

Connah's Quay Low Carbon Power

Environmental Statement Volume II Chapter 7: Planning Policy

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Table of Contents

7. Planning Policy	7-1
7.1 Introduction.....	7-1
7.2 Overview	7-1
7.3 National Planning Policy Statements and Marine Policy Documents	7-2
7.4 Other 'Important and Relevant' Matters.....	7-8
References	7-27

Tables

Table 7-1: Summary of relevant FLPD policies	7-13
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7. Planning Policy

7.1 Introduction

- 7.1.1 This chapter of the Environmental Statement (ES) provides an overview of the policy context that is relevant to the Connah's Quay Combined Cycle Gas Turbine (CCGT) fitted with Carbon Capture Plant (CCP) (hereafter referred to as the Proposed Development).
- 7.1.2 This chapter is accompanied by **Appendix 7-A: Legislative, Policy and Guidance Framework for Technical Topics (EN010166/APP/6.4)**.
- 7.1.3 How the Proposed Development complies with relevant policy is considered in detail within the **Planning Statement (EN010166/APP/7.6)**.

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 2008 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 an application for development consent in England and Wales 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 In accordance with Section 104 of the 2008 Act and where an NPS has effect, the SoS must determine an application having regard to the relevant NPSs and appropriate marine policy documents (if any); any local impact report from the local planning authority; any matters prescribed in relevant regulations, and any other matters the SoS believes to be both 'important and relevant'. The SoS must decide an application in accordance with the relevant NPS, except to the extent that deciding the application in accordance with the NPS would lead to one or more the following circumstances arising (as listed in subsections (4) to (8) of Section 104 of the 2008 Act):
 - the UK being in breach of its international obligations;
 - the decision being in breach of any statutory duty that applies to the SoS;
 - the decision being unlawful;
 - resulting in the adverse impacts of the development outweighing the benefits; or

- the decision being contrary to any condition prescribing how decisions regarding an NSIP applications are to be taken.

7.2.4 Matters which the SoS may consider to be important and relevant for determination could include UK energy and climate change policy, Welsh national policy, and the statutory development plan policy. Consequently, policies on the following topics are considered in this chapter:

- the NPSs for energy infrastructure;
- relevant marine policy documents;
- relevant UK energy and climate change policy;
- relevant Welsh national policy; and
- statutory national, regional and local development plan policy.

7.3 National Planning Policy Statements and Marine Policy Documents

National Policy Statements for energy infrastructure

Overview

7.3.1 New national planning policy statements for energy infrastructure were published by the former Sunak Conservative UK Government on 22 November 2023 and came into force in England and Wales on 17 January 2024. The following new energy NPSs are relevant to the Proposed Development and detailed below:

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

Overarching National Policy Statement for Energy (EN-1)

7.3.2 As part of a series of initiatives to meet net zero by 2050, the new Labour Government is committed to fully decarbonising the UK power system by 2030, subject to security of supply, whilst meeting a 40–60 per cent increase in electricity demand (Section 3.3.16). The Government's Clean Power 2030 Action Plan: A new era for clean electricity (December 2024) makes clear that clean power to meet 100% of electricity demand by 2030 will require at least 95% of electricity generation coming from low-carbon sources and no more than 5% from unabated gas (Ref 7-6).

7.3.3 Section 2.3 of EN-1 highlights how critical the provision of new low-carbon energy infrastructure will be to the UK achieving net zero. It emphasises that this will require a 'step change' approach in the provision of energy infrastructure to be able to meet the Government's objectives of a secure,

reliable and affordable energy supply that supports sustainable economic growth. Paragraph 2.3.4 of EN-1 states: '*Meeting these objectives necessitates a significant amount of energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level. This includes the infrastructure needed to convert primary sources of energy... into energy carriers (e.g. electricity or hydrogen), and to store and transport primary fuels and energy carriers 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 In reference to this need for transformative change to the energy system, paragraph 2.3.6 of EN-1 suggests: '*... 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... and, where we still emit carbon, developing the industry and infrastructure to capture, transport and store it.*'
- 7.3.5 EN-1 advocates the importance of technologies such as carbon capture and storage (CCS) in the decarbonisation of power generation and industrial processes necessary to achieve net zero. Section 2.4 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 CCS technologies (paragraph 2.4.5 of EN-1).
- 7.3.6 Section 2.5 of EN-1 confirms the vital role that energy has in relation to economic prosperity and social wellbeing. Paragraph 2.5.1 of EN-1 states: '*Given the vital role of energy to economic prosperity and social well-being, it is important that our supplies of energy remain secure, reliable and affordable.*'
- 7.3.7 Paragraph 2.5.2 of EN-1 highlights how the UK has a '*...highly diverse and flexible sources of gas supply and a diverse electricity mix...*' that integrates renewable and low carbon energy sources to meet supply and demand. The paragraph further underlines the role that gas-fired electricity generation with Carbon Capture, Utilisation and Storage (CCUS) will have as part of this flexible and diverse energy mix to complement the renewables and nuclear sectors.
- 7.3.8 Paragraph 2.6.1 of EN-1 states that the Government's wider objectives for energy infrastructure (secure, reliable and affordable) include contributing to sustainable development and ensuring that our energy infrastructure is safe. Paragraph 2.6.2 of EN-1 states: '*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... to ensure competitive prices for consumers. The regulatory*

framework also encourages the energy industry to protect the more vulnerable.'

7.3.9 Part 3 of EN-1 explains the urgent need for significant amounts of new large-scale energy infrastructure to meet its energy objectives (secure, reliable and affordable). Electricity meets a significant proportion of the UK's overall energy needs and reliance on it will increase as the country transitions towards net zero. The UK needs to ensure that there is sufficient electricity to always meet demand; with a margin to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events (paragraph 3.3.1 of EN-1). New electricity infrastructure, including storage, will also have to be built to replace output from power stations that have reached the end of operation (paragraph 3.3.3 of EN-1).

7.3.10 Section 3.2 of EN-1 provides guidance on SoS decision-making and is clear that the role of the planning system is not to deliver specific amounts or to limit any form of energy infrastructure covered by EN-1 (paragraph 3.2.3 of EN-1). It is not the role of the planning system either to compare the costs of individual developments or technology types (paragraph 3.2.4 of EN-1). This is because of the urgent need for secure, reliable and affordable energy to meet net zero targets. EN-1 recognises that a larger number of consented projects can help deliver an affordable electricity system by driving competition and reducing costs within and between different technology and infrastructure types.

7.3.11 Highlighted in bold in Section 3.2 of EN-1 is confirmation that in determining any application for nationally significant energy infrastructure, the SoS should assume that the need for the project, which is urgent, has been demonstrated (paragraph 3.2.6 of EN-1). The SoS is also required to then give substantial weight to that need (paragraph 3.2.7 of EN-1) and is not required to consider separately the specific contribution of any individual project in satisfying need (paragraph 3.2.8 of EN-1). The national need for new low-carbon energy infrastructure is so acute that the Government has concluded in EN-1 that it is a 'Critical National Priority' (CNP). This means that the Proposed Development has CNP status (Section 4.2, paragraph 4.2.5 – bullet point one of EN-1)

7.3.12 Sections 3.4 and 3.5 of EN-1 set out the urgent need for new gas infrastructure with CCS to support low-carbon energy generation and its role in delivering the Government's wider energy objectives (secure, reliable and affordable). Paragraph 3.4.10 -3.4.11 states: '*Where low carbon alternatives can replace unabated natural gas, we will still need new gas infrastructure. Given the changing nature of the energy landscape, we cannot be certain on the precise role of natural gas, or gas infrastructure, in the future. This means retaining the capability for using natural gas for low carbon dispatchable output in power stations equipped with CCS...*'

7.3.13 CCGT electricity generation using natural gas equipped with CCS is intended to reduce emissions by 90% or more than unabated gas-fired power stations. It can also provide the necessary flexible generation that is

able to ramp up or down to meet changes to electricity demand (paragraph 3.3.44 of EN-1).

7.3.14 Paragraph 3.1.2 of EN-1 makes clear that it will not be possible to develop the necessary amount of CNP energy infrastructure without some significant residual adverse impacts.

7.3.15 Paragraph 3.3.63 of EN-1 highlights the importance in progressing the delivery of CNP infrastructure as quickly as possible.

7.3.16 Part 4 of EN-1 sets out the general policies for the submission and assessment of energy infrastructure applications. Part 5 outlines generic impacts which arise from the development of all types of energy infrastructure covered by the energy NPSs. These includes social, economic and environmental considerations.

7.3.17 Subject to more specific and relevant policies set out in the relevant technology specific NPSs (paragraph 4.1.3 of EN-1) and/or the provisions of Section 104 of the 2008 Act indicating that development consent should be refused, the urgent need for CNP energy infrastructure in achieving the Government's energy objectives (secure, reliable and affordable), together with national security, economic, commercial, and net zero benefits, is likely to outweigh any residual adverse effects that cannot be mitigated '*...in all but the most exceptional cases.*' (paragraph 4.1.7 of EN-1).

7.3.18 Paragraph 4.1.7 states: '*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 Despite this presumption in favour of the SoS granting development consent in all but the most exceptional cases, paragraph 4.2.14 of EN-1 states that the SoS will continue to consider the impacts and benefits of all CNP energy infrastructure applications on a case-by-case basis.

7.3.20 EN-1 is underpinned by the expectation that the mitigation hierarchy, including compensation as well as other legal and regulatory requirements (Part 4 – Assessment Principles and Part 5 – Generic Impacts of EN-1 and Part 2 – Assessment and Technology Specific Information of each technology-specific NPS) will be rigorously applied to CNP energy infrastructure to minimise adverse impacts. This will be a fundamental consideration of the SoS when weighing the adverse impacts of the Proposed Development against its benefits.

7.3.21 Paragraphs 4.2.11 and 4.2.12 require demonstration that all residual impacts are those that cannot be avoided, reduced or mitigated. This includes setting out how residual impacts will be compensated for as far as possible.

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

7.3.22 EN-1 should be read alongside the technology-specific 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) which are relevant to the Proposed Development.

7.3.23 The relevant technology specific NPSs and how the Proposed Development complies with the policy set out in them, are considered in detail within the **Planning Statement (EN010166/APP/7.6)**.

Marine Policy Documents

7.3.24 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, and this is within the Welsh side of the River Dee Estuary.

7.3.25 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 extant marine policy statement and relevant marine plan area (Section 59(3) and 59(5)).

UK Marine Policy Statement

7.3.26 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.

7.3.27 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. These include 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.

7.3.28 Chapter 3 of the MPS sets out the policy objectives for key activities that take place in the marine environment. Section 3.3 of the MPS deals specifically with energy production and infrastructure development, with paragraph 3.3.1 noting: '*A secure, sustainable and affordable supply of energy is of central importance to the economic and social well-being of the UK...*'

7.3.29 Paragraph 3.3.4 of the MPS sets out issues that the decision maker should consider 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 as key technologies for reducing carbon dioxide emissions; and
- the UK's programme to support the development and deployment of CCS, including the need for suitable locations that provide for the permanent storage of carbon dioxide.

7.3.29 Paragraph 3.3.6 of the MPS recognises, 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, including the abstraction and discharge of cooling water during operation. Like the NPSs, the MPS is underpinned by the robust application of the mitigation hierarchy to avoid or minimise adverse impacts from energy infrastructure.

7.3.30 Paragraph 3.3.31 of the MPS recognises that fossil fuels will remain an important source of electricity generation for the foreseeable future and to comply with the UK's legally binding net zero 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 to be permanently stored, 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.

7.3.31 The MPS supports the climate change and economic benefits of CCS to the UK. Removing carbon dioxide emissions from electricity generation will considerably reduce the potential for further acidification of the marine environment, while CCS is estimated to be worth up to £3 billion a year to the UK economy by 2030, sustaining up to 100,000 jobs (paragraph 3.3.34 of the MPS).

Welsh National Marine Plan

7.3.32 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. Adopted on 12 November 2019, the WNMP notes that the Dee Estuary is a 'cross-border' estuary, adjacent to the north-west English marine planning regions. The WNMP covers the Welsh inshore waters of the River Dee Estuary, including land within and adjacent to the Order limits for the Proposed Development.

7.3.33 Paragraphs 15 and 16 of the WNMP refer to NSIPs in the UK, including in Wales and paragraph 16 states that such projects should seek to deliver legacy benefits for the local community, the economy and the environment 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.*'

7.3.34 The WNMP contains several 'General Cross-Cutting Policies'. These include 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_01, which supports sustainable economic growth that 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.

7.3.35 The WNMP also contains 'Sector Policies'. Sector Policy Energy – Low Carbon applies to both the inshore and offshore regions of the marine plan area but is not wholly applicable to the Proposed Development. This is because it promotes the increased development of marine renewable energy as the primary energy infrastructure to deliver the decarbonisation of the economy in the marine plan area. It makes no reference to gas-fired electricity generation with or without CCS. Nevertheless, paragraph 351 of the WNMP does state that any application for new nationally significant energy infrastructure (above the 350 MW threshold) should be examined using the criteria of national need, benefits and impacts as set out in the relevant NPSs.

7.3.36 Sector Policy 'Energy – Oil and Gas' of the WMNP is of relevance to the Proposed Development as it covers CCS. Paragraph 371 of the WMNP deals specifically with carbon capture-enabled gas-fired electricity generation. It states: '*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....*'

7.3.37 Policy O&G_02: Oil and Gas of the WMNP supports the long-term development of CCS technology where it contributes to the net zero and sustainable economic growth objectives of the WNMP.

7.4 Other 'Important and Relevant' Matters

7.4.1 In determining an application for the Proposed Development, the SoS may have regard to any other matters they consider to be '*important and relevant*'. Such matters could include the Government's energy and climate change policy, relevant Welsh government policy and local planning policy.

UK Government Energy and Climate Change Policy

7.4.2 The UK was the first major economy to create a legally binding target to bring greenhouse gas emissions to net zero through the Climate Change Act 2008 (2050 Target Amendment) Order 2019 (the Target Amendment Order) (Ref 7-10). This target was set considering the latest scientific evidence and

was recommended by the Climate Change Committee (CCC), the UK's independent climate advisory body.

7.4.3 Since the introduction of the net zero target the Government has introduced a range of policies aimed at reducing GHG emissions which cause human-induced climate change. A summary of the key energy and climate change policy documents of most relevance to the Proposed Development is provided below.

Clean Power 2030 Action Plan: A new era of clean electricity (December 2024)

7.4.4 In December 2024, the new Labour Government published its Clean Power 2030 Action Plan: A new era of clean electricity (Action Plan) (Ref 7-6). The summary to the Action Plan (page 10) states that it is aimed at delivering a new era of clean energy independence and tackling three major challenges: the need for a secure and affordable energy supply; the creation of essential new energy industries, supported by skilled workers in their thousands; and the need to reduce GHG emissions and limit the UK's contribution to the damaging effects of climate change. The Action Plan is clear that the successful delivery of a new era of clear energy independence will require rapid deployment of additional clean energy capacity across the whole of the UK, including significant amounts of wind and solar, complemented by flexible capacity, including gas-fired generation with CCUS (page 11).

7.4.5 A key theme of the Action Plan is ensuring energy security. This requires flexible capacity to ensure we can deliver clean power during extended periods of low renewables output (pages 23 and 24). The Action Plan sets out a pathway for the deployment of low-carbon, flexible capacity technologies with CCUS that working alongside renewable and nuclear technologies to provide 24/7 reliable power. The importance of gas capacity with CCUS for electricity generation, as alternative to unabated gas, is recognised as important in maintaining security of supply and in considering what a clean power system could look like by 2030 (page 29 and from page 108 onwards).

Relevant Welsh Government Policy

Planning Policy Wales – Edition Twelve (February 2024)

7.4.6 It is stated in EN-1 that the energy NPSs have taken account of the National Planning Policy Framework (NPPF), the Planning Practice Guidance for England, and Planning Policy Wales (PPW) and Technical Advice Notes (TANs) for Wales, where appropriate (paragraph 4.1.11) but the following paragraphs in PPW (Ref 7-11) are still considered relevant for the Proposed Development:

- Green Wedges (paragraphs 3.6.4, 3.6.8, 3.6.9 and 3.7.3);
- Good design and placemaking (referenced throughout the document); and
- Net Biodiversity Benefit (NBB) (paragraphs 6.4.11).

Statutory Development Plan Policy – Future Wales: The National Plan 2040 (February 2021)

7.4.7 Future Wales: The National Plan 2040 (the NP) (Ref 7-12) is the first national development framework produced for Wales, adopted in February 2021.

7.4.8 The NP is the highest tier of development plan and is prepared by the Welsh Government. The plan focuses on national solutions to issues and challenges at a national level. The NP was published in February 2021 and forms part of the development plan for the whole of Wales. The national issues and challenges included in the NP and relevant to the Proposed Development include sustaining and developing a vibrant economy; achieving decarbonisation and climate-resilience; developing strong ecosystems and improving the health and well-being of our communities. In accordance with Wellbeing of Future Generations (Wales) Act 2015 (Ref 7-13), the NP articulates seven wellbeing goals for Wales. These include:

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

7.4.9 The NP 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 of the NP sets out 11 Outcomes the Welsh Government through the NP want to achieve over the next 20 years. These include Outcome 11: '*A Wales where people live...in places which are decarbonised and climate-resilient.*'

7.4.9 Expanding on Outcome 11, the NP asserts: '*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...*'

7.4.10 Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure of the NP, 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.

Regional Policy and Strategy

North Wales Energy Strategy (November 2021)

7.4.11 The North Wales Energy Strategy (NWES) (Ref 7-14) was published in 2020 and updated in October 2021 by the North Wales Economic Ambition Board, with support from the Welsh Government. It is a regional energy strategy

which covers energy issues that cross local planning authority boundaries in the following local authorities: Isle of Anglesey; Gwynedd; Conwy; Denbighshire; Flintshire; and Wrexham.

7.4.12 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 by 2050. This NWES identifies a priority area to: '*...harness the abundance of local low carbon resources to become a green powerhouse and diversify the energy mix.*'

Statutory Development Plan Policy – Emerging North Wales Strategic Development Plan

7.4.13 As required by the NP, each region must have a Strategic Development Plan (SDP) that recognises the strengths and challenges in that region and 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.

7.4.14 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.

7.4.15 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 Proposed Development.

7.4.16 Currently there are no regional planning policies applicable to the Proposed Development.

Local Policy

Statutory Development Plan Policy – The Flintshire Local Development Plan (23 January 2023)

7.4.17 The Flintshire Local Development Plan (FLDP) (Ref 7-15) was adopted by Flintshire County Council (FCC) on 24 January 2023 and covers the plan period 2015 to 2030. It forms part of the statutory development plan alongside the NP. The emerging regional North Wales Strategic Development Plan does not currently form part of the statutory development plan and it is not at a sufficient stage in the plan process to be a relevant or important consideration in the determination of a development consent application for the Proposed Development.

7.4.18 The Order limits are wholly within the administrative area of FCC and covered by the FLDP. The relevant general policies of the FLDP are summarised in **Table 7-1** but those FLDP policies relevant to specific components of the Proposed Development are highlighted below:

- **Abnormal Indivisible Load (AIL) Route Accommodation Works;**
 - The Order limits are partly within the Port of Mostyn, which is a Principal Employment Area (Policy PE2.20 of the FLDP); Mineral Safeguarding Area (Policy EN23 of the FLDP); and Location for Waste Management Facilities (Policy EN21 of the FLDP). A Registered Park and Garden (EN8 of the FLDP) and Ancient Woodland (Policy EN7 of the FLDP) is situated to the south. Designated Heritage Assets (Policy EN8 of the FLDP) are also located around the A548;
 - The accommodation work area from the Port of Mostyn passes along the A548 east from Mostyn Port to Greenfield, where it is within Mineral Safeguarding Areas (Policy EN23 of the FLDP) and there is Ancient Woodland (Policy EN7) to the south of the road. A designated heritage asset is also located to the south of the road and a Scheduled Monument is located at the junction with Hafod-Y-Ddol Road (Policy EN8 of the FLDP). The location of this asset is shown on **Figure 3-7: Key Environmental Constraints (Centred on A458 from Port of Mostyn to Greenfield Accommodation Works) (EN010166/APP/6.3)**;
 - The Accommodation Works Areas also include a section of A548, which is covered by a Safeguarded Road Scheme (Policy PC10.3 of the FLDP: A548 Greenfield to Ffynnongroyw);
 - At Greenfield, the Accommodation Work Area is located within the settlement boundary (Policies PC1 and STR2 of the FLDP); adjacent to designated green space (Policy EN2 of the FLDP); and designated heritage assets (Policy EN8 of the FLDP) are situated to the north of the road;
 - The Accommodation Work Area also runs through Flint where it is located within Flint Settlement Boundary (Policies PC1 and STR2 of the FLDP); a Conservation Area (Policy EN9 of the FLDP) and; adjoins designated Green Space (Policy EN2 of the FLDP). There are also scheduled monuments to the south of the road and designated heritage assets surrounding the road (Policy EN8 of the FLDP); and
 - The Accommodation Work Area connecting the A548 to Connah's Quay North (North Road to A548 Accommodation Works) passes within a Principal Employment Area designation (Policy PE2.11: Deeside Industrial Park and DARA of the FLDP); and within an area identified as a location for waste management facilities (Policy EN21 of the FLDP). It also connects to part of the A548 designated as a Safeguarded Road Scheme (Policy PC10.1:A494(T) / A55(T) / A548 Northop to Shotwick Interchange Improvement of the FLDP). The road also crosses a Ramsar, Special Protection Area (SPA) and

Sites of Special Scientific Interest (SSSI) designation (Policies STR13; and EN6 of the FLDP). Land within the Order limits at Connah's Quay North is also covered by SSSI and Special Area of Conservation (SAC) designations (Policies STR13; EN3; and EN6 of the FLDP).

- **Repurposed CO₂ Connection Corridor** – part of the corridor to the east of Leadbrook Drive and west of the village of Oakenholt falls partially within a Green Wedge designation (Policy EN11.4: Flint, Connah's Quay of the FLDP);
- **Proposed CO₂ Connection Corridor** – the south-eastern area falls partially within a Mineral Safeguarding Area (Policy EN23 of the FLDP) and there is Ancient Woodland to the south-east (Policy EN7 of the FLDP);
- **Construction and Indicative Enhancement Area** – is located to the south-east of the Main Development Area. It is within the broad area identified as a location for Waste Management Facilities (Policy EN21 of the FLDP); and adjacent to designated green space to the south (Policy EN2 of the FLDP). Part of the Order limits is also adjacent to a Ramsar, SAC for land and marine components, SPA and SSSI designations (Policies STR13; EN3 and EN6 of the FLDP);
- **Access to the Construction and Indicative Enhancement Area** – crosses a Safeguarded Road Scheme (Policy PC10.1:A494(T) / A55(T) / A548 Northop to Shotwick Interchange Improvement of the FLDP). A designated heritage asset is located to the south-east (south of the Kelsterton Road) (Policy EN8 of the FLDP);
- **Alternative Access to the Main Development Area** – is partly within the Connah's Quay Settlement Boundary (Policies: PC1 and STR2 of the FLDP); and
- **Water Connection Corridor and Surface Water Outfall Area** – These areas of works are within the Dee Estuary, located immediately to the north of the Main Development Area. The Dee Estuary is covered by SAC, SPA, Ramsar and SSSI designations (Policies STR13; EN3 and EN6 of the FLDP).

7.4.19 Flood Risk policies are also relevant across the Order limits given there are areas at risk from flooding from fluvial (rivers) rivers and other sources of flooding (sea) (Policy EN14 of the FLDP).

7.4.20 A summary of relevant FLDP policies is provided below:

Table 7-1: Summary of relevant FLDP policies

Policy	Summary
Policy STR1: Strategic Growth	This policy asserts to meet Flintshire's economic ambition over the plan period, provision must be made for (inter alia) 8,000 to 10,000 new jobs and 124.97 hectares of employment land. It clarifies that the focus of this development will be

Policy	Summary
	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; Tier 4 Defined Villages; and Tier 5 Undefined Villages).
Policy STR5: Transport and Accessibility	<p>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 (<i>inter alia</i>) therefore:</p> <ul style="list-style-type: none"> • 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

Policy	Summary
	<p>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.</p>
<p>Policy STR7: Economic Development, Enterprise and Employment</p>	<p>This policy asserts that the FLDP will seek to sustain Flintshire's role as a sub-regional economic hub (inter alia) by:</p> <ul style="list-style-type: none"> • 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 • providing the opportunity to realise the creation of 8,000–10,000 jobs in key sectors, over the plan period.
<p>Policy STR8: Employment Land Provision</p>	<p>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:</p> <ul style="list-style-type: none"> • 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.
<p>Policy STR13: Natural and Built Environment, Green Networks and Infrastructure</p>	<p>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.</p> <p>It states that development should identify, respect, protect, enhance and connect</p>

Policy	Summary
	<p>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):</p> <ul style="list-style-type: none">• 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's 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	<p>This policy seeks to mitigate the effects of climate change and ensure appropriate environmental protection in the County through:</p> <ul style="list-style-type: none">• 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;

Policy	Summary
	<ul style="list-style-type: none"> 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 designing development to be adaptable and resilient to future effects of climate change.
Policy STR15: Waste Management	<p>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.</p>
Policy PC1: The Relationship of Development to Settlement Boundaries	<p>The policy outlines that new development will be permitted within settlement boundaries as defined on the Proposals Maps, on allocations and within Principal Employment Areas subject to complying within other Plan policies. It also outlines where development will be permitted outside of settlement boundaries.</p>
Policy PC2: General Requirements for Development	<p>This policy sets out the general requirements for new development and requires that proposals should:</p> <ul style="list-style-type: none"> 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

Policy	Summary
	<p>of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and manoeuvring; and</p> <ul style="list-style-type: none"> 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	<p>This policy asserts that all new development should:</p> <ul style="list-style-type: none"> 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	<p>This policy seeks to ensure the sustainability of new development and states that proposals should:</p> <ul style="list-style-type: none"> be sustainably located and accessible to non – private car means of travel, so as to reduce carbon emissions;

Policy	Summary
	<ul style="list-style-type: none">• be designed so as to be resilient and adaptable to the effects of climate change;• 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	<p>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:</p> <ul style="list-style-type: none">• 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 manoeuvring 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

Policy	Summary
	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.
PE2 Principal Employment Areas	<p>This policy supports the following development in these designated areas provided it is of appropriate design and aligns with other plan policies:</p> <ul style="list-style-type: none"> a. B1 business use; b. B2 general industry; and c. B8 storage and distribution. <p>Development must also avoid adverse effects on European Sites and consider flood risk matters.</p>
Policy EN2: Green Infrastructure	<p>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:</p> <ul style="list-style-type: none"> 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. <p>The policy clarifies that where the loss or damage of existing green infrastructure is unavoidable, appropriate mitigation and compensation will be required.</p>
Policy EN3 Undeveloped Coast and Dee Estuary Corridor	<p>The policy confirms that within the undeveloped coast development will only be permitted where:</p> <ul style="list-style-type: none"> a. it can be demonstrated a coastal location is essential; b. it conserves and enhances the open character of the coast; c. it would not unacceptably harm areas of nature conservation, landscape or biodiversity; d. it would not harm existing or proposed recreational or active travel routes; e. extensive coastal protection measures are not required; and

Policy	Summary
	f. it would not be potentially at risk of flooding nor unacceptably increase erosion or flooding or interfere with natural coastal processes.
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	<p>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.</p> <p>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.</p>
	<p>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.</p> <p>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.</p>
Policy EN7: Development Affecting Trees, Woodland and Hedgerows	<p>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:</p> <ul style="list-style-type: none"> • 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

Policy	Summary
	<ul style="list-style-type: none"> • a development results in a net benefit in biodiversity.
Policy EN8: Built Historic Environment and Listed Buildings	<p>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.</p> <p>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.</p>
EN9: Development In or Adjacent to Conservation Areas	<p>This policy details that development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character and appearance of the conservation area or its setting. New development in such locations must also be of a high standard of design and respond to the area's special characteristics.</p>
Policy EN11: Green Wedges	<p>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, local transport infrastructure and engineering operations as examples of development which might be appropriate in the green wedges.</p>
Policy EN12: New Development and Renewable and Low Carbon Energy Technology	<p>This policy requires that new development maximise the potential for renewable or low carbon energy technology to meet the energy needs of the proposal.</p>

Policy	Summary
Policy EN13: Renewable and Low Carbon Energy Development	<p>This policy confirms that all renewable or low carbon energy proposals will be permitted provided that (inter alia):</p> <ul style="list-style-type: none"> the development does not prejudice the purpose of the Indicative Local Search Areas to maximise opportunities for large scale solar PV development; 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 minimise 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. <p>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.</p>
Policy EN14: Flood Risk	<p>This policy asserts to avoid the risk of flooding, development will not be permitted:</p> <ul style="list-style-type: none"> 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

Policy	Summary
	<p>supported by a technical assessment that verifies that the new development is designed to alleviate the threat and consequences of flooding;</p> <ul style="list-style-type: none"> • 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	<p>This policy clarifies that development affecting water resources will only be permitted if:</p> <ul style="list-style-type: none"> • 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 SAC in particular through the treatment of waste water. <p>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.</p>
Policy EN16: Development on or near Landfill Sites or Derelict and Contaminated Land	<p>This policy states that development proposals on or adjacent to derelict and contaminated land will be permitted if (inter alia):</p> <ul style="list-style-type: none"> • 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;

Policy	Summary
	<ul style="list-style-type: none"> 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	<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p>
Policy EN19: Managing Waste Sustainably	<p>This policy states that proposals for new development should:</p> <ul style="list-style-type: none"> 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	<p>This policy confirms that the following sites have been identified suitable in principle for waste management uses. These include: Mostyn Docks; Deeside Industrial Park; and Old Power Station Site.</p>
Policy EN23: Minerals Safeguarding	<p>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):</p> <ul style="list-style-type: none"> the mineral underlying the site does not merit extraction;

Policy	Summary
	<ul style="list-style-type: none">• 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. <p>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.</p>

Conclusion

7.4.21 EN-1 determines that the Proposed Development is CNP energy infrastructure and there is a presumption in favour of the SoS granting development consent in all but the most exceptional cases, and as quickly as possible. This presumption in favour is potentially subject to more specific and relevant policies set out in the technology specific NPSs and/or the provisions of Section 104 of the 2008 Act. How the Proposed Development accords with national and local planning policy is considered in more detail in **Planning Statement (EN010166/APP/7.6)**.

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