Contents

5. Legislative and policy overview

5.1 Introduction

5.1.1 This section of the Draft ES outlines the relevant UK wide and Welsh legislative and policy framework for the development of renewable energy schemes. Current legislation, national policies, and local policy and guidance recognise climate change as a pressing concern. The approach taken by the UK and Wales to addressing climate change has been shaped and informed by a range of international agreements and climate change obligations including the Kyoto Protocol, the Paris Agreement and the 2021 Glasgow Climate Compact reflecting the UK's role as a signatory to the United Nations Framework Convention on Climate Change (UNFCCC). This section sets out the climate and energy considerations that proposals should have regard to.

5.2 Legislative context

5.2.1 This section firstly sets out the international agreements that the UK government is a signatory to. It then outlines the key Acts of Parliament and regulations that set out the legislative framework for consideration of renewable energy schemes. It then sets out the national strategies and policies for renewable energy that set the UK wide and Welsh national agenda for renewable energy generation.

International Agreements

The Kyoto Protocol 1997[1]

5.2.2 The Kyoto Protocol sought to bind countries to limiting and then reducing the quantity of their greenhouse gases produced. The United Kingdom (UK) signed up to the Kyoto Protocol binding itself to ensuring it reduces its greenhouse gases produced to being 12.5 percent below base-year levels (1990 levels) at the end of the first commitment period (2008-2012)[2]. Whilst the Kyoto Protocol and its commitments are old, it demonstrates the UK's commitment to meeting and exceeding international greenhouse gas reduction targets and renewable energy is key to achieving such targets.

Paris Agreement 2015[3]

5.2.3 The UNFCCC is the major international body responsible for managing climate change and carbon emissions. In 2015, parties to the UNFCCC adopted the Paris Agreement, the aims of which are stated as: "*This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: a) Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature*

[1] United Nations (1997). The Kyoto Protocol. (Online) Available at: https://unfccc.int/kyoto_protocol#:~:text=In%20short%2C%20the%20Kyoto%20Protocol,accordance%20with%20agreed%20individual%20targets. (Accessed October 2023).
[2] DEFRA (no date). The United Kingdom's Report on Demonstrable Progress under the Kyoto Protocol. (Online) Available at: https://unfccc.int/resource/docs/dpr/uk1.pdf (Accessed June 2023). Page 6.
[3] United Nations Framework Convention on Climate Change (2015). Paris Agreement. (Online) Available at: https://unfccc.int/sites/default/files/english_paris_agreement.pdf (Accessed October 2023).

increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change; and (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production." The agreement sets targets for countries' greenhouse gas (GHG) emissions, but these are not legally binding or enforceable.

Glasgow Climate Pact 2021[4]

5.2.4 The recent Conference of the Parties (COP 26) under the UNFCCC held in Glasgow in November 2021, resulted in almost 200 countries agreeing on: the acceleration of action on climate change this decade to reduce emissions (mitigation); helping those already impacted by climate change (adaption); enabling countries to deliver on their climate goals (finance); and working together to deliver even greater action (collaboration). This agreement is in the form of the Glasgow Climate Pact which reaffirms the long-term goal to limit global warming to 1.5°C above pre-industrial levels and resolves to pursue efforts to achieve this, recognising that limiting global warming to 1.5°C "*requires rapid, deep and sustained reductions in global greenhouse gas emissions, including reducing global CO_2 emissions by 45% by 2030 relative to the 2010 level and to net zero around mid-century, as well as deep reductions in other greenhouse gases*".

Acts of Parliament and Regulations

Climate Change Act 2008 (as amended)[5]

5.2.5 One of the key provisions of the original 2008 Act was the introduction of legally binding targets on GHG emissions comprising reductions of at least 80% GHG emissions by 2050, and reductions in emissions of at least 26% by 2020, against a 1990 baseline. The Climate Change Act 2008 (2050 Target Amendment) Order 2019[6] came into force on 27 June 2019. This amended the legally binding target to reduce GHG emissions set in section 1 of the Climate Change Act 2008 from 80% to 100% against a 1990 baseline, achieving 'net zero' emissions. The Act also requires the Government to establish 5-year carbon budgets. The generation of electricity by renewable means such as wind energy is considered to be a key contributor towards meeting these targets.

The Carbon Budgets Order 2009[7]

5.2.6 This legislation implements the carbon budgets set out in the Climate Change Act 2008. The budgets require the UK to continually reduce emissions in line with the carbon reduction commitments established under the Climate Change Act. The carbon budgets are:

- First carbon budget, 2009 to 2012, 3,018 mega tonnes carbon dioxide equivalent ($MtCO_2e$) representing 25% reduction below 1990 levels;

[4] United Nations Framework Convention on Climate Change (2021). COP26 The Glasgow Climate Pact. (Online) available at: https://ukcop26.org/wp-content/uploads/2021/11/COP26-Presidency-Outcomes-The-Climate-Pact.pdf (Accessed October 2023).
[5] UK Government (2008). Climate Change Act 2008. (Online) Available at: https://www.legislation.gov.uk/ukpga/2008/27/contents (Accessed October 2023).
[6] UK Government (2019). The Climate Change Act 2008 (2050 Target Amendment) Order 2019. (Online) Available at: https://www.legislation.gov.uk/ukdsi/2019/9780111187654 (Accessed October 2023).
[7] UK Government (2009). The Carbon Budgets Order 2009 (Online) Available at: https://www.legislation.gov.uk/uksi/2009/1259/contents/made (Accessed October 2023).

- Second carbon budget, 2013 to 2017, 2,782 $MtCO_2e$ representing 31% reduction below 1990 levels;
- Third carbon budget, 2018 to 2022, 2,544 $MtCO_2e$ representing 37% reduction below 1990 levels by 2020;
- Fourth carbon budget, 2023 to 2027, 1,950 $MtCO_2e$ representing 51% reduction below 1990 levels by 2025;
- Fifth carbon budget, 2028 to 2032, 1,725 $MtCO_2e$ representing 57% reduction below 1990 levels by 2030; and
- Sixth carbon budget, 2033 to 2037, 965 MtCO2e representing a 78% reduction below 1990 levels by 2035.

The Energy Act 2008[8], 2011[9], 2013[10], 2016[11]

5.2.7 The Energy Act (2008) implemented the legislative aspects of the 2007 Energy White Paper. The content of the Bill included strengthening the Renewables Obligation to drive greater and more rapid deployment of renewables in the UK. The Energy Act (2011) sought to increase investment in energy efficiency whilst the Energy Act (2013) put in place measures to reform the UK energy market to attract investment. The Energy Act (2016) formally established the Oil and Gas Authority as a regulator for that sector whilst it signalled the closure of the Renewables Obligation for onshore wind.

Well-Being of Future Generations (Wales) Act 2015[12]

5.2.8 This Act places a duty on public bodies (including Local Authorities) to carry out sustainable development. The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. The wellbeing goals are:

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

5.2.9 The wellbeing goals act together to ensure outcomes across economic, environmental, social and cultural sustainability strands. The Act defines sustainable development in

[8] UK Government (2008). Energy Act 2008. (Online) Available at: https://www.legislation.gov.uk/ukpga/2008/32/contents (Accessed October 2023).
[9] UK Government (2011). Energy Act 2011. (Online) Available at: https://www.legislation.gov.uk/ukpga/2011/16/contents (Accessed October 2023).
[10] UK Government (2013). Energy Act 2013. (Online) Available at: https://www.legislation.gov.uk/ukpga/2013/32/contents (Accessed October 2023).
[11] UK Government (2016). Energy Act 2016. (Online) Available at: https://www.legislation.gov.uk/ukpga/2016/20/contents (Accessed October 2023).
[12] UK Government (2015). Well-being of Future Generations (Wales) Act 2015. (Online) Available at: https://www.futuregenerations.wales/wp-content/uploads/2017/02/150623-guide-to-the-fg-act-en.pdf (Accessed October 2023).

Wales as "*The process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals*."

5.2.10 One of the wellbeing goals – achieving a prosperous Wales – specifically recognises the benefits of developing a low carbon society that recognises the limits of the environment and uses resources efficiently.

Planning (Wales) Act 2015[13] and the Developments of National Significance (Wales) Regulations 2016 (as amended)[14]

5.2.11 The Planning (Wales) Act 2015 and the Developments of National Significance (Wales) Regulations 2016 (as amended) alongside subsequent regulations, provides the statutory basis for DNS. Any proposal to construct or operate a power generation scheme with a capacity greater than 10MW and under 350MW falls within the DNS system and requires the consent of Welsh Ministers.

Environment (Wales) Act 2016 (as amended)[15]

5.2.12 The Environment (Wales) Act 2016 (as amended) places a duty on the Welsh Ministers to reduce GHG emissions in Wales by at least 100% in 2050[16]. The target of net zero emissions (rather than 80% as originally stated in the Act) reflects the Welsh Government's acceptance of the independent CCC recommendation[17] that Wales could achieve a net zero reduction in emissions, which had previously been considered unfeasible. The Environment (Wales) Act 2016 (as amended) requires Ministers to set a series of interim targets and five-year carbon budgets to achieve the 2050 target. For 2021-26 this stands at 37% reduction compared to the baseline and for 2026-30 this is set at an average of a 58% reduction[18].

Wales Act 2017[19]

5.2.13 The Wales Act 2017 sets out a number of changes to the model of devolution and provides further powers for the Welsh Government. Amongst its provisions, decisions are devolved for energy planning development consent for projects up to 350MW onshore and offshore in Welsh waters. The Act effectively removes the Secretary of State's power under the Planning Act 2008 to grant development consent in relation to electricity generating stations, up to those of 350MW (with no limit for onshore wind). Such projects are effectively transferred into the Town and Country Planning Act (TCPA) regime in Wales, if they are onshore.

---

[13] UK Government (2015). Planning (Wales) Act 2015. (Online) Available at: https://www.legislation.gov.uk/anaw/2015/4/contents (Accessed October 2023).
[14] UK Government (2016). The Developments of National Significance (Wales) Regulations 2016. (Online) Available at: https://www.legislation.gov.uk/wsi/2016/56/contents (Accessed October 2023).
[15] UK Government (2016). Environment (Wales) Act 2016. (Online) Available at: https://www.legislation.gov.uk/anaw/2016/3/contents (Accessed October 2023).
[16] The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 changed the statutory target within the Environment Act from 80% to 100% and came into force on 12 March 2021.
[17] Climate Change Committee's (2020) The path to Net Zero and progress on reducing emissions in Wales.
[18] The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021 amended the 2021-2025 carbon budget from an average reduction of 33% to 37% lower than the baseline and came into force on 19 March 2021. The regulations set the carbon budget for the 2026-2030 period and limit to an average of 58% lower than the baseline.
[19] UK Government (2017). Wales Act 2017. (Online) Available at: https://www.legislation.gov.uk/ukpga/2017/4/contents (Accessed October 2023).

Draft Infrastructure (Wales) Bill 2023[20]

5.2.14 The Draft Infrastructure (Wales) Bill 2023 was laid before the Senedd Cymru (Welsh Parliament) on the 12th June 2023 for consideration. It is currently predicted that the final version of the bill would come into force during the summer of 2025. The purpose of the bill is to help simplify the consenting process for significant infrastructure projects and would replace the Developments of National Significance process. This would include new electricity infrastructure projects, which wind generating stations (wind farms) would sit under and be considered.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017[21]

5.2.15 The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (EIA Regulations) apply to applications falling under the DNS regime. The EIA Regulation Schedules define the applicability of the regulations. EIA development is defined as either:

- Schedule 1 development; or
- Schedule 2 development, which is considered to be "*development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.*"

5.2.16 In the context of the Proposed Development, Schedule 2 is the relevant schedule. In particular, paragraph 3(i) *("Installations for the harnessing of wind power for energy production (wind farms)")* provides the relevant thresholds against which the applicability of EIA regulations are assessed. The Proposed Development subject to this Draft ES qualifies as EIA development due to it being above the threshold for quantum (set at more than 2 turbines) and hub height (being more than 15 metres).

5.2.17 Schedule 4(3) sets out the requirements for the assessment to be included in the ES: "*A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors*."

UK Wide Strategies and Plans

UK Renewable Energy Strategy (2009)[22]

5.2.18 The UK Renewable Energy Strategy (HM Government, 2009) outlined the UK's commitment to source 15% of energy from renewable sources by 2020, whilst reducing its fossil fuel consumption by 10% and gas imports by 20-30%. The aim was to generate more than 30% of the UK's electricity needs, 12% of its heating needs and 10% of its transport energy with renewables. The strategy put in place the financial mechanisms necessary for the advancement of these goals with around £30 billion to be invested

[20]

[21] UK Government (2017). The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. (Online) Available at: https://www.legislation.gov.uk/wsi/2017/567/contents (Accessed October 2023).

[22] HM Government (2009). The UK Renewable Energy Strategy. (Online). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228866/7686.pdf (Accessed October 2023).

between 2009 and 2020. The Strategy was supported by the Renewable Energy Action Plan and Road Map which sought to increase onshore wind capacity.

5.2.19 In 2020, 13.6% of final energy consumption in the UK was generated by renewables, below the 15% target. Of the total electricity generated, renewable electricity amounted to 43.1% (BEIS, 2021)[23] Digest of UK Energy Statistics (DUKES): renewable sources of energy). In 2022 all renewables accounted for 41.5% of total electricity generation (BEIS, 2023).[24]

Clean Growth Strategy (2017)[25]

5.2.20 The key message of the Clean Growth Strategy (CGS): Leading the Way to a Low Carbon Future (BEIS, 2017) is that clean growth means growing our national income while cutting GHG emissions. The CGS sets out a comprehensive set of policies and proposals that aim to accelerate the pace of 'clean growth' i.e., deliver increased economic growth and decreased emissions. The Strategy draws on the UK's commitments under the Climate Change Act 2008 and the associated 'Carbon Budgets'.

Industrial Strategy (2017)[26]

5.2.21 The Industrial Strategy entitled Building a Britain fit for the future (HM Government, 2017) aims to create an economy that boosts productivity and earning power throughout the UK. The Strategy identifies four 'Grand Challenges' that are set to put the UK at the forefront of the industries of the future and one of these is 'Clean Growth', including "*use of low carbon technologies, systems and services that cost less than high carbon alternatives*".

Net Zero – The UK's Contribution to Stopping Global Warming 2019[27]

5.2.22 This report sets out a number of key findings including: the Committee on Climate Change (CCC) recommendation of a new emissions target for the UK: net-zero greenhouse gases by 2050 (acted upon by The Climate Change Act 2008 (2050 Target Amendment) Order 2019). For Wales, the report recommended a 95% reduction in the amount of greenhouse gases it produces by 2050. Subsequently, the Welsh Government has adopted a 100% reduction (net zero) target.

National Infrastructure Strategy (2020)[28]

5.2.23 The National Infrastructure Strategy (HM Treasury, 2020) presents the UK Government's plans to deliver significant improvements to UK infrastructure which will enable economic growth and progress towards the net zero by 2050 ambition.

---

[23] Department for Business, Energy and Industrial Strategy (BEIS) (2021). Digest of UK Energy Statistics (DUKES): renewable sources of energy.
[24] Department for Business, Energy and Industrial Strategy (BEIS) (2023). Digest of UK Energy Statistics (DUKES): renewable sources of energy
[25] HM Government (2017). The Clean Growth Strategy. Leading the way to a low carbon future. (Online) Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf (Accessed October 2023).
[26] HM Government (2017). Industrial Strategy. Building a Britain fit for the future. (online) Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664563/industrial-strategy-white-paper-web-ready-version.pdf (Accessed October 2023).
[27] Climate Change Committee (2019) Net Zero – The UK's contribution to stopping global warming. (Online) Available at: https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/ (Accessed June 2023).
[28] HM Treasury (2020). National Infrastructure Strategy. Fairer, faster, greener. (online) Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938539/NIS_Report_Web_Accessible.pdf (Accessed October 2023).

5.2.24 At page 51 the strategy recognises the need to increase capacity from onshore wind: "*To deliver net zero, the share of generation from renewables needs to dramatically increase. While the UK leads the world in the deployment of offshore wind, greater generation capacity will need to come from onshore wind and solar as well*."

Net Zero Strategy: Build Back Greener (2021)[29]

5.2.25 The Net Zero Strategy: Build Back Greener (BEIS, 2021) provides the overarching UK wide strategy to reach the UK's target for net zero emissions in 2050. The strategy set outs a delivery pathway to achieve net zero in 2050 with polices and proposals to keep the UK on track for emissions reductions targets to up to the sixth carbon budget covering the period 2033-2037. Amongst its policies, the strategy seeks to fully decarbonise the UK power system by 2035. Key to achieving this is the commitment to "*transform (the Uk's) energy system away from fossil fuels to low carbon sources of energy, such as renewable electricity generated in the UK*" (page. 39).

British Energy Security (2022)[30]

5.2.26 The British Energy Security Strategy (BEIS, 2022) provides the overarching UK wide strategy to accelerate the transition away from oil and gas, providing a Ten-point plan for the green industrial revolution. Amongst its strategy, it supports the work underway by the Welsh Government, Ofgem and networks to improve grid connections for onshore wind developments.

Powering Up Britain – March 2023 Energy Security Secretary Statements[31]

5.2.27 On 30th March 2023, the UK Government announced a commitment and drive to improve the energy market and energy security within Britain. The Energy Security Secretary identified billions of pounds of additional funding would be provided to the industry in order to develop and implement more green energy development. The fifth round of Contracts for Difference has a budget of £205 million to directly provide support for the development of renewable energy within Britain. The main Powering Up Britain document identified that onshore wind should be recognised in planning as an efficient, cheap and widely supported technology[32].

Carbon Budget Delivery Plan (March 2023)[33]

5.2.28 The Carbon Budget Delivery Plan 2023 has been designed and adopted to aid in the achievement of the goals contained within the UK's Sixth Carbon Budget. The Delivery Plan estimates that currently the UK would not be able to meet the requirements of the Sixth Carbon Budget, barely missing its target by 3% (reaching 97% of the required carbon savings by 2037) (page 15). However, the Delivery Plan highlights the need for continued research into low-carbon technologies and their use to enable the Sixth Carbon

[29] HM Government (2021). Net Zero Strategy: Build Back Greener. (Online). (Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf (Accessed October 2023).
[30] HM Government (2022). British Energy Security Strategy. (Online). Available at: British energy security strategy - GOV.UK (www.gov.uk) (Accessed October 2023)
[31] HM Government (2023). Shapps sets out plans to drive multi billion pound investment in energy revolution. (Online) Available at: Shapps sets out plans to drive multi billion pound investment in energy revolution - GOV.UK (www.gov.uk). (Accessed June 2023).
[32] HM Government (2023). Powering Up Britain. (Online) Available at: Powering Up Britain - Joint Overview (publishing.service.gov.uk). (Accessed October 2023). Page 23.
[33] HM Government (2023). Carbon Budget Delivery Plan. (Online) Available at: Carbon Budget Delivery Plan (publishing.service.gov.uk). (Accessed October 2023).

Budget to be met and exceeded and the Delivery Plan is confident such technologies would ensure the achievement of the Sixth Carbon Budget's requirements in reality. (page 15-16)

5.2.29 Onshore wind is identified as one of the key technologies that are helping the UK meet the requirements of the Carbon Budgets. Part of the Delivery Plan's advice is for the UK to establish local partnerships that can develop onshore wind farm development.

5.2.30 The Delivery Plan identifies onshore wind as an efficient, cheap, and widely supported technology (page 49). The Delivery Plan also identifies that establishing energy connections to renewable energy development (including onshore wind) should be made easier, to help provide assurance and savings to energy development developers.

Powering Up Britain – The Net Zero Growth Plan[34]

5.2.31 Released in March 2023, the Net Zero Growth Plan seeks to reduce emissions across the economy of the UK and support the transition of its economy to being net zero, whilst maintaining economic growth. The Net Zero Growth Plan states the following with regard to the future of the UK's energy sector, "*A secure, reliable, cost-effective, decarbonised power sector is critical for a modern industrial economy*" (page 26).

5.2.32 Demand for renewable energy is only going to increase in the future as the Net Zero Growth Strategy identifies that the demand for energy is likely to increase by up to 60% by 2035, making it harder to achieve decarbonisation goals (page 27).

5.2.33 The Net Zero Growth Plan reiterates the statement that onshore wind is an efficient, cheap and widely supported technology. (page 27)

Welsh national strategies and plans

A Low Carbon Revolution: Wales' Energy Policy Statement (2010)[35]

5.2.34 The Energy Policy Statement (EPS) set the objective for Wales to become a world leader in low carbon energy following consultation on the Energy Route Map. The EPS summarises the pressing arguments to tackle climate change highlighting that: *"unless we quickly reduce our emissions of greenhouse gases, the world will probably be another 3°C hotter by 2060 and there will be much higher risks of catastrophic global climate changes"*. The headline target contained within the EPS is "*to renewably generate up to twice as much electricity annually by 2025 as we use today*" (page 26). With regard to onshore wind the target identified is "*to have 4.5 kWh/d/p of installed onshore wind generation capacity by 2015/2017*" (page 14). It recognises that the average electrical power consumption per person per day in Wales is approximately 22 kWh/d/p, so this target represents 20% of electricity consumption coming from onshore wind within the seven years following publication (to 2017).

[34] HM Government (2023). Powering Up Britain – The Net Zero Growth Plan. (Online) Available at: Powering Up Britain - The Net Zero Growth Plan (publishing.service.gov.uk). (Accessed October 2023).
[35] Welsh Assembly Government (2010). A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement. (Online) Available at: http://www.marineenergywales.co.uk/wp-content/uploads/2016/01/WAG-low-carbon-revolution2.pdf (Accessed October 2023).

The Climate Change Strategy for Wales (2010)[36]

5.2.35 This document sets out the Welsh Government's commitments to and strategy for managing climate change in Wales through reducing GHG emissions and enabling effective adaptation in Wales. The Strategy sets targets to reduce GHG emissions in Wales by 3% every year and achieve at least a 40% reduction by 2020 compared to figures from the 1990 baseline. The commitments have subsequently been superseded by the legal requirements of the Environment (Wales) Act 2016.

Energy Wales: A Low Carbon Transition (2012) [37]

5.2.36 Energy Wales sets out the how the Welsh Government will work in partnership with private, public and social sectors to ensure the transition to a low carbon economy to secure a wealthier, more resilient and sustainable future for Wales. Amongst other measures, the document states that the Welsh Government seeks to make the best use of commercially proven renewable energy sources, facilitate appropriate deployment to deliver against Wales's low carbon objectives and realise the significant wealth generating opportunities Wales has.

5.2.37 The Welsh Government wants to provide leadership on the energy agenda in Wales. It aims to improve a number of areas to ensure the energy agenda progresses to a more low carbon format. In specific relation to delivering renewable energy the statement explains that in 2010 capacity from wind farms was 562MW, with 62% of renewable energy coming from wind or solar. The aim is to make best use of proven renewable sources, including onshore wind, and deliver against low carbon objectives. This will include improvements to the planning and consenting regime and ensure that the necessary infrastructure for a diverse portfolio of renewable energy is delivered.

Energy Wales: A Low Carbon Transition Delivery Plan (2014)[38]

5.2.38 The Energy Wales Delivery Plan sets out how the Welsh Government would develop proposals set out in the Energy Wales (2012) document. The Delivery Plan includes a number of themes and priority project areas which are within the gift of the devolved administration to support.

Energy Generation Targets for Wales: Statement to Assembly Members (2017) and 2023 Update [39]

5.2.39 In September 2017, the Welsh Government Cabinet Secretary for Environment and Rural Affairs announced to the Welsh Assembly that the Welsh Government was setting a target for Wales to generate 70% of its electricity consumption from renewable energy by 2030 and a target for 1GW of renewable electricity capacity in Wales to be locally owned by 2030. Additionally, it set a target for all renewable energy projects to have an element of local ownership.

---

[36] Welsh Assembly Government (2010). Climate Change Strategy for Wales. Delivery Plan for Emission Reduction. (Online) Available at: https://gov.wales/sites/default/files/publications/2019-04/climate-change-research-emission-reduction-scenarios.pdf (Accessed October 2023).
[37] Welsh Government (2012). Energy Wales: A Low Carbon Transition. (Online) Available at: https://gov.wales/sites/default/files/publications/2019-07/energy-wales-a-low-carbon-transition.pdf (Accessed October 2023).
[38] Welsh Government (2014). Energy Wales: A Low Carbon Transition Delivery Plan. (Online) Available at: https://gov.wales/sites/default/files/publications/2019-07/energy-wales-a-low-carbon-delivery-plan.pdf (Accessed October 2023).
[39] Welsh Government (2017) Lesley Griffiths high on ambition for clean energy. (Online) Available at: https://gov.wales/lesley-griffiths-high-ambition-clean-energy (Accessed October 2023).

5.2.40 In January 2023 the Welsh Government[40] announced an updated target to meet 100% of its electricity needs from renewable sources by 2035 and to achieve 1.5GW of renewable energy capacity within local ownership by 2035, these targets have now been formally adopted[41].

Policy Statement: Local Ownership of Energy Generation in Wales – Benefitting Wales Today and for Future Generations (2020)[42]

5.2.41 This policy statement places considerable importance on moving from polluting energy generating technologies to renewables. It also identifies that Wales has made considerable and impressive gains in ensuring energy generating facilities have some form of public ownership, contributing to local economies considerably more than traditional ownership methods.

5.2.42 The Policy Statement clarifies the definition of local ownership as "*energy installations, located in Wales, which are owned by one or more individuals or organisations wholly owned and based in Wales, or organisations whose principal headquarters are located in Wales. This includes the following categories: Businesses; Farms and estates; Households and other domestic scale generation; Local Authorities; Other public sector organisations; Registered Social Landlords; Third sector organisations including social enterprises and charities, their subsidiaries, trading arms and special purpose vehicles*."

Energy Generation in Wales Report 2021 (2022)[43]

5.2.43 The latest Energy Generation in Wales Report covering 2021 sets outs the latest data on energy generation from renewables. In 2021, Wales managed to meet approximately 55% of its electricity consumption through the use of renewable sources. It is estimated that 28% of total electricity generation within Wales originates from renewable sources, with 897mw of renewable energy capacity being locally owned. Of the 27.1TWh of electricity generated within Wales in 2021, 7.7TWh of it originated from renewables. The majority of renewable energy within Wales originates from onshore and offshore wind developments (70%).

5.2.44 The Report identifies that further work needs to be done to ensure Wales reaches its target of 70% of annual energy consumption be met by renewable energy by 2030. This is demonstrated by renewable energy generation has increased by over 600% since 2005 but has only increased by 12% since 2016. This highlights that the development of renewable energy generating developments has slowed considerably since 2016. Electricity consumption within Wales has increased faster than renewable energy generating developments have been developed in 2021, which is emphasised by the total percentage of electricity consumption being met by renewable energy falling from 56% in 2020 to 55% in 2021.

---

[40] Welsh Government (2023a) Climate Change Minister - Wales aims to meet 100% of its electricity needs from renewable sources by 2035 (Online) Available at: https://www.gov.wales/wales-aims-meet-100-its-electricity-needs-renewable-sources-2035 (Accessed October 2023)

[41] Welsh Government (2023b) Consultation Document: Review of Wales' Renewable Energy Targets (Online) Available at: https://www.gov.wales/sites/default/files/consultations/2023-01/consultation-document-review-of-renewable-energy-targets_0.pdf (Accessed October 2023)

[42] Welsh Government (2020). Policy Statement: Local Ownership of Energy Generation in Wales – Benefitting Wales Today and for Future Generations. (Online) Available at: https://gov.wales/sites/default/files/publications/2020-02/policy-statement-local-ownership-of-energy-generation-in-wales.pdf (Accessed October 2023).

[43] Welsh Government (2022). Energy Generation in Wales 2021. (Online) Available at: energy-generation-in-wales-2021.pdf (gov.wales). (Accessed October 2023).

Programme for Government (2021)[44]

5.2.45 The Welsh Government's Programme for Government published in June 2021 sets out the actions that the Welsh Government intend to take over the lifetime of the Senedd. It seeks to ensure that tackling the climate and nature emergencies is at the heart of Welsh Government activity. One of the ten well-being objectives is "*Embed our response to the climate and nature emergency in everything we do*."

Net Zero Wales (2021)[45]

5.2.46 The Environment (Wales) Act 2016 (as amended) Act requires the publication of a report setting out policies and proposals for each carbon budget period. In October 2021, the Welsh Government published Net Zero Wales: Carbon Budget 2 (2021 to 2025) which builds upon their previous plan Prosperity for All: A Low Carbon Wales (Welsh Government, 2019). This sets out a large number of policies for action in the five-year carbon budget period and proposals for action in the longer term to ensure that Wales meets the required average reduction of 37% in GHG emissions against the baseline and is on track to achieve net zero emissions in 2050.

5.2.47 The Plan reinforces the importance of delivering energy generation from renewable sources to meet the energy needs of Wales. The plan plays an important role in meeting challenges posed by the climate emergency declared by the Welsh Government in April 2019.[46]

5.3 UK planning policy context

5.3.1 This section sets out the relevant UK wide policy context set out in National Policy Statements (NPS). Developments of National Significance (DNS) applications are determined in accordance with *Future Wales: The National Plan 2040* (considered in the next section) in line with the revised legal framework since the NPS were enacted in 2011. However, the NPS provide broader energy policy context that applies across England and Wales and are therefore briefly reviewed here.

Overarching National Policy Statement for Energy (EN-1) (2011)

5.3.2 EN-1 was enacted in 2011 and sets out the national policy on Nationally Significant Infrastructure Projects (NSIP). It reiterates Government policy on energy and energy infrastructure, setting out the roadmap to 2050 and emphasising the urgency with which global emissions must start to fall and the need for the UK to move away from a high carbon energy generation mix. At paragraph 3.4.5 the NPS states "*It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy electricity generation projects is therefore urgent*." Paragraph 4.5.3 states that applicants may have opportunities to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. The NPS includes a reference that it can be a material consideration in the determination of planning applications.

---

[44] Welsh Government (2021). Programme for Government: Well-being Statement. (Online) Available at: https://gov.wales/sites/default/files/publications/2021-06/programme-for-government-2021-to-2026-well-being-statement.pdf (Accessed October 2023).
[45] Welsh Government (2021). Net Zero Wales Carbon Budget 2 (2021-25). (Online) Available at: https://gov.wales/sites/default/files/publications/2021-10/net-zero-wales-carbon-budget-2-2021-25.pdf (Accessed October 2023).
[46] Welsh Government (2019) Minister for Environment, Energy and Rural Affairs Lesley Griffiths Welsh Government makes climate emergency declaration

Draft National Policy Statement for Energy (EN-1) (2023)

5.3.3 A draft version of a new NPS EN-1 was published for consultation in September 2021 and a revised version of the draft was published for consultation in March 2023. In Section 2 the NPS refers to the target of net zero in 2050 and a 78% reduction in GHG emissions by 2035. This reflects the latest legislation. The NPS also includes revisions that recognise that decisions on renewable energy developments up to 350MW and all onshore wind (above 10MW) are devolved within Wales whilst onshore wind is removed from the NSIP regime. Other changes include incorporation of references to the consideration biodiversity net gain for NSIP.

National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)

5.3.4 The 2011 NPS provides policy on a range of renewable energy technologies and their potential for likely significant effects. With regard to onshore wind, it notes at 2.7.1 that:

"Onshore wind farms are the most established large-scale source of renewable energy in the UK. Onshore wind farms will continue to play an important role in meeting renewable energy targets".

5.3.5 With specific relevance to Landscape and Visual issues, it notes at 2.7.48 that "*Modern onshore wind turbines that are used in commercial wind farms are large structures and there will always be significant landscape and visual effects from their construction and operation for a number of kilometres around a site*."

5.3.6 It goes on to state that the arrangement of turbines should be designed to minimise effects while meeting technical and operational siting requirements. However, recognition is also given to the potentially significant changes which could reduce electrical output from a resulting reduction in scale.

Draft National Policy Statement for Energy (EN-3) (2023)

5.3.7 A new version of NPS for Energy (EN-3) was published for consultation in September 2021 with a revised version published for consultation in March 2023. The draft NPS removes reference to onshore wind in line with the Infrastructure Planning (Onshore Wind Generating Stations) Order 2016 which removed all onshore wind generating stations in England and Wales from the definition of nationally significant energy generating stations. In England such development is to be considered through TCPA applications.

5.3.8 The Welsh Government sees onshore wind as a key element of the infrastructure required in Wales and schemes over 10MW are considered to be of a scale to be nationally significant. This is embedded in *Future Wales: the National Plan* and *Planning Policy Wales 11*. In decision making it is considered that no weight should be given to the fact that the draft NPS removes references to onshore wind.

5.4 National planning policy context

5.4.1 Welsh national policy is set out in Future Wales: The National Plan, Planning Policy Wales 11 (PPW) and relevant supplementary Technical Advisory Notes (TAN). This section considers the documents in turn.

Future Wales: The National Plan 2040 (2021)[47]

5.4.2 Future Wales: The National Plan 2040 (Future Wales) was published by the Welsh Government in February 2021. Future Wales sets out the national development framework for Wales and has development plan status. As the highest tier of the development plan it provides the framework for the development of regional level Strategic Development Plans (SDPs) (which have yet to be produced) and Local Development Plans (LDPs). Future Wales is the Welsh Government's "*strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong eco systems and improving the health and well-being of our communities*" (page. 6). Future Wales is the policy document against which DNS (including the Proposed Development subject to this Draft ES) must be determined in accordance with unless material considerations indicate otherwise, in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

5.4.3 Future Wales has been prepared to provide a clear, long term spatial direction for Government policy, action and investment in Wales. It sets out a framework for addressing key national priorities through the planning system, inclusive of decarbonisation. It states (page. 46): *"Future Wales together with Planning Policy Wales will ensure the planning system focuses on delivering a decarbonised and resilient Wales through the places we create, the energy we generate, the natural resources and materials we use and how we live and travel*."

5.4.4 Future Wales recognises the role that Wales can play in supporting the use of renewable energy. It recognises that "*Wales can become a world leader in renewable energy technologies"* (page. 48) Furthermore, it recognises that "*Our wind and tidal resources, our potential for solar generation, our support for both large and community scaled projects and our commitment to ensuring the planning system provides a strong lead for renewable energy development, mean we are well placed to support the renewable sector, attract new investment and reduce carbon emissions*" (page. 48).

5.4.5 Future Wales sets out 11 outcomes to provide a vision for change to 2040. Outcome 11 seeks "*A Wales where people live ... in places which are decarbonised and climate-resilient*" (page. 56). Further it states, "*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*" (page. 56).

5.4.6 Future Wales reaffirms the Welsh Government's commitment to maximising renewable and the Welsh Government targets (although as noted above these are subject to change):

- For 100% of electricity consumption to be generated from renewable energy by 2035;
- For 1.5 gigawatt of renewable energy capacity to be locally owned by 2035; and
- For new renewable energy projects to have at least an element of local ownership from 2020.

5.4.7 Future Wales confirms that energy generation accounted for 29% of GHG emissions in 2018 and is clear that large scale renewable electricity generation is vital meeting

[47] Welsh Government (2021). Future Wales: The National Plan 2040. (online) Available at: https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf (Accessed October 2023).

renewable energy and climate change targets and alternatives would not meet the targets (page. 97):

"*The Welsh Ministers have considered alternatives to the need for new large-scale electricity generation infrastructure, including building-mounted installations and energy efficiency measures. Although we believe that these measures have an important part to play in meeting our energy, decarbonisation and climate change targets, they will not enable us to meet these objectives on their own.*"

5.4.8 Future Wales identifies 10 PAAs for wind energy within which there is a presumption in favour of large-scale wind development under Future Wales' Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure subject to detailed criteria in Policy 18 – Renewable and Low Carbon Energy Developments of National Significance. Policy 17 states that "*The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs*" whilst decision makers are required to give "*significant weight*" to the need to meet international commitments and Wales' target to generate 70% of energy form renewables by 2030. Policy 18 provides a detailed decision-making framework for the renewable and low carbon energy developments. The Site is located in PAA for wind energy location 10.

5.4.9 Additionally, Policy 33 – National Growth Area – Cardiff, Newport and the Valleys sets out the overall strategic view for development in the South East which includes the area covered by Caerphilly County Borough Council (CCBC). Amongst its provisions, the Policy states that *"The Welsh Government supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities."*

Planning Policy Wales (Edition 11) (2021)[48]

5.4.10 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. PPW Edition 11 was adopted in February 2021 to coincide with the publication of Future Wales. PPW, with the supporting Technical Advice Notes (TAN), Circulars and Policy Clarification letters comprise national planning policy but do not form part of the development plan.

5.4.11 At para 3.30 PPW states that "*In 2019 the Welsh Government declared a climate emergency in order to coordinate action nationally and locally to help combat the threats of climate change. The planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources.*"

5.4.12 Chapter 5: Productive and Enterprising Places sets out the planning policy approach to energy within Wales. Para 5.7.6 states that "*The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.*"

[48] Welsh Government (2021). Planning Policy Wales Edition 11. (Online) Available at: https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf (Accessed October 2023).

5.4.13 PPW11 reaffirms the Welsh Government's targets for renewable energy generation and local ownership. Para 5.7.7 states that "*The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance*." PPW11 states that the planning system should (Para 5.7.7):

- *"Integrate development with the provision of additional electricity grid network infrastructure;*
- *Optimise energy storage;*
- *Facilitate the integration of sustainable building design principles in new development;*
- *Optimise the location of new developments to allow for efficient use of resources;*
- *Maximise renewable and low carbon energy generation;*
- *Maximise the use of local energy sources, such as heat networks;*
- *Minimise the carbon impact of other energy generation; and*
- *Move away from the extraction of energy minerals, the burning of which is carbon intensive."*

5.4.14 PPW states that local planning authorities should ensure "*development plan policies are supportive of renewable and low carbon energy development in all parts of Wales, direct developments to the right locations and set out clearly the local criteria against which proposals will be evaluated*" (Para 5.9.10). PPW11 is also clear that local planning authorities should not seek to amend the PAAs identified in Future Wales within their LDPs.

5.4.15 PPW11 affirms that planning applications for onshore wind generating projects over 10MW are made directly to Welsh Ministers as part of the DNS process and are to be considered under the policies of Future Wales.

Technical Advice Notes

Technical Advice Note 5: Nature Conservation and Planning (2009)[49]

5.4.16 TAN 5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation within Wales. It sets out the key principles of planning for nature conservation for both local development plans and when deciding planning applications that may affect nature conservation. These include:

- Being mindful of the principles of sustainable development, environmental limits, the precautionary principle;
- Contributing to the protection and improvement of the environment;
- Promoting the conservation and enhancement of statutorily designated areas and undeveloped coast;
- Ensuring that appropriate weight is attached to designated sites of international, national and local importance;

[49] Welsh Assembly Government (2009). Technical Advice Note 5: Nature Conservation and Planning. (Online) Available at: https://gov.wales/sites/default/files/publications/2018-09/tan5-nature-conservation.pdf (Accessed October 2023).

- Protecting wildlife and natural features in the wider environment;
- Ensuring that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation;
- Ensuring that the range and population of protected species is sustained; and
- Avoiding harm to nature conservation, minimising unavoidable harm by mitigation measures, offsetting residual harm by compensation measures and looking for new opportunities to enhance nature conservation.

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)[50]

5.4.17 TAN 6 provides guidance on sustainable rural economies, rural services and housing and agriculture. It notes that planning authorities should support the diversification of the rural economy and that the planning system has a key role to play in supporting the delivery of sustainable rural communities. It goes on to consider the range of rural matters that the planning system should address from homes and employment opportunities to rural services whilst protecting and enhancing the natural and historic environment and safeguarding the countryside and open spaces. It also notes the need to respond to the challenges posed by climate change and identifies that one method which can contribute to this is renewable energy generation, particularly using local renewable sources. In paragraph 3.7.2, TAN6 considers farm diversification and notes the range of activities which can be sustainably located on farms and notes that the production of renewable energy is likely to be an appropriate use.

Technical Advice Note 11: Noise (1997)[51]

5.4.18 TAN 11 provides advice on how the planning system can be used to minimise the adverse impact of noise, without placing unreasonable burdens on applicants. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

Technical Advice Note 12: Design (2016)[52]

5.4.19 The purpose of this TAN is to equip all those involved in the design of development with advice on how 'promoting sustainability through good design' may be facilitated through the planning system and the preparation and validation of mandatory design and access statements. There are a number of key objectives in relation to design which are set out by TAN 12:

- Access - Ensuring ease of access for all;

[50] Welsh Assembly Government (2010). Technical Advice Note 6: Planning for Sustainable Rural Communities. (Online) Available at: https://gov.wales/sites/default/files/publications/2018-09/tan6-sustainable-rural-communities.pdf (Accessed October 2023).
[51] Welsh Assembly Government (1997). Technical Advice Note 11: Noise. (Online) Available at: https://gov.wales/sites/default/files/publications/2018-09/tan11-noise.pdf (Accessed October 2023).
[52] Welsh Government (2016). Technical Advice Note 12: Design. (Online) Available at: https://gov.wales/sites/default/files/publications/2018-09/tan12-design.pdf (Accessed October 2023).

- Character - Sustaining or enhancing local character, promoting legible development, promoting a successful relationship between public and private space, promoting quality, choice and variety and promoting inclusive design;
- Community Safety - Ensuring attractive, safe public spaces and security through natural surveillance;
- Environmental Sustainability - Achieving efficient use and protection of natural resources, enhancing biodiversity and designing for change; and
- Movement - Promoting sustainable means of travel.

Technical Advice Note 19: Telecommunications (2002)[53]

5.4.20 This TAN deals with both the creation of telecommunication links and also the potential for radio interference from proposed developments. It notes that large prominent structures such as wind farms can cause disruption to television and other telecommunications services due to the physical obstruction. It puts the onus on local planning authorities to satisfy themselves that the potential for interference has been fully taken into account in the siting and design of such developments, and appropriate mitigation built into the scheme if necessary.

Technical Advice Note 23: Economic Development (2014)[54]

5.4.21 TAN 23 sets out guidance for the approach to economic development. Under section 3, TAN 23 reaffirms the importance of sustainable economic development in rural areas. Under paragraph 2.1.13 the TAN restates that the planning system should support (inter alia) the low-carbon economy. TAN 23 states that the balance between economic benefits and social and environment impacts need to be carefully weighed up and decisions on each case will depend on local circumstances.

5.5 Local Planning Policy Context

5.5.1 This section sets out the local planning policy context for the Caerphilly County Borough Council (CCBC) area. The relevant Local Development Plan (LDP) is the Caerphilly County Borough Local Development Plan up to 2021[55], which was adopted in November 2010 by CCBC. CCBC is currently in the process of producing a new LDP which is also considered below. As set out above, Future Wales is now the highest tier of the development plan. The adopted LDP form the local part of the development plan for the Site.

5.5.2 There are also a range of Supplementary Planning Guidance (SPG) documents in place for CCBC which are also relevant to the consideration of the scheme. SPGs supplement and explain the policies in the adopted LDP - they do not form part of the development plan but can act as material considerations in the decision-making process.

[53] Welsh Assembly Government (2002). Technical Advice Note 19: Telecommunications. (Online) Available at: https://gov.wales/sites/default/files/publications/2018-09/tan19-telecommunications.pdf (Accessed October 2023).
[54] Welsh Government (2014). Technical Advice Note 23: Economic Development. (Online) Available at: https://gov.wales/sites/default/files/publications/2018-09/tan23-economic-development.pdf (Accessed October 2023).
[55] Caerphilly County Borough Council (2010). Caerphilly County Borough Local Development Plan up to 2021. (Online) Available at: https://www.caerphilly.gov.uk/caerphillydocs/ldp/written-statement.aspx (Accessed October 2023).

Caerphilly County Borough Local Development Plan up to 2021

5.5.3 The Proposed Development is located within the boundary of the CCBC and the relevant LDP is the Caerphilly County Borough Local Development Plan up to 2021 (adopted in November 2010). The LDP is guided by the following vision:

> "*The Development Strategy for the Local Development Plan will capitalise on the strategic location of Caerphilly County Borough at the centre of the Capital Network Region. It will ensure that the needs of all the County Borough's residents and visitors are met and the regeneration of our towns, villages and employment centres and the surrounding countryside is delivered in a well-balanced and sustainable manner that reflects the specific role and function of individual settlements.*"[56]

5.5.4 This vision is supported by numerous aims and key objectives that seek to ensure development within the Caerphilly County Borough region maximises any benefits and minimises and disbenefits. Key to the Proposed Development is key objective 5, which is stated below:

> "*5. Improve energy, waste and water efficiency while promoting environmentally acceptable renewable energy to maintain a cleaner environment and help reduce our impact on climate change.*"[57]

5.5.5 The LDP policies relevant to the Proposed Development are included in **Table 5.1**. The policies are considered in more detail in the relevant technical chapters of the ES (**Chapters 6 to 16**).

Table 5.1 Caerphilly County Borough Local Development Plan up to 2021

Adopted LDP policy	Policy summary
Overarching Policies	
SP2 Development Strategy – Development in the Northern Connections Corridor.	Requires development within the Northern Connections Corridor to be sustainable, well sited, make efficient use of existing infrastructure and encourage sustainable modes of travel, whilst also protecting the area's natural heritage.
SP3 Development Strategy – Development in the Southern Connection Corridor.	Requires development within the Southern Connection Corridor to make efficient use of existing infrastructure and encourage sustainable modes of travel, is well designed to ensure it does not compromise the social, economic and heritage functions/character of the area.
SP6 Place Making.	This policy seeks to ensure development contributes positively to an area through the creation of sustainable places that have regard to the local natural, historic and current built environment. The policy contains eight criteria to help ensure development is sustainable and range in their scope from a criteria relating to developments being of a high standard of design to the efficient use of resources.
SP8 Minerals Safeguarding.	The Proposed Development is located within a sandstone resource area and policy SP8 seeks to balance the need to maintain/safeguard the mineral resources of Caerphilly County Borough alongside allowing development within such areas.

[56] Caerphilly County Borough Council (2010). Caerphilly County Borough Local Development Plan up to 2021. (Online) Available at: https://www.caerphilly.gov.uk/caerphillydocs/ldp/written-statement.aspx (Accessed October 2023). Page 19.
[57] Ibid. Page 21.

SP10 Conservation of Natural Heritage.	Requires development to conserve and protect the natural heritage of the region. Natural heritage comprises local geology, geomorphology, biodiversity, landscape and amenity value.
CW1 Sustainable Transport, Accessibility and Social Inclusion.	This policy relates to development that could generate a significant number of travel related trips. Development is required to ensure walking and cycling is encouraged and where a larger number of freight trips are created, that the least damaging route would be utilised.
CW2 Amenity.	Seeks to ensure that development is in accordance with its neighbouring land uses. Development cannot result in unacceptable impacts upon the amenity and function of neighbouring land uses or constrain their future development.
CW3 Design Considerations – Highways.	Requires development to ensure it is adequately and safely connecting into local highways and infrastructure whilst also incorporating sufficient pedestrianisation where relevant.
CW4 Natural Heritage Protection.	Affords protection to the locally designated natural heritage features of the Caerphilly County Borough. This includes protecting Special Landscape Areas (SLA), Visually Important Local Landscapes (VILL), Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors, and Local Priority Habitats and Species. Developments that have a clear and strong needs case that outweigh the potential effects on the identified designations can be permitted.
CW5 Protection of Water Environment.	Development is required to ensure it would not have unacceptable adverse effects upon the local water environment and properly manages its groundwater and surface water effects.
CW6 Trees, Woodland and Hedgerow Protection.	Requires development to ensure it protects trees, woodlands and hedgerows from harm, but does allow for their removal so long as they are appropriately replaced.
CW15 General Locational Constraints.	Identifies a list of general locational constraints but highlights that certain development might fall outside of these constraints, in which national planning policy would apply.
CW19 Locational Constraints – Rural Development and Diversification.	Development located within rural areas are required to be consistent to the scale of their surroundings and compatible with neighbouring uses, including neighbouring natural and heritage features.
CW22 Locational Constraints – Minerals.	The Proposed Development is within a mineral safeguarding area. Development within such areas are permitted where it can be shown that the minerals being safeguarded has no value/are no longer needed and the needs case for the development outweighs any disbenefits. Developments within mineral safeguarding are viewed more favourably when temporary.
CW23 Locational Constraints – Mineral Site Buffer Zones	This policy only supports development within Mineral Site Buffer Zones where the development is not sensitive in nature. The site is partially within a mineral site buffer zone.
<u>Area Specific Policies for the Northern Connection Corridor (NCC)</u>	
NH2 Visually Important Local Landscapes. • **NH2.3 Abercarn.**	Seeks to protect the distinctive visual and sensory landscapes contained within identified (Abercarn) Visually Important Local Landscapes.

NH3 Sites of Importance for Nature Conservation (SINCs). • **NH3.112 Coed Cil-Lonydd, East of Newbridge.** • **NH3.113 Mynydd Maen, East of Newvridge.** • **NH3.124 Gwydon Valley Woodlands, Abercarn.** • **NH3.128 Cwm Hafod-Fach Woodlands, North of Abercarn.** • **NH3.134 Cwm Gofapi Woods, Cwmcarn.**	The policy provides protection to Sites of Importance for Nature Conservation, which are designated due to the biodiversity, priority habitats and species that are located within them. The Proposed Development would only be approved so long as it does not generate any unacceptable effects on the identified Sites of Importance for Nature Conservation it is within/close to.
MN1 – Mineral Site Buffer Zones. • **MN1.3 Hafod Fach Quarry – Active.**	Identifies the Mineral Site Buffer Zones that exist around the mineral sites within the CCBC area. Policy CW23 provides the protection for these buffer zones.
LE5 Protection of Informal Open Spaces. • **LE5.11 Pantside, Newbridge.**	Requires development to not compromise spaces that are considered to be Informal Open Spaces.
Area Specific Policies for the Southern Connection Corridor (SCC)	
NH2 Visually Important Local Landscapes. • **NH2.3 Abercarn.**	Seeks to protect the distinctive visual and sensory landscapes contained within identified (Abercarn) Visually Important Local Landscapes.

Emerging LDP

5.5.6 CCBC is currently preparing a LDP Review covering the period up to 2035 and consulted on a Pre-Deposit Plan (Preferred Strategy) in the autumn of 2022.[58] Draft Policy PS6: Climate Change states that all development proposals "*must make a positive contribution towards addressing the causes of, and adapting to the impacts of, climate change*" whilst Draft Policy PS7: Renewable Energy Generation states that "*the Council will support and promote schemes for the generation of energy from renewable and zero carbon sources*". CCBC is further consulting on its Local Area Energy Plan.

Supplementary Planning Guidance (SPG)

5.5.7 CCBC has created a number of SPGs that help to provide further guidance on specific planning matters. The relevant SPGs are highlighted and discussed below:

[58] Documents available via: https://www.caerphilly.gov.uk/business/planning-and-building-control-for-business/local-development-plan/2nd-replacement-ldp-up-to-2035/pre-deposit-public-consultation [Accessed October 2023]

LDP4 – Trees and Development[59]

5.5.8 This SPG stresses the importance hedgerows and trees play in a places character, setting and provide considerable benefits for local species. It identifies that development should be designed to retain trees and hedgerows as much as possible and for the planting of new trees and hedgerows. The SPG provides further guidance on the tree survey information that should be submitted alongside development proposals to ensure their potential effects on trees located on site or adjacent to a development site are identified and addressed.

LDP10 – Buildings in the Countryside[60]

5.5.9 This SPG provides further guidance on development within the countryside (rural development). Rural development is required to ensure its location, scale, design, use of materials and effects on an area's setting are all appropriate to the rural environment it is located within.

Planning Guidance for Smaller Scale Wind Turbine Developments – Landscape and Visual Impact Assessment Requirements[61]

5.5.10 Whilst this SPG is primarily concerned with small scale wind farm development (wind farm development that would generate 5MWs or less), it does provide general landscape and visual effects guidance that can inform all wind farm developments. This SPG identifies the level of information Landscape Visual Impact Assessments should contain when supporting a wind farm application.

Smaller *Scale Wind Turbine Development – Landscape Sensitivity and Capacity Study Final Report November 2021 (part 2)*[62]

5.5.11 This SPG identifies the landscape character types and their ability to accommodate wind farm development. The SPG identifies that the location of the Proposed Development is in an area identified as a visually important local landscape. The SPG also provides general guidance for wind farm development relating to their design, size, scale, siting and supporting infrastructure. It also provides guidance that wind farm developments must consider all their potential effects, ranging from potential landscape effects to effects on local biodiversity and natural resources (woodlands & trees).

[59] Caerphilly County Borough Council (2017). Trees and Development. (Online) Available at: https://www.caerphilly.gov.uk/caerphillydocs/planning/ldp4-trees-and-development.aspx (Accessed October 2023).
[60] Caerphilly County Borough Council (2012) Buildings in the Countryside. (Online) Available at: https://www.caerphilly.gov.uk/caerphillydocs/planning/spg-ldp-10-buildings-in-the-countryside.aspx (Accessed October 2023).
[61] Caerphilly County Borough Council (2015). Planning Guidance for Smaller Scale Wind Turbine Development Landscape and Visual Impact Assessment Requirements. (Online) Available at: https://www.caerphilly.gov.uk/caerphillydocs/ldp/pg_smaller_scale_wind_turbine_developments.aspx (Accessed October 2023).
[62] Caerphilly County Borough Council (2015). Caerphilly County Borough Smaller Scale Wind Turbine Development (part 2). (Online) Available at: https://www.caerphilly.gov.uk/caerphillydocs/planning/wind_turbines/smaller_scale_wind_turbine_development_landscape_s.aspx (Accessed October 2023).

5.6 Other Relevant Strategies

Cardiff Capital Region City Deal

Cardiff Capital Region City Deal (CCR) Energy Vision and Strategy (2021)[63]

5.6.1 Cardiff Capital Region City Deal (CCR) (which includes CCBC) has developed an Energy Vision and Strategy in partnership with the Welsh Government. The Strategy seeks to set out a route to decarbonisation that will enable the region to achieve a net zero energy system by 2050, which includes supporting low carbon technologies. The vision is guided by three core principles, which seek to:

1. Act as an enabler to a sustainable regional economy: deliver inclusive employment, profits and skills, lower costs and open up markets, and stimulate public and private investment in capital projects that deliver low carbon improvements across the region.

2. Contribute wider benefits to the region: including alleviating fuel poverty, sparking innovation and developing local training and skills.

3. Decarbonise the energy system to meet national targets as a minimum: carbon reductions across all sectors, energy efficiency as a core focus, and to have a multi-vector system that includes a range of low carbon technologies.

5.6.2 The Strategy also seeks to decarbonise the regions public transport through electrification.

Cardiff Capital Region Regional Economic & Industrial Plan 2023-2028[64]

5.6.3 The CCR Regional Economic & Industrial Plan 2023-2028 establishes the economic and industrial strategy and future for the region. The Plan seeks to ensure that the economy of the region is "*bigger, fairer and greener*". *(Page 3)*

5.6.4 The Plan seeks to decarbonise the regions environment by 2050 and highlights that adopting a business as usual approach would ensure the region misses its decarbonisation goals (only achieving 26% decarbonisation by 2035, instead of the needed 55%). The Plan therefore seeks to encourage the development of green technologies within the region and for fundamental changes to occur within its energy market/supply towards green energy. The Plan also identifies that green energy is needed in order to secure the regions/Wales's energy security.

[63] Welsh Government Energy Service (2021) Cardiff Capital Region Energy Strategy. (online) Available at: https://gov.wales/sites/default/files/publications/2021-11/regional-energy-strategy-cardiff-capital-region.pdf (Accessed October 2023).
[64] Cardiff Capital Region (2023). Cardiff Capital Region Regional Economic & Industrial Plan 2023-2028. (Online) Available at: https://www.cardiffcapitalregion.wales/wp-content/uploads/2023/04/ccr-reip-2023.pdf (Accessed October 2023).