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From: Meabh Cormacain [REDACTED]
Sent: 18 April 2019 15:56
To: DevelopmentPlan@midulstercouncil.org
Subject: NIRIG response to draft Plan Strategy
Attachments: NIRIG response MUDC dPS 180419.pdf

Please find attached the NIRIG response to the Mid-Ulster draft Plan Strategy. We look forward to further engagement on this important consultation.

Yours,
Meabh

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NIRIG response to Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy

17th April 2019

The Northern Ireland Renewables Industry Group (NIRIG) is a joint collaboration between the Irish Wind Energy Association and RenewableUK. NIRIG provides a conduit for knowledge exchange, policy development support and consensus on best practice between all stakeholders in the renewables industry in Northern Ireland. Our membership has developed the vast majority of Northern Ireland's wind resources and comprises large- and small-scale wind and offshore and marine technologies.

NIRIG welcomes the opportunity to respond to the Mid Ulster District Council draft Plan Strategy. It is positive to see the Council's commitment to remain a low carbon and sustainable economy, especially given the urgent challenge of global climate change. However, we have serious concerns regarding Council proposals to severely limit renewable energy development.

Last year's landmark report by the UN Intergovernmental Panel on Climate Change (IPCC) says urgent and unprecedented changes are needed to limit global warming to a maximum of 1.5C as set out in the 2015 Paris Agreement. In February the Committee for Climate Change published a report which stated that the NI emissions reduction target of at least 35% against 1990 levels by 2030 will not be met by existing policies. Their first recommendation is to increase low-cost renewable electricity generation, particularly onshore wind. The Committee further states that decarbonisation in Northern Ireland will require action across all sectors of the economy and a more joined-up approach.

We therefore urge the Council to act positively on its welcome commitment to *"remain a low carbon economy and will be an important energy producer"* and *"have a sustainable economy with varied and plentiful employment opportunities"*. Renewable energy can play a significant role in fulfilling both these commitments, whilst also contributing to strong sustained growth in the Mid Ulster region.

In terms of renewable energy and climate change, NIRIG supports the Plan objectives:

- To encourage energy efficiencies and promote use of renewable energy;
- To reduce contributions and vulnerability to climate change and to reduce flood risk and the adverse consequences of flooding.

We welcome the Council's acknowledgement of the importance of renewables in creating jobs and prosperity, whilst enhancing the environment and improving infrastructure. Developing our renewable energy sources is vital to increase energy security and help combat climate change.

The Strategic Energy Framework¹ (SEF) details Northern Ireland's energy goals to 2020. This includes ensuring security of supply and developing energy infrastructure to meet a target of 40% electricity consumption from renewable energy sources by 2020. This target is not considered a cap, which has been widely recognised at appeal. We expect new decarbonisation objectives to require at least 70% renewable electricity by 2030. 38.2% of total electricity consumption last year was generated from renewable sources. Over 83% of that was generated from wind.²

The SEF recognises onshore wind farms as the most established, large-scale source of renewable energy in Northern Ireland. The Onshore Renewable Energy Action Plan 2013-2020³ states *"Large scale onshore wind is the most mature and cost effective of renewable technologies and as such helps the transition to a low carbon future with less pressure on fuel bills. It will continue to play a key role in renewable generation in Northern Ireland in the medium term"*.

We welcome the strategy of the Council to reflect Regional Guidance within its dPS. Section 4.6 of the Plan states that *"taking into account the RDS the following Strategic Planning Framework for the Plan has been formulated to support achieving the Plan Objectives and subject planning policies are formulated to accord with them."*

Regional Guidance as outlined in the Regional Development Strategy (RDS) 2035⁴ considers Renewable Energy to be regionally significant infrastructure projects and has specific themes which acknowledge that Northern Ireland must deliver a sustainable and secure energy supply, whilst reducing its carbon footprint:

- RG5: Deliver a sustainable and secure energy supply
- RG9 Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality

However, there appears to be a disconnect between the spatial planning framework and the objectives of the dPS.

In particular, Spatial Planning Framework 10 (SPF 10) states:

"Facilitate the protection of vulnerable landscapes and conservation interests, from inappropriate and over dominant development while promoting adequate provision of open space and landscaping integrated with broader green and blue infrastructure systems."

¹ A Strategic Energy Framework for Northern Ireland, published by the Department of Energy, Trade and Investment, September 2010

² Electricity Consumption and Renewable Generation in Northern Ireland January 18 to December 2018, published by the Department for the Economy, March 2019.

³ Onshore Renewable Energy Action Plan, published by the Department of Energy, Trade and Investment, November 2013.

⁴ Regional Development Strategy - Building a Better Future, published by the Department for Regional Development, March 2012.

The rationale for SPF 10 relates to providing:

“protection in accordance with the RDS, to our internationally and regionally important environmental designations we have introduced protections in the form of a Special Countryside Area (SCA) along the Lough shore, in the high Sperrins and Slieve Beagh to protect them from unnecessary development and in the form of an Area of Constraint on Wind Turbines and High Structures (AOCWTHS) in the Sperrins, the Clogher Valley and at Slieve Beagh.”

The restrictive strategy of SPF 10 is reflected in the following draft policies which relate to Renewable Energy development:

- **TOHS 1 – Areas of Constraint on Wind Turbines and High Structures**
- **SCA 1 – Special Countryside Area.**
- **RNW 1 – Renewable Energy**

Draft Policy TOHS 1 – Areas of Constraint on Wind Turbines and High Structures (AOCWTHS)

Draft Policy TOHS1 identifies Areas of Constraint on Wind Turbines and High Structures (AOCWTHS) based on landscape capacity where development of a height greater than 15m will be resisted. This policy is reflected further within Draft Policy RNW 1 – Renewable Energy which states: “Within Areas of Constraint on Wind Turbines and High Structures, wind turbines of a height greater than 15m to hub height will conflict with the Plan.”

Section 4.2 of the Renewable Energy background evidence paper states that the average turbine height in Mid Ulster is approximately 50m. Restricting turbine heights to 15m within AOCWTHS will have serious implications for the ability to build new turbines across the vast majority of the Mid Ulster district.

Given the implications that this requirement would have on the flexibility and future operation of wind energy development in Mid Ulster, we consider that this policy would fail against soundness tests CE1 and CE4.

The dPS objectives include reducing vulnerability to climate change and promoting the use of renewable energy, yet the introduction of spatial restrictive policies such as the AOCWTHS and SCA could inhibit greatly the development of wind energy projects within the Mid-Ulster region. Considering the existing constraints for wind farm developments relating to separation distances to occupied dwellings, the amount of land excluded initially from wind energy development across Mid Ulster is substantial. This is illustrated in the supporting map provided by the Council within Appendix 3 of the Renewable Energy Background Paper (Figure 1 below).

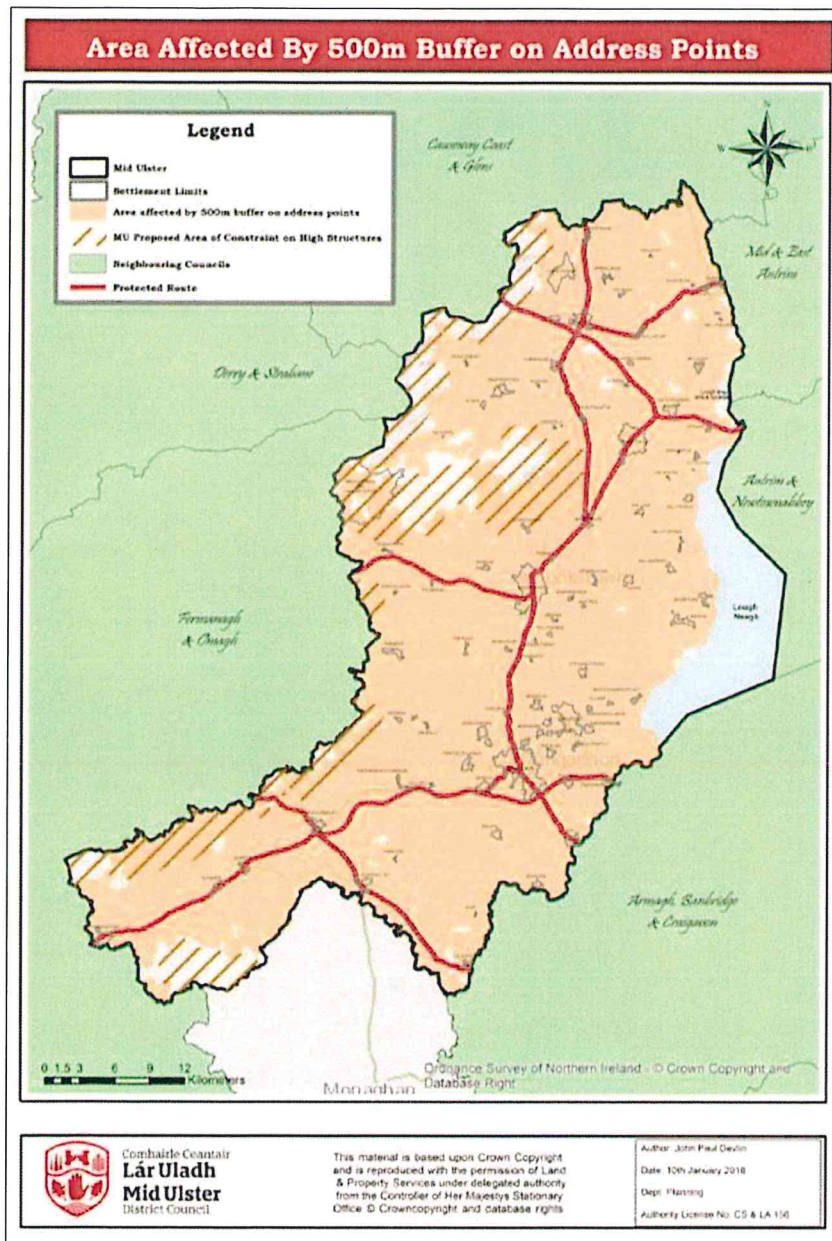


Figure 1: Land affected by 500m buffer on address points.

As evident in Figure 1, any suitable land parcels identified for wind farm development within the Mid-Ulster region which in the first instance does provide an adequate separation buffer to properties, is incongruously located within an AOCWTHS or SCA.

By adopting these constraining strategies, essentially the dPS appears to sterilise the entire Mid-Ulster region and render it unsuitable for wind energy development. It could clearly be considered contrary to its own objectives, one of which states to “encourage energy efficiencies and promote the use of renewable energy.”

Given the apparent conflict between Draft Policy TOHS 1 and the dPS objectives it is considered that this policy would fail soundness test CE1.

Within section 3.2 of the High Sperrins & Clogher Valley AoC background evidence paper it states:

“the proposed AoC has been primarily informed by NILCA 2000 and its associated ‘Landscape Analysis and Settlement Settings’ maps.”

The Council carried out a desktop review of the NILCA report in March 2018. It concluded that the NILCA published in 2000, continues to provide robust baseline information for informing future decisions concerning the protection of landscapes and as such, that proposed environmental policies and associated designations should primarily be informed by NILCA 2000.

We believe that the use of information from the year 2000 to inform a proposed policy is flawed. It is our view that the strategy for wind development within Mid Ulster should be based upon the most up to date assessment of landscape character in order to ensure that changes in the character of the landscape resulting from previous development have been considered.

The lack of information and robustness in the assessment demonstrates, in our opinion, that the evidence used to inform this draft policy is not fit for purpose.

We consider that the extent of the AOCWTHSs proposed under Draft Policy TOHS 1 is founded on flawed evidence provided by the Council. For this reason we believe that the policy fails to meet soundness test CE2.

The SPPS states that local councils should set out policies in their Local Development Plans (LDPs) that support a diverse range of renewable energy development. It continues that LDPs must take into account the aims and regional objectives of the SPPS in relation to the wider environmental, social and economic benefits of renewable energy development.

Strategic Planning Policy Statement (SPPS)⁵ sets out strategic policies on a wide range of planning matters including renewable energy and is considered in general conformity with the Regional Development Strategy. It acknowledges that the renewable energy industry in Northern Ireland provides an important contribution towards achieving sustainable development and is a significant provider of jobs and investment across the region.

Of particular importance is paragraph 6.225 of the SPPS, under the heading Regional Strategic Policy, which states:

⁵ Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development, published by the Department of the Environment, September 2015.

“The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted”.

The adequacy of the existing policies in possessing the ability to assess a wind farm planning application on its own merits is highlighted by the two wind farm applications detailed below. Both are located within the Mid Ulster region and both located within the sensitive landscape of the Sperrin AONB. Details of these two projects are outlined below:

- **Crockandun Wind Farm (Ref: H/2010/0009/F)**
 - Location: Adjacent to the Cullion Road, located on the slopes of Slieve Gallion.
 - Restricted Zone: High Sperrins SCA and AOCWTHS
 - Proposal: 6 No. wind turbines with 125m blade tip height
 - Permission: Granted
- **Ballynagilly Wind Farm (Ref: LA09/2015/0459/F)**
 - Location: Adjacent to the Ballynagilly Road, located on the slopes of Fir mountain
 - Restricted Zone: High Sperrins AOCWTHS
 - Proposal: 8 No. wind turbines with 126.5m blade tip height
 - Permission: Refused

Both applications are located within restricted zones for development and possess a similar scale, yet the decision was made by the Council, utilising existing policy, to grant permission for Crockandun and refuse permission for Ballynagilly based on visual intrusion and unacceptable impact on visual amenity and landscape character of the area. The decision notice is contained within appendix 1. The case officers report concluded:

“There are a number of significant views from the proposed Wind Farm and because of its scale, prominence and degree of visibility, it would not be sympathetic to the special character of this AONB and edge of AONB location. When viewed with other existing and ‘proposed wind energy developments’ the cumulative visual impact would be significantly detrimental in this AONB. There is an unacceptable impact on the residential amenity of nearby dwellings, as a result of unacceptable visual dominance.”

This comparison case reference highlights the capability of the existing policy framework to assess an application on its own merits and if applicable, refuse permission on the basis of protecting landscape amenity and character where appropriate.

NIRIG does not consider there to be a need to introduce a stricter policy as the existing regime, endorsed through the SPSS is sufficiently protective and suitably fit for purpose for the assessment of onshore wind energy development.

Recommendation

NIRIG is fully supportive of the existing policy context and recommends the Council to reflect the criteria based approach to renewable energy development as endorsed by the SPSS, which will:

“Facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland’s renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.”

Recent Northern Ireland Planning Statistics for the second quarter of 2017/2018 as detailed in section 2.5 of the renewable energy background paper shows that the overall number of renewable energy applications received in Q2 was 7, the lowest second quarter figure since 2002/2003. This represents a 61.1% decrease in received applications from the same period a year earlier.

We recommend that further work is undertaken by the Council to review their evidence base and revise the AOCWTHS proposals accordingly. A full and detailed review of the methodology for designating AOCWTHS should be undertaken by the Council and a robust and up to date assessment of landscape character carried out to inform the baseline for any such designations.

In considering the character of the area, the Council should avail of all information and commissioning of assessments available to them, including detailed Landscape and Visual Impact Assessments (LVIAs).

Draft Policy SCA 1 – Special Countryside Area

Draft Policy SCA 1 proposes to introduce an additional layer of constraint on development in the countryside in the form of designating Special Countryside Areas at certain locations across Mid Ulster. There is a presumption against all forms of development in such areas, with limited exceptions. Section 18.10 of the dPS states that:

“In order to protect and enhance our natural environment in terms of landscape and visual amenity our strategy is to designate Special Countryside Areas (SCA) which will protect our most sensitive landscapes from inappropriate development.”

The dPS proposes to introduce Special Countryside Areas, at Lough Neagh / Lough Beg, Slieve Beagh and in the High Sperrins. As illustrated in Figure 2 below, this additional layer of constraint overlaps

the AOCWTHS and restricts further the amount of land available for new development of wind energy projects within Mid-Ulster.

As highlighted previously, by embracing these restrictive strategies, the dPS could be considered contrary to its own objectives, one of which states to “encourage energy efficiencies and promote the use of renewable energy.”

Given the apparent conflict between Draft Policy SCA 1 and the dPS objectives it is considered that this policy would fail soundness test CE1.

Within the methodology of designating the High Sperrin and Slieve Beagh SCA it states in Section 3 of the background paper:

*“In order to establish the boundaries of the Sperrins and Slieve Beagh SCA, a **desktop** study was carried out in February/March 2018. This study took account of the NILCA 2000”*

*“A **desktop** visual assessment was carried out and a second SCA boundary line was deduced utilising identifiable natural features to inform boundary definition. This line formed the basis for subsequent field survey work to determine the exact delineation of the proposed SCA boundary.*

It is concerning that the methodology of review and establishing these locations has been derived primarily from a desktop assessment, which included a review of the NILCA 2000. No detail is provided on the methodology employed to determine the viewpoints or inform the visual inspection and therefore we are unsure about the robustness of the assessment.

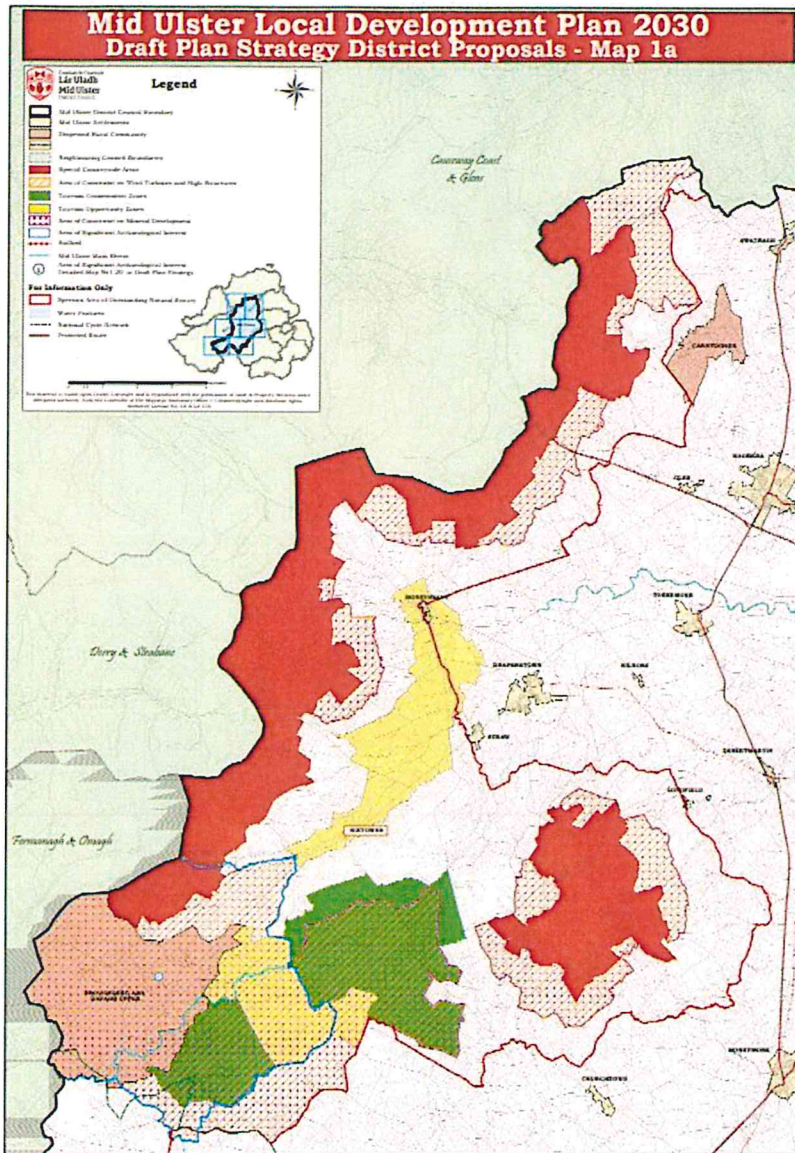


Figure 2: dPS proposals illustrating SCAs and AOCWTHS

We believe that relying on an out of date character assessment is flawed as no account will have been made of how the character of the area has evolved since 1999 when the NILCA assessments were undertaken. NIEA highlight this fact within their POP consultation response which states:

“NIEA welcome the concept of identifying vulnerable landscapes but are unsure of the justification used to define these areas. They recommend that the Council embarks on a process to undertake a detailed local Landscape Character Assessment using recognised methodology; some site work used for current designations dates back to the 1990’s.”

The Council’s appraisal of the proposed SCAs as set out in section 5.531 of the Sustainability Appraisal (SA) suggests that NED (Natural Environment Division) supported the concept of an SCA. However,

again there is no indication provided of consultation or agreement with NED in relation to the specific location and extent of the proposed SCAs

Again, the lack of information and robustness in the assessment demonstrates that the evidence used to inform this draft policy is inappropriate.

We consider that the extent of the SCAs proposed under Draft Policy SCA 1 are founded on flawed evidence provided by the Council. For this reason we believe that the policy fails to meet soundness test CE2.

Recommendation

The SPPS applies a cautious approach to renewable energy development within designated or vulnerable landscapes e.g. AONBs. NIRIG recommends retention of the existing policy approach which will support renewable energy proposals unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development.

Again, we recommend that further work is undertaken by the Council to review their evidence base and revise the SCA proposals accordingly. A full and detailed review of the methodology for designating SCAs should be undertaken by the Council and a robust and up to date assessment of landscape character carried out to inform the baseline for any such designations.

In considering the character of the area, the Council should avail of all information and commissioning of assessments available to them, including detailed Landscape and Visual Impact Assessments (LVIAs).

Draft policy RNW 1 – Renewable Energy

This policy proposed by the Council restricts development of renewable energy within SCAs and AONB. Section 22.11 of this policy states:

“Of the various forms of renewable energy development, wind energy currently poses the greatest risk in terms of impacts on our landscapes and our ecology..... To protect these landscapes Special Countryside Areas (SCA’s) and Areas of Constraint on Wind Turbines and High Structures (AOCWTHS) have been introduced. The SCA will place constraints on all renewable energy development whilst the AOCWTHS will be an area where renewable development with a low impact will be accommodated but development of a height of greater than 15m will be resisted.”

NIRIG is concerned with the negative references that are applied to wind energy within the dPS. Section 22.11 makes a sweeping and subjective statement that:

“of the various forms of renewable energy development, wind energy currently poses the greatest risk in terms of impacts on our landscapes and our ecology.”

We are concerned by the regressive nature of this statement and the lack of evidential comparison with other forms of energy supply in Northern Ireland. No comparative evidence is given in respect

of other forms of energy that would have to be promoted otherwise, in the absence of wind energy projects to meet Northern Ireland's renewable energy targets.

We encourage the Council to recognise the key role the renewable industry can play in meeting the dPS strategic objectives of facilitating the creation of 8,500 new jobs by 2030 and promoting diversity in the range of jobs in the district. The renewable energy industry makes a substantial contribution to the local economy in terms of job creation and sustaining employment. Business rates alone from wind farms equates to more than £600,000 annually, with an additional £100,000 in annual community benefit funds. Local construction companies have upskilled their staff and created jobs in engineering and construction, even during economic downturns, through providing services for the wind industry.

Each turbine erected at a wind farm in Northern Ireland represents £2.7million of investment in the local economy throughout its lifetime.⁶ 532 jobs and 31.7 million in gross added value (GVA) in the NI economy has been generated by the onshore wind sector. Not only this, but wind energy has also paid back to local consumers by reducing their wholesale electricity costs, to the tune of £4 for every consumer, every year, from 2000-2020.⁷

NIRIG believes that the dPS places greater emphasis on the protection of visual and landscape amenity than the economic and environmental benefits of renewable energy. This is reflected further in the Sustainability Appraisal which fails to robustly assign material weight to the economic and environmental benefits of renewable energy projects.

Section 5.631 of the SA states that all individual policy approaches as outlined in the POP, which includes retaining the existing policy context performed well with potential for positive or even significant positive effects on topics such as Air Quality, Climate Change, Biodiversity and Land quality.

Furthermore, section 5.632 the SA states that

“all approaches will have either a significant positive or minor positive effect on SA/SEA 18 Encourage Sustainable Economic Growth and SA/SEA Employment creation. Employment creation reflecting the importance of the renewable energy industry in achieving sustainable development and in creating jobs.”

It is evident that the overriding rationale and disproportionate reasoning for adopting policies such as SCAs and AOCWTHS relates to solely preserving landscape and visual amenity with inappropriate and unjust regard or material weight assigned to the obvious and evidential economic and environmental benefits attributed to renewable energy development.

We believe the Council's evidence is flawed in its methodology and does not align with the dPS and regional objectives.

For these reasons it is considered that Draft Policy RNW 1 fails soundness tests C3, CE1, CE2 and CE4

⁶ Onshore Wind: Economic Benefits in Northern Ireland, 2017.

⁷ <http://www.ni-rig.org/wp-content/uploads/2017/02/NIRIG-The-Wind-Dividend-Report-WEB.pdf>

Recommendation

We would encourage the Council to have regard within their policies for the wider benefit of renewables in striking the balance between social, economic and environmental factors.

We would strongly encourage the Council to produce a plan that is in conformity to the Regional Development Strategy and the SPPS. The SPPS states that local councils should set out policies and proposals in their Local Development Plans that support a diverse range of renewable energy development and takes into account the aim and regional strategic objectives of the SPPS in relation to renewable energy, local circumstances, and the wider environmental, social and economic benefits of renewable energy development.

These benefits are considered to be material and should be given appropriate weight in determining whether planning permission should be granted. It is recommended that the existing policy framework is suitable and fit for purpose for the assessment of onshore wind energy development.

NIRIG consider that the extent of the SCAs and AOCTWHS proposed are founded on flawed evidence provided by the Council. We recommend that further work is undertaken by the Council to review their evidence base and revise their proposals accordingly.

NIRIG welcomes the opportunity to participate further in this consultation and would appreciate the opportunity to engage with the Council to discuss our concerns and assess ways forward for ensuring sustainable development and the economic benefits of the low-carbon economy.