likely to be located to the north of Wales, associated with the potential use of the Liverpool Bay gas reservoirs."

7.3.34 Policy O&G_02: Oil and gas (supporting) confirms that proposals that support the long-term development of CCS technology will be supported where they contribute to the objectives of the WNMP.

7.4 Other 'Important and Relevant' Matters

UK Government Energy and Climate Change Policy

The Ten Point Plan for a Green Industrial Revolution

7.4.1 'The Ten Point Plan for a Green Industrial Revolution – Building back better, supporting green jobs, and accelerating our path to net zero' (Ref 7-11) was published on 18 November 2020 and is aimed at delivering a 'Green Industrial Revolution' in the UK.

7.4.2 Point 8 of the plan is 'Investing in Carbon Capture, Usage and Storage' (pages 22 to 23) identifies the ambition to capture 10 Mt of CO_2 per year by 2030 and the UK Government's commitment to invest up to £1 billion to support the establishment of CCUS in four industrial clusters including Wales. It highlights the function and necessity of CCUS in achieving a green economy, including decarbonising power generation.

The Energy White Paper

7.4.3 The Energy White Paper 'Powering our Net Zero Future' (EWP) (Ref 7-12), was presented to Parliament in December 2020. At the core of the EWP is the commitment to tackle climate change and achieve net zero. The EWP seeks to put in place a strategy for the wider energy system that transforms energy, supports a green recovery and creates a fair deal for consumers (page 4).

7.4.4 Chapter 2 'Power' of the EWP sets out how it is proposed to decarbonise electricity to enable the transition away from fossil fuels and decarbonise the economy cost-effectively by 2050. While the EWP (page 43) states that a low-cost, net zero consistent system is likely to be composed predominantly of wind and solar, in order to ensure the system is reliable, it needs to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing or the sun does not shine. This includes gas with CCS and short-term dispatchable generation providing peaking capacity, which can be flexed as required. This is further underlined at page 47:

"In the power sector, gas-fired generation with CCUS can provide flexible, low-carbon capacity to complement high levels of renewables. These characteristics mean that deployment of power CCUS projects will play a key role in the decarbonisation of the electricity system at low cost."

Net Zero Strategy: Build Back Greener

7.4.5 The 'Net Zero Strategy: Build Back Greener' (Ref 7-13) published in October 2021 (and updated in April 2022) expands on key commitments in the Ten Point Plan and the EWP and sets out the next steps the Government proposes to take to cut emissions, seize green economic opportunities and leverage further private investment in net zero. The strategy sets an indicative delivery pathway for emission reductions to 2037 by sector. It is intended to put the UK on the path for the Sixth Carbon Budget and ultimately on course for net zero by 2050.

7.4.6 Regarding power, the strategy states that the UK will fully decarbonise its power system by 2035 subject to security of supply. It states that the power system will consist of abundant, cheap renewables, cutting edge new nuclear power stations, underpinned by flexibility including storage, gas with CCS and hydrogen (page 19).

British Energy Security Strategy

7.4.7 In April 2022, the UK Government published its 'British Energy Security Strategy' Policy Paper (Ref 7-14) which reiterates the Government's commitment to invest £1 billion in CCUS technology, helping to decarbonise our industrial clusters.

7.4.8 The 'British Energy Security Strategy' Policy Paper clarifies that *"…gas is currently the glue that holds our electricity system together and it will be an important transition fuel"* and states that billions of pounds is set to be invested by the industry in the development of nascent clean technologies such as carbon capture.

Powering Up Britain

7.4.9 In March 2023, the UK Government published its 'Powering Up Britain' policy paper (Ref 7-15), accompanied by its 'Energy Security Plan' (Ref 7-16) and its 'Net Zero Growth Plan' (Ref 7-17). The three documents provide details on the Government's measures to increase domestic energy production, resilience in the energy supply and achieve net zero.

7.4.10 The Energy Security Plan signals continued support towards the CCUS industry most notably the announcement of eight Track-1 projects across the hydrogen, power, industry, and waste sectors which are progressing towards negotiations. It underlines the importance of delivering flexibility on the supply side through power CCUS amongst other technologies.

Welsh Government Planning Policy

Future Wales: The National Plan 2040

7.4.11 Future Wales: The National Plan 2040 ('the NP') (Ref 7-18) is the first national development framework produced for Wales, adopted in February 2021.

7.4.12 The NP sets out the Welsh Government's priorities for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. The NP also articulates how the seven well-being goals for

Wales are to be achieved, in line with the Well-being of Future Generations (Wales) Act 2015 (Ref 7-19).

7.4.13 The NP is the highest tier of the development plan for Wales and is focused on solutions to issues and challenges at a national scale. Its strategic nature means it does not allocate development to all parts of Wales, nor does it include policies on all land uses. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans at local authority level. These plans will identify the location of new infrastructure and development. Strategic and Local Development Plans are required to be in conformity with the NP and must be kept up to date to ensure they and the NP work together effectively.

7.4.14 The document does not contain any policies directly relevant to NSIPs but does contain high level planning policies expressing the Welsh Government's support for low-carbon technologies. Section 3 'Setting and Achieving Our Ambitions' of the NP sets out the 11 Outcomes it seeks to achieve over the next 20 years which includes creating *"A Wales where people live…in places which are decarbonised and climate-resilient".* Expanding on this Outcome, the NP asserts that:

"*The challenges of the climate emergency demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonised society".*

7.4.15 Policy 17 'Renewable and Low Carbon Energy and Associated Infrastructure', states that the Welsh Government strongly supports the principle of developing renewable and low-carbon energy from all technologies and at all scale to meet future energy needs. Policy 18 provides a decision-making framework for renewable and low carbon energy technologies which are 'Developments of National Significance' and therefore, unlike NSIPs, determined by the Welsh Ministers.

Planning Policy Wales

7.4.16 Planning Policy Wales (PPW) (Ref 7-20) published in 2018 and last updated in February 2024, sets out the Welsh Government's land-use planning policies. The PPW should be read alongside the NP as part of the national planning policy framework for Wales. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 (Ref 7-21), the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the 'Socio-economic Duty'.

7.4.17 The document is not expressly relevant to NSIPs but does contain a section on 'Renewable and Low Carbon Energy', with paragraph 5.9.1 of the document establishing some duties for local authorities in relation to the consideration of renewable and low carbon economy. It states that *"Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved."*

7.4.18 Paragraph 5.9.15 states that outside of areas identified in the development plan as being appropriate for renewable and low carbon energy, PPW requires that planning applications for such developments are determined based on the merits of the individual proposal. It clarifies that the local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation.

7.4.19 The PPW also states at paragraph 5.9.19 that when determining applications for the range of renewable and low carbon energy technologies, the following should be taken into account:

- the contribution a proposal will make to meeting identified Welsh, UK and European targets;
- the contribution to cutting greenhouse gas emissions; and
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.

7.4.20 Section 6 in PPW confirms that planning authorities must follow a 'step-wise' approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. It clarifies at paragraph 3.4.11 that "enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact".

Technical Advice Notes (TANs)

7.4.21 Technical advice notes (TANs) provide detailed planning advice for projects in Wales. Local planning authorities take them into account when they are preparing development plans and making planning decisions. The following TANs are considered to be of most relevance to the Proposed Development:

- TAN 5: Nature conservation and planning (September 2009) (Ref 7-22);
- TAN 6: Planning for sustainable rural communities (July 2010) (Ref 7-23);
- TAN 11: Noise (October 1997) (Ref 7-24);
- TAN 12: Design (March 2016) (Ref 7-25);
- TAN 14: Coastal planning (November 2021) (Ref 7-26);
- TAN 15: Development and flood risk (December 2021) (Ref 7-27);
- TAN 18: Transport (March 2007) (Ref 7-28);
- TAN 20: Planning and the Welsh language (October 2017) (Ref 7-29);
- TAN 21: Waste (February 2017) (Ref 7-30);
- TAN 23: Economic development (February 2014) (Ref 7-31); and
- TAN 24: The historic environment (May 2017) (Ref 7-32).

Regional Policy

North Wales Energy Strategy (November 2021)

7.4.22 The North Wales Energy Strategy (NWES) was published in November 2021 (Ref 7-33) by the North Wales Economic Ambition Board, with support from Welsh Government. It is a regional energy strategy which covers the administrative areas of the following local authorities: Isle of Anglesey; Gwynedd; Conwy; Denbighshire; Flintshire; and Wrexham.

7.4.23 The overall objective of this strategy is to develop a strategic pathway identifying key interventions to deliver on the region's ambitions for decarbonising its energy system and ensure the region benefits from the transition. It contains an 'Energy Vision scenario' modelled to set out a potential decarbonisation route that will put the region on track to achieve a net zero energy system by 2050. This NWES seeks to "harness the abundance of local low carbon resources to become a green powerhouse and diversify the energy mix".

Emerging North Wales Strategic Development Plan

7.4.24 As required by the Future Wales: the NP 2040 (February 2021), each region must have a Strategic Development Plan (SDP) that recognises the strengths and challenges in that region, and also complements the plans and work taking place in other regions. SDPs must embed placemaking as an overarching principle, and co-ordinate and manage development across each region to ensure that wider than local matters are tackled collaboratively.

7.4.25 The plans must consider strategic regional matters for spatial strategies for future growth to settlement hierarchies, and sustainably manage natural and cultural assets. SDPs must set housing provision requirements, co-ordinate transport and green infrastructure, and the delivery of minerals extraction in appropriate locations.

7.4.26 SDPs must be produced by Corporate Joint Committee (CJC). The North Wales CJC was established on 1 April 2021 to exercise functions relating to strategic development, planning and regional transport planning. There was a consensus among the North Wales local authorities that the CJC should continue in the direction established by the North Wales Economic Ambition Board, and that the functions of this board should be transferred by way of delegation agreement to the North Wales CJC.

7.4.27 The North Wales CJC appear to be at an early stage of plan making but it is understood that the strategic planning sub-committee will prepare the draft delivery agreement and progress the SDP. Once adopted, the North Wales Strategic Development Plan will form part of the statutory development plan relevant for the Site, along with Future Wales: The National Plan 2040 and the Flintshire Local Development Plan.

Local Policy

The Flintshire Local Development Plan

7.4.28 The Flintshire Local Development Plan (LDP) was adopted by the Council on 24th January 2023 and covers the period 2015 to 2030. It forms part of the

statutory development plan alongside Future Wales: The National Plan 2040. The remaining part of the statutory development plan will be the North Wales Strategic Development Plan, once adopted.

7.4.29 The Site is wholly within the administrative area of Flintshire County Council (FCC), except for a port (Ellesmere Port – Manchester Ship Canal) which is located within Cheshire West and Chester (CWaC) and is under consideration for shipborne deliveries of Abnormal Indivisible Loads (AIL). The Site is therefore covered by the Flintshire Local Development Plan (LDP) (Ref 7-34), adopted by FCC in January 2023. The LDP is for the period 2015 to 2030.

7.4.30 Following reference to the Flintshire LDP proposals map (accessed online), the majority of the Site is not covered by any relevant local planning designations, with the following notable exceptions:

- **Repurposed CO_2 Connection Corridor** – part of the area to the east of Leadbrook Drive and west of the village of Oakenholt falls partially within a Green Wedge designation (Policy EN11.4: Green Wedges);
- **Construction and Indicative Enhancement Area** – this is located within the broad area identified for Locations for Waste Management Facilities (Policy EN21: Locations for Waste Management Facilities);
- **Abnormal Indivisible Load (AIL) Routes** – the Connah's Quay North AIL route passes within a Principal Employment Area designation (Policy PE2). The Port of Mostyn AIL route also passes within a Principal Employment Area designation (Policy PE2) and is partially within an area identified for Locations for Waste Management Facilities (Policy EN21: Locations for Waste Management Facilities). Both these AIL routes also follow a section of A55 which is covered by a Safeguarded Road Scheme (Policy PC10: New Transport Schemes). Use of Ellesmere Port as an alternative AIL route is under consideration and relevant policies will be included in the ES in relation to this route;
- **Proposed CO_2 Connection Corridor** – the south eastern area falls partially within a Mineral Safeguarding Area (Policy EN23: Minerals Safeguarding); and
- **Alternative Access to Main Site and Access to Construction and Indicative Enhancement Area** – crosses a Safeguarded Road Scheme (Policy PC10: New Transport Schemes).

7.4.31 The Dee Estuary is located immediately to the north of the Site and is covered by Special Conservation Area (SAC), Special Protection Area (SPA), RAMSAR and Sites of Special Scientific Interest (SSSI) designations. The LDP sets out a series of objectives which have informed its production, including (inter alia) the following objectives relating specifically to the safeguarding of the environment:

- Minimise the causes and impacts of climate change and pollution (LDP Objective 15).
- Conserve and enhance Flintshire's high quality environmental assets including landscape, cultural heritage and natural and built environments (LDP Objective 16).
- Maintain and enhance green infrastructure networks (LDP Objective 17).

- Promote good design that is locally distinct, innovative and sensitive to location (LDP Objective 18).
- Support the safeguarding and sustainable use of natural resources such as water and promote the development of brownfield land (LDP Objective 19).

7.4.32 The policies of the LDP, as summarised in **Table 7-1** below, are considered to be of potential relevance to the Proposed Development.

Table 7-1: Summary of relevant LPD policies

Policy	Summary
Policy STR1: Strategic Growth	This policy asserts that, in order to meet Flintshire's economic ambition over the plan period, provision must be made for (inter alia) 8,000 – 10,000 new jobs and 124.97 hectares of employment land. It clarifies that the focus of this development will be at sustainable employment locations and in accordance with the sustainable settlement hierarchy and spatial distribution strategy.
Policy STR2: The location of Development	This policy states that new development will be directed to the following locations: i. Allocated Sites; ii. Principal Employment Areas as detailed in policy PE2; and iii. Sustainable settlements based on the first three tiers of the settlement hierarchy (Tier 1 - Main Service Centres; Tier 2 - Local Service Centres; Tier 3 - Sustainable Settlements; and Tier 4 Defined Villages).
Policy STR5: Transport and Accessibility	This policy emphasises the importance of developing Flintshire's transport infrastructure to deliver the LDP's economic ambition and in turn, to help inform the provision of a sustainable pattern of development. This policy asserts that where appropriate new development and associated transport infrastructure should (inter alia) therefore: • facilitate accessibility to employment by locating development in places with access to integrated transport infrastructure, thereby reducing the need to travel; • promote the implementation of an integrated transport solution in Flintshire; • ensure that the local highway network either has, or can be upgraded, to provide capacity to accommodate sustainable levels of development; • facilitate improvements to the quality, attractiveness and availability of public transport options; • provide walking and cycling routes, linking in with active travel networks and green infrastructure networks; • adopt a sustainable approach to the design, function and layout of new development, including providing appropriate levels of parking; and • support the movement of freight by rail or water.
Policy STR6: Services, Facilities and Infrastructure	This policy confirms that new development should contribute to the provision of a range of key infrastructure, where necessary to mitigate the impacts of new development, including (inter alia): highways, walking and cycling and public transport improvements and electric vehicle charging points; ecological mitigation; water management (supply, drainage, treatment); and electricity and gas.
Policy STR7: Economic Development, Enterprise and Employment	This policy asserts that the Local Plan will seek to sustain Flintshire's role as a sub-regional economic hub (inter alia) by: • facilitating the delivery of jobs from key strategic sites at Northern Gateway, Deeside, and Warren Hall, Broughton; • emphasising Deeside and its area of influence as the economic focus for Flintshire's long term economic ambition; and

Policy	Summary
	• providing the opportunity to realise the creation of 8-10,000 jobs in key sectors, over the plan period.
Policy STR8: Employment Land Provision	This policy confirms that economic development will be guided to the most appropriate locations by providing a range and choice of sites in terms of location, quality, type and size which will comprise: • land currently committed for employment uses; • Undeveloped land and existing premises within Principal Employment Areas; • employment land allocations including two key strategic sites of sub-regional significance, as specified in Policies STR3, and STR7; • the safeguarding of existing employment sites and premises, where they play an important role in meeting future economic needs; and • land and sites outside settlement boundaries, allocated sites, and Principal Employment Areas which can deliver sustainable employment development through the re-use of suitable buildings and land.
Policy STR13: Natural and Built Environment, Green Networks and Infrastructure	This policy recognises that environmental networks have a variety of roles in protecting and enhancing biodiversity, defining the landscape setting of places, defining the transition from urban to countryside, and facilitating well-being through amenity, recreation and active leisure. It states that development should identify, respect, protect, enhance and connect Flintshire's environmental assets, to create a multifunctional network of natural and historic resources. This policy asserts that to achieve this, developments should (inter alia): • protect open countryside and the undeveloped coastline; • protect the open character and appearance of green wedges; • conserve, protect and enhance the quality and diversity of Flintshire' natural environment including landscape, biodiversity, the Dee Estuary; • promote opportunities to enhance biodiversity and ensure resilience; • maintain, enhance and contribute to green infrastructure; • create and protect green spaces and open space / play environments that encourage and support good health, well-being and equality; • conserve, protect and enhance the local distinctiveness and quality of Flintshire's built and historic environment; • make financial contributions where appropriate, to facilitate and maintain the favourable conservation status of key environmental assets; and • support measures to minimise the consequences of climate change.
Policy STR14: Climate Change and Environmental Protection	This policy seeks to mitigate the effects of climate change and ensure appropriate environmental protection in the County through: • ensuring new development is sustainably located and designed so as to reduce the need for travel by private car; • encouraging the use and development of appropriate or suitable brownfield land; • adopting a sustainable approach to water resource management; • directing development away from flood risk areas, assessing the implications of development in areas at risk of flooding and ensuring that new development does not increase the risk of flooding elsewhere; • encouraging energy efficient development, environmentally acceptable renewable and zero / low carbon energy generation; • ensuring that new development has regard to the protection of the environment in terms of air, noise and light pollution, unstable and contaminated land and former landfill sites; and

Policy	Summary
	• designing development to be adaptable and resilient to future effects of climate change.
Policy STR15: Waste Management	The policy confirms that the Local Plan will facilitate the sustainable management of waste by (inter alia): securing opportunities to minimise the production of waste in all development and ensuring the sustainable management of waste; and protecting strategically important sites through the use of buffer zones where necessary.
Policy PC2: General Requirements for Development	This policy sets out the general requirements for new development and requires that proposals should: • harmonise with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/townscape; • not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution; • take account of personal and community safety and security in its design and layout; • maximise sustainable travel choice by having safe and convenient access by foot, cycle, public transport and vehicles; • not have an unacceptable effect on the highway network or highway safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and maneuvering; and • not result in or be susceptible to problems related to foul and surface water drainage, land stability, contamination, flooding, or pollution of light, air and water, either on or off site.
Policy PC3: Design	This policy asserts that all new development should: • be of a high quality, distinctive and inclusive design which respects and enhances the site and its surroundings in terms of its siting, layout, scale, height, design, density, use of materials and landscaping, and creates a sense of place; • retain existing landscape and nature conservation features and incorporate opportunities to enhance biodiversity and ecological connectivity; • ensure that new materials are appropriate, durable and sympathetic to the character and context of the site; • protect and enhance the townscape, architectural, historic and cultural built environment; • incorporate suitable provision of space about dwellings, amenity space, landscaping and planting; • create attractive, accessible and safe and healthy places with natural surveillance, visibility and sensitive lighting; • incorporate Sustainable Urban Drainage Schemes to bring about multiple benefits as an integral part of the development; and • protect the living conditions of nearby occupiers from any harmful effects of new development including overlooking, harm to outlook, increased activity/disturbance/noise.
Policy PC4: Sustainability and Resilience of New Development	This policy seeks to ensure the sustainability of new development and states that proposals should: • be sustainably located and accessible to non – private car means of travel, so as to reduce carbon emissions; • be designed so as to be resilient and adaptable to the effects of climate change;

Policy	Summary
	• incorporate planting, landscaping and design features within a Sustainable Management of Natural Resources (SMNR) approach which mitigate the effects of climate change such as increased rainfall events and high temperatures; • make efficient use of resources through sustainable construction techniques and materials, including layout, siting and orientation to maximise solar gain, water conservation and waste reduction; and • incorporate renewable energy technologies and carbon sinks where appropriate.
Policy PC5: Transport and Accessibility	This policy requires that new development proposals be supported by appropriate transport infrastructure, and depending on the nature, scale, location and siting of the proposal (inter alia) to: • incorporate good access to the more sustainable modes of travel; • 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; • where significant adverse effects upon the transport network arising from a proposed development are unavoidable, they must be mitigated by, for example, improvements to transport infrastructure and traffic management; • provide appropriate levels of parking, servicing and maneuvering space and in non-residential development, a minimum of 10% of parking spaces to have electric vehicle charging points; • 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; and • safeguard, enhance and expand the active travel network, particularly by means of improving connectivity to and from proposed developments.
Policy PC10: New Transport Schemes	This policy confirms that the following transport schemes are safeguarded: A494(T) / A55(T) / A548 Northop to Shotwick Interchange Improvement; and A548 Greenfield to Ffynnongroyw. Welsh Government announced in January 2024 that the proposed improvements to the A55/A494 A548 Flintshire corridor would no longer go ahead.
Policy EN2: Green Infrastructure	This policy states that development proposals will be required to protect, maintain and enhance the extent, quality and connectivity of the green infrastructure network, including designated and non-designated green spaces, and where appropriate: a. create new green infrastructure linkages from the proposed development to the existing local network; and b. fill in gaps in the existing network to improve connectivity. The policy clarifies that where the loss or damage of existing green infrastructure is unavoidable, appropriate mitigation and compensation will be required.
Policy EN4: Landscape Character	This policy requires that new development, either individually or cumulatively, must not have a significant adverse impact on the character and appearance of the landscape. It also clarifies that landscaping and other mitigation measures should seek to reduce landscape impact and where possible bring about enhancement.
Policy EN6: Sites of Biodiversity Importance	This policy asserts that development will not be permitted that would result in an adverse effect on the integrity of sites of international nature conservation importance.

Policy	Summary
	It clarifies that development likely to impact the special features of a Nationally Designated Site will only be granted in exceptional circumstances where appropriate compensation can be provided. This policy also states that development proposals that would have a significant adverse effect on locally designated sites or site with other biodiversity and / or geological interest, including priority species, will only be permitted in specific circumstances. The policy also confirms that development that results in the restoration, enhancement and creation of habitats will be supported especially where this promotes the resilience of ecosystems.
Policy EN7: Development Affecting Trees, Woodland and Hedgerows	This policy confirms that development proposals that will result in significant loss of, or harm to, trees, woodlands or hedgerows of biodiversity, historic, and amenity value will not be permitted. It clarifies that where the impact is considered acceptable, development will still only be permitted where: • the development maximises their retention through sensitive design measures; and • where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and • a development results in a net benefit in biodiversity.
Policy EN8: Built Historic Environment and Listed Buildings	This policy asserts that the County's buildings and features of special architectural and historic importance, and their settings, will be preserved. It clarifies that development proposals affecting listed buildings will be permitted only where (inter alia) the total or substantial demolition of a listed building, is accompanied by the strongest justification and convincing evidence that the proposal is necessary and unavoidable. The policy also states that development should preserve Scheduled Ancient Monuments and their settings and where appropriate the preservation of other archaeological remains, having regard to the intrinsic importance of the remains and the need for the proposed development. It also requires that developments protect and conserve historic landscapes, parks and gardens.
Policy EN11: Green Wedges	This policy states that within the designated green wedges, development will only be permitted for (inter alia) uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it. The policy explicitly refers to low carbon energy generation and engineering operations as examples of development which might be appropriate in the green wedges.
Policy EN12: New Development and Renewable and Low Carbon Energy Technology	This policy requires that new development maximize the potential for renewable or low carbon energy technology to meet the energy needs of the proposal.
Policy EN13: Renewable and Low Carbon Energy Development	This policy confirms that all renewable or low carbon energy proposals will be permitted provided that (inter alia): • the development does not prejudice the purpose of the Indicative Local Search Areas to maximise opportunities for large scale solar PV development;

Policy	Summary
	• 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; • there would not be unacceptable loss of public amenity or accessibility to the area; • the impact of the development upon agriculture, forestry, recreation and other land uses is minimised to permit existing uses to continue unhindered; • there would be no individual or cumulative significant adverse effect on the landscape; • any associated ancillary buildings or structures are sensitively sited and designed to minimize their impact on the character and quality of the locality; • in sensitive areas where above ground connections will have an unacceptable adverse effect on the landscape, connection lines and pipes should be located underground; and • adequate provision has been made in the scheme for the restoration and aftercare of the site on the cessation of use. The policy confirms that proposals on land not identified within the Indicative Local Search Areas may still be considered, dependent on the technology proposed, its scale, location, and degree of compliance with the above criteria, particularly where proposals would have a demonstrably positive community or economic benefit.
Policy EN14: Flood Risk	This policy asserts that in order to avoid the risk of flooding, development will not be permitted: • in areas at 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; • 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; • where it would have a detrimental effect on the integrity of existing flood risk management assets; or • where it would impede access to existing and proposed flood risk management assets for maintenance and emergency purposes.
Policy EN15: Water Resources	This policy clarifies that development affecting water resources will only be permitted if: • it would not have a significant adverse impact on the capacity and flow of groundwater, surface water, or coastal water systems; • it would not pose an unacceptable risk to the quality of groundwater, surface water, or coastal water; • 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 • there is no adverse effect on the integrity of the River Dee and Bala Lake Special Area of Conservation (SAC) in particular through the treatment of waste water. To ensure no adverse effect on the integrity of the River Dee and Bala Lake SAC, development creating waste water discharges will be required to demonstrate there is no increase in phosphorus levels in the SAC.

Policy	Summary
Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land	This policy states that development proposals on or adjacent to derelict and contaminated land will be permitted if (inter alia): • an appropriate investigation has been undertaken to determine the actual or potential presence of landfill gases, leachates and/or other pollutants on the land to be developed; • appropriate measures are taken to deal with any contamination which exists on the site prior to the development commencing; • the off-site disposal of contaminated waste material is minimised as far as possible; and • measures can be taken to identify and safeguard any significant nature conservation and historic interest which exist on the site.
Policy EN18: Pollution and Nuisance	The policy asserts that new development which would create an increased risk of noise, vibration, odour, dust, light or other pollution or hazard will only be permitted if: • it would not unacceptably harm general amenity or living conditions; and • it would not impose significant restrictions on the use or development of surrounding land. This policy also requires that where new external lighting is proposed, this should be considered as part of an overall landscaping scheme and kept to a minimum to avoid light pollution.
Policy EN19: Managing Waste Sustainably	This policy states that proposals for new development should: • demonstrate how the production of waste will be minimised during all stages of the development and how wastes which do arise would be managed in a sustainable way, in accordance with the waste hierarchy; and • demonstrate, where relevant, that adequate facilities and space for collection, composting and recycling of waste materials has been made.
Policy EN21: Locations for Waste Management Facilities	This policy confirms that the following sites have been identified suitable in principle for waste management uses: Old Power Station Site, South of Flintshire Bridge, Connah's Quay; and Dock Road, Connah's Quay.
Policy EN23: Minerals Safeguarding	This policy states that non-mineral development within Mineral Safeguarding Areas (MSA), as defined on the proposals map, will only be permitted where it can be demonstrated that (inter alia): • the mineral underlying the site does not merit extraction; • the need for the non-mineral development outweighs the need to protect the resource; • the mineral can be satisfactorily extracted prior to the non-mineral development; or • the development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed. This policy also required that all applications for development in these areas shall be supported by a Mineral Safeguarding Assessment. It also asserts that proposals for non-mineral development on sites of 4 hectares or more, which are underlain by Category 1 sand and gravel shall be supported by a Prior Extraction Assessment.

Conclusion

7.4.33 The above policies will be considered within the Planning Statement that will form part of the DCO Application for the Proposed Development.

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