

## **Bridgend Local Development Plan**

### **Examination**

<http://www.bridgend.gov.uk/ldpexamination>

**Thursday 17 January 2013 10.00am**

### **Session 12 – Energy**

#### **Inspector's Agenda with Matters and Issues**

*[Figures in brackets () identify a Representor and their representation number eg 54.23 refers to Representor 54 and their Representation 23].*

#### **1. PLA4 CLIMATE CHANGE AND PEAK OIL**

- 1.1 Policy PLA4 states that it is applicable to all development proposals and that these are to be required to make a positive contribution towards tackling the causes of, and adapting to, the impacts of Climate Change and Peak Oil issues. Peak Oil is defined at paragraph 3.2.13 as the point in time when the maximum rate of global petroleum extraction is reached which the Council suggests may occur during the lifetime of the LDP and after which a direct impact on travel and on the costs of goods and service may be expected.
- 1.2 Whilst the Countryside Council for Wales (CCW) welcomes the inclusion of a policy which makes provision for development to address climate change mitigation and adaptation, it will not be appropriate for all development proposals to encourage the development of renewable energy. Additionally, it is unclear how the requirement to 'encourage' renewable energy generation as part of development schemes will be assessed when determining applications for planning permission. CCW therefore suggests that:
  - (1) the introductory paragraph of the policy is amended by inserting at the start of it, '*Where appropriate....*', and
  - (2) Criterion 3 of the policy is amended by requiring development to demonstrate how the provision of renewable energy (RE) technologies has been considered, with a requirement that schemes above a certain scale and type provide renewable energy proposals as part of their scheme. Proposals should ensure that the type, scale, layout, and design of any proposed RE technology is sympathetic to its location. (To meet Test of Soundness CE1) (54.23).
- 1.3 The Council responds that the policy is positively worded to express the Council's desire for all development within the County Borough to make a positive contribution towards tackling climate change. All developments could contribute in some way. Policy ENV17 of the plan provides information on the Council's expectations regarding renewable energy delivery on individual development sites.

**Qn1a. Is it implicit that not every objective of the policy could be applied to every development?**

- 1.4 PLA4(2) amongst other things requires all development proposals to utilise local food supplies wherever feasible.

**Qn1b. Is that a realistic and deliverable objective of planning policy?**

**2. RENEWABLE ENERGY**

Policy ENV17 Renewable Energy and Low Carbon Technology

- 2.1 Policy ENV17 provides, amongst other things, that for all developments above stated threshold sizes, 'energy assessments' 'should' be submitted. Paragraph 4.6.5 provides that 'energy statements' 'will be required' for all major developments.

**Qn2a. Is the wording of the Policy and its supporting text in accord or are they open to conflicting interpretations?**

- 2.2 CCW recommends that the second paragraph of Policy ENV17 is amended by inserting "appropriate" after "incorporating" to ensure that the type, scale, and design of renewable energy technology proposed does not have an unacceptable adverse impact on the natural environment or other relevant material considerations (To meet Test of Soundness CE1) (54.63).
- 2.3 Notwithstanding the appropriateness or otherwise of this suggested change, the Council consider that this does not go to the soundness of the Plan. However, the Council offers no evidence to counter this representation given the limited impact such a change will have on the application of the Plan and any subsequent outcome as a result of implementation.
- 2.4 CCW considers that to provide clarity to plan users/prospective developers the allocation ENV17(3), Penybont treatment works should specify that a project level HRA will be required in relation to Kenfig/ Cynffig SAC. (To meet tests of soundness CE1 and CE2) (54.67).
- 2.5 The Council responds that a Sewage Gas renewable energy scheme is already operational at Penybont Waste Treatment Works and therefore no changes to the plan are required.
- 2.6 Policy ENV17 'safeguards' 3 sites for renewable energy generation and each is identified on the Proposals Map by a green symbol.

**Qn2b. Are these development allocations, in which case are they realistic and deliverable?**

**Qn2c. If the Policy is seeking to prevent other development on these sites, does the Proposals Map adequately define the extent of the sites?**

**Qn2d. Have the CCW concerns in relation to the Penybont site been superseded by events and is it necessary to retain the safeguarding (or allocation) of this site?**

Policy ENV18 Renewable Energy Developments

- 2.7 Policy ENV18 sets criteria for permitting wind farm developments including that those of 25MW or more are within the boundary of the refined Strategic Search Area (SSA) on the Proposals Map. However Paragraph 4.6.9 then refers to a requirement for a sequential assessment for large scale developments that prefers locations in the refined SSA to those in the original TAN8 (unrefined) SSA (which includes the refined SSA as well as other land); and which then prefers those locations to other areas outside the [unrefined?] SSA 'which are in accordance with Policy ENV18'.
- 2.8 CCW considers that there are contradictions between Policy ENV18 and the last sentence of paragraph 4.6.9. The last sentence of 4.6.9 states that developments for large scale wind energy projects will be expected to be accompanied by assessments which examine locations in a sequential order, the last of which are areas outside of the strategic search area (SSA) which are in accordance with Policy ENV18. However, criterion 1 of the policy requires large scale wind farm developments to be located within the boundary of the refined SSA. To meet Tests of soundness C2 and CE1, the policy and supporting text should therefore be amended to provide consistency between the two (54.65).
- 2.9 The Council responds that it is required to set out its policy position with regard to renewable energy generation developments in its LDP. Policy ENV18 clearly states that, large scale wind farm developments should be located within the refined Strategic Search Areas (SSAs). However, this needs to be examined in the context of national planning policy which indicates that large scale wind farm developments are acceptable in principle in the wider, original SSAs outlined in TAN8. To this end, paragraph 4.6.9 explains how the Council will implement both these facets of national and local policy; by requesting a sequential assessment of sites. It is acknowledged that some development proposals may not accord with criterion 1 of Policy ENV18, therefore the introduction of a third stage; i.e. areas outside the refined SSAs are also included for completeness. The Council considers therefore that there is no need to alter the plan in response to this representation.

**Qn2e. Has the Council correctly identified the status of the original TAN8 SSA following its refinement?**

**Qn2f. Is a sequential approach appropriate and should that be part of the policy?**

**Qn2g. How would a prospective wind farm developer be expected to apply the sequential approach in practice?**

**Qn2h. Are amendments needed to clarify the apparent conflict between the policy and its supporting text?**

- 2.10 CCW accepts that within SSAs there will be landscape change, but outside of SSAs there is an implicit objective to maintain landscape character. The policy should therefore be amended to include an additional criterion which requires appropriate consideration to be given to the sensitivity of the landscape of the area accommodating development. (To meet Tests of Soundness C2 and CE1) (54.66).
- 2.11 The Council responds that landscape protection is addressed by Policy SP4. Areas of particular importance for landscape protection are identified by Policy ENV3. It is therefore considered unnecessary to include additional references to landscape protection within Policy ENV18.

**Qn2i. Does CCW dispute the Council's response?**

**3. COAL BED METHANE EXTRACTION (CBM)**

- 3.1 Coal Bed Methane is included in development covered by Policy ENV11 Mineral Development and its supporting text at paragraphs 4.3.9 and 4.3.10. However there is other text at paragraphs 4.6.13-4.6.18 under the above sub-heading and within the overall heading of '4.6 Energy Generation, Efficiency and Conservation'.
- 3.2 Ogmore Valley Community Regeneration (OVCR) suggests that the LDP is not accurate and contrary to soundness test C2 in that it is WG's strategy to encourage renewable energy. Coal bed methane is not a renewable energy source and it does not contribute to the reduction of CO2. They additionally note that the LDP does not mention the significant carbon footprint resulting from CBM extraction (1247.1).
- 3.3 OVCR also objects with regards to Soundness Test: CE1 stating that the LDP implies that the Council considers CBM extraction to be wholly safe with much smaller impact on the environment than previous mineral extraction operations. They suggest that this is not an accurate statement and it poses high impact on human health and the environment (1247.2).
- 3.4 In relation to Soundness Test CE3, OVCR advises caution in supporting a process which could have serious impacts on the environment and health (1247.2).
- 3.5 The Countryside Council for Wales considers that it is not correct to state that the extraction of coal bed methane (CBM) can take place without adverse environmental impacts. CBM has a number of impacts including,
- changes to ground water levels;
  - how pumped water is disposed of;
  - the surface footprint of plant;
  - it often involves 24 hour drilling so may have impacts on any nocturnal wildlife.

- 3.6 The significance of impact will normally depend on the location of the proposed extraction. To meet test of soundness CE2, CCW recommends that the text is amended accordingly (54.68).
- 3.7 The Council responds that the Plan is positively worded to support Coal Bed Methane extraction where it is demonstrated that the environmental (and other) impacts arising from the proposal can be avoided or minimised. This would primarily be undertaken on a case-by-case basis. This is considered by Policy ENV11 of the LDP which includes Coal Bed Methane development proposals. Whilst Welsh Government priority is to encourage developments which produce renewable energy, it is acknowledged that there must be a positive policy framework in place to assess non-renewable energy proposals. In the absence of any further advice or guidance from the Welsh Government on this issue, the Council considers that the deposit LDP is appropriately worded.

**Qn3a. Having regard to the Council's response, what specific wording changes do OVCR and CCW seek?**

**Qn3b. As Coal Bed Methane extraction is a form of mineral development and not an issue of energy generation, efficiency or conservation, should the related text at paragraphs 4.6.13-4.6.18 be moved to follow Policy ENV11?**

#### **4. SHALE GAS**

- 4.1 In written representations the Environment Agency Wales supports Policy ENV11 Mineral Development but suggests amending the text to:

*"All mineral related developments, including coal bed methane **and shale gas extraction**, will be permitted only where all of the following criteria are satisfied:*

*1) Measures... reference to:*

*a) Pollution or disturbance to **the quality of all surface water bodies; groundwater** or surface water supply or drainage. (61.30)*

- 4.2 The Council responds that shale gas extraction is a mineral related development and would therefore be considered in the context of Policy ENV11. This issue does not impact on the soundness of the LDP. The change in wording to criteria 1(a) does not significantly add to its meaning and the Council feels EV11 covers this issue adequately.

**Qn3c. Should shale gas extraction be distinguished from coal bed methane and should it be referred to in the policies or text?**

1 November 2012