

Roisin McAllister

From: Seamus Fay [REDACTED]
Sent: 24 September 2020 16:47
To: DevelopmentPlan@midulstercouncil.org
Subject: Representations to draft LDP Plan Strategy on behalf of NIE Networks
Attachments: Letter to Mid Ulster LDP Sept 2020.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please find attached representation on behalf of NIE Networks in respect of the draft LDP Strategy. I would be grateful if you would provide acknowledgement of receipt.

Regards
Seamus

Seamus Fay

Director - Planning
RPS | Consulting UK & Ireland
Elmwood House
74 Boucher Road, Belfast
Co. Antrim BT12 6BZ, United Kingdom
[REDACTED]



rpsgroup.com

[LinkedIn](#) | [Facebook](#) | [Instagram](#) | [YouTube](#)

Emerging from COVID-19

Taking the next step? Business will not be the same and we're here to help clients every step of the way. [Find out how](#)

This e-mail message and any attached file is the property of the sender and is sent in confidence to the addressee only.

Internet communications are not secure and RPS is not responsible for their abuse by third parties, any alteration or corruption in transmission or for any loss or damage caused by a virus or by any other means.

RPS Group Plc, company number: 208 7786 (England). Registered office: 20 Western Avenue Milton Park Abingdon Oxfordshire OX14 4SH.

RPS Group Plc web link: <http://www.rpsgroup.com>

Our ref: Submission to Mid Ulster District Council LDP Draft Plan Strategy

Date: 24 September 2020

Development Plan Team,
Planning Department,
Mid Ulster District Council,
50 Ballyronan Road,
Magherafelt,
BT45 6EN

Dear Sirs,

Mid Ulster District Council LDP 2030 Draft Plan Strategy

Please find enclosed a representation in response to the public consultation to the LDP Draft Plan Strategy on behalf of NIE Networks. This representation outlines our observations and highlights several concerns regarding the soundness of the draft policies.

We have reviewed the documents in the context of the planning advice provided by the Department for Infrastructure and in particular the guidance provided by Development Plan Practice Note 6 – Soundness.

Background

NIE Networks is the electricity Distribution Network Operator (DNO) and Transmission Asset Owner in Northern Ireland (NI). We are responsible for the safe, secure and reliable transmission and distribution of electricity throughout NI, and have an obligation to develop and maintain an efficient, coordinated and economical system of electricity distribution and transmission infrastructure. This critical infrastructure helps support our low carbon economic objectives and facilitates sustainable economic and social growth in communities and businesses across the region. As such, the Development Plan process is an essential element in helping NIE Networks meet their obligations, and we welcome the opportunity to make observations on the draft Plan Strategy.

NIE Networks is reliant on its operational telecommunications infrastructure to monitor the state of the electricity grid and to reduce the number of customer interruptions and length of time customers are without supply. The spectrum we currently use is in the microwave band for core network backhaul and UHF band for low speed distribution SCADA monitoring. The current distribution SCADA network extends to less than 700 connected assets on the HV network and only requires low bandwidth to operate.

However, the existing infrastructure is not sufficient to meet the additional demands driven by smart grids and the need to digitalise the energy system.

Future applications that require real-time two-way, secure, low-latency and high-bandwidth telecommunications based on modern IP technologies down to the Low Voltage (LV) network would require connection to more connected assets across the whole of Northern Ireland. This number of devices is notwithstanding the additional telecommunications infrastructure that will be required to facilitate smart charging of electric vehicles or to deploy smart metering.

A key enabler for smart grids is expansion of the Operational Telecommunications Networks (OTN) and associated IT infrastructure.

Our ref: Letter to Council

The future radio spectrum we seek to deploy will require more mast infrastructure and will cover two needs:

- (i) **10.5GHz Backhaul – masts in Primary Sub-stations and Third Party sites.** This spectrum is envisaged for use as backhaul to extend our Operational Telecoms reach to more Primary Substations and potentially Third Party sites. We have been granted consent by OFCOM to the transfer of the 10.5GHz Spectrum Right which allows us to use 2 x 20 MHz of spectrum in Northern Ireland.
- (ii) **LTE WAN. (400MHz) Base Station deployment, Rural and Urban locations – masts in Primary Sub-stations, Secondary Sub-stations.** A further application has been made to OFCOM to release spectrum to allow the emergence of a smart, flexible, decentralised power grid. The MNOs have already confirmed that they are unable to offer the resilient infrastructure we require on their networks.

This WAN spectrum would be used to monitor additional Primary and all Distribution Sub stations, Distributed Energy Resource (DERs), as well as LV control and monitoring and metering. In addition we have a requirement for critical mobile field force communications, Tele-protection - critically important low-latency, protection signalling applications, and CCTV for enhanced security at Primary sites.

Regional Development Strategy 2035 (RDS)

The RDS sets out the long term policy direction for the sustainable development of the economy, and provides guidance on developing a modern and sustainable economic infrastructure to facilitate economic growth and promote connectivity. RG5 strives to deliver a sustainable, reliable and secure energy supply, and highlights strengthening the grid as a key objective. It recognises that this will involve *'increasing electricity interconnection capacity to strengthen the linkages between transmission and distribution networks'* (RG5), which closely aligns with the objectives and responsibilities of NIE Networks.

In this context, NIE Networks is committed to a substantial investment programme focused on strengthening the electricity network, which involves replacement, maintenance and upgrade of ageing assets, as well as the development of safe and efficient connections, to facilitate the delivery of a reliable electricity supply. We recognise and acknowledge that this needs to be carefully planned and assessed to ensure it achieves a sustainable balance of strengthening the grid whilst ensuring minimal impacts on amenity and the environment.

RDS also recognises the importance of telecommunications. Under RG3 the objective is to 'Implement a balanced approach to telecommunications infrastructure that will give a competitive advantage'. While Northern Ireland's core telecommunications network is world class, the telecommunications market is fast moving and competitive advantage can be quickly eroded or lost if a region fails to continue to invest in its infrastructure. RDS states that advancements in the use of technology and telecommunications will enable a more innovative approach to service delivery.

Strategic Planning Policy Statement (SPPS)

One of the key principles of the SPPS is 'Furthering sustainable development'. The SPPS states that this means *"ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development. This includes strategies, proposals and future investment programmes for key transportation, water and sewerage, telecommunications and energy infrastructure (including the electricity network)"*.

Under the core principle of *'Preserving and Improving the Built and Natural Environment'*, it is stated that the planning system plays an important role in conserving, protecting and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society. This is a key aspect of the wider objective of furthering sustainable development which planning authorities should take into account in the preparation of LDPs and carrying out of their development management functions.

Mid Ulster DC Draft Plan Strategy

Our ref: Letter to Council

NIE Networks already has an extensive transmission and distribution infrastructure throughout the Council area, and the development of planning policy regulating these utilities, the draft strategy for various land uses, and future land use zonings are of particular importance to us. We welcome and support the Councils overall vision and strategic objectives, in particular:

'We will remain a low carbon economy and will be an important energy producer.' (Paragraph 3.10)

'Through the support of this Plan Mid Ulster will have a sustainable economy with varied and plentiful employment opportunities and appealing, well designed and affordable places to live. The Plan will assist us in protecting our rich heritage, our natural environment and our most sensitive landscape settings for future generations also making our District an appealing place to visit.' (Paragraph 3.14)

Accommodating People and Creating Places

- *To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.*
- *To provide for 11,000 new homes by 2030*
- *To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the built and natural environment.*
- *To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan.*

Creating jobs and promoting prosperity

- *To facilitate the creation of at least 8,500 new jobs by 2030 at a variety of locations where they are accessible to all members of the community, including those without a private car.*
- *To promote diversity in the range of jobs on offer recognising the importance of employment in the primary sector (agriculture forestry and mining), secondary sector (industry and manufacturing) and tertiary sector (administration, commerce, retailing, leisure and tourism).*
- *To recognise and accommodate entrepreneurship, innovation for large, medium and small firms by attracting new firms and accommodating expanding businesses.*
- *To recognise the importance of self-employment and home working, particularly in rural locations.*
- *To encourage energy efficiencies and promote use of renewable energy.*

Enhancing the environment and improving infrastructure

- *To protect and enhance the natural and built environment as wise custodians of our landscape and to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and wellbeing.*
- *To accommodate investment in power, water and sewerage infrastructure, and waste management particularly in the interests of public health.*
- *To improve connectivity through telecommunications which both meets the needs of business and private households whilst reducing the need to travel.*

We also welcome the approach to the draft LDP Growth Strategy and Spatial Planning Framework with a strategy that is based on the Regional Guidance and as a consequence is geared to:

- *implement a balanced approach to telecommunication infrastructure that gives a competitive advantage;*
- *deliver a sustainable and secure energy supply; and*
- *conserve, protect and where possible enhance our built heritage and our natural environment.*

In that context the plan strategy, in addition to promoting appropriate development in the larger towns and villages also seeks to encourage development in a wide range of sectors:

- Providing development opportunities in small settlements (SPF5);
- Accommodating development in rural areas (SPF6);
- Support rural regeneration in remoter areas through the designation of Dispersed Rural Communities (SPF7 & Policy CT4));
- Increased options for approval of dwellings in the countryside (Policy CT2);
- Social & affordable housing in the countryside (Policy CT3)

Our ref: Letter to Council

- Sport & Recreation in settlements and in the countryside (Policy OS3 & OS4);
- A strategic approach to economic development that seeks to provide approximately 170 hectares of economic land across the three hubs of Cookstown, Dungannon and Magherafelt at a variety of locations suitable for a mixture of uses (Policy ECON1);
- Promotion of economic development in the countryside, recognising the strong tradition of rural entrepreneurship (Policy ECON 2);
- The promotion of tourist development generally and the resort destination development in particular (Policy TOU 2), other tourism accommodation (Policy TOU 3), and other tourism facilities/amenities and attractions (Policy TOU4); and
- Increased options for approval of agriculture & forestry and commercial fishing developments (Policy AFR 1) and farm diversification projects (Policy AFR 2)

All of these positive and welcome development objectives and policies will need to be serviced by increased power supplies.

In that context NIE Networks welcome the acknowledgement of the importance of good telecommunications services (paragraph 21.1) in respect of rural areas, education and business. In addition the draft Plan Strategy also recognises the importance of overhead power cables in enabling a good electricity network to support rural homes and business. (21.4).

This draft Plan Strategy therefore outlines a positive growth strategy and recognises the importance of providing and upgrading energy infrastructure to address needs whilst minimising impact on visual amenity and the environment.

NIE Networks understands and supports the general thrust of the Plan Strategy and the overall vision and objectives. However it is critical to ensure that the implementation of that vision and objectives is facilitated by a coherent and consistent policy approach throughout the Plan Strategy, ensuring it accurately reflects regional policy, and is considered to be sound.

It is our view that a number of specific proposed policies do not meet the required tests for soundness as set out in DDPN 6 for the reasons set out below.

Policy TOHS 1: Outside Areas of Constraint on Wind Turbines & High Structures

Unsound (by virtue of Consistency Tests C1, CE1, CE2, CE3 & CE4)

The RDS sets out a clear policy direction within RG5 regarding a reliable and secure energy supply, and highlights strengthening the grid as a key objective, by increasing interconnection capacity between transmission and distribution networks. The importance of facilitating the provision and upgrade of energy infrastructure is also appropriately transposed directly into the strategic economic objectives of the Draft Strategy. In this context, it is disappointing to note that there is no corresponding policy in relation to the provision and upgrade of energy infrastructure within the Draft Strategy.

The SPPS states that telecommunications development should be facilitated where it can be done so in an efficient and effective manner whilst keeping the impact on the environment to a minimum and where visual impacts or impacts on other radio spectrum users are also kept to a minimum.

The strategy of Mid Ulster District Council in relation to telecommunications is to continue facilitating infrastructure to enable an increase in the use of broadband and mobile data in order to address the urban / rural imbalance which exists in relation to such services. The strategy also seeks to provide a '*greater additional layer of protection to our most prominent landscapes in the Sperrins and in the Clogher Valley*' by the introduction of an Area of Constraint on Wind Turbines and High Structures (AOCWTHS) wherein there will be a presumption against development over 15 metres in height.

The proposed exceptions allow a maximum height of 25 metres where it relates to an essential electricity transmission or supply.

Policy TOHS 1 goes on to say that:

'Higher structures will only be considered if it is demonstrated that the proposal is of regional importance.'

It is unclear and at least open to interpretation as to what is meant by higher structures. Is it structures over 15m or over 25m? The policy text is unclear and ambiguous and unsound on consistency test CE1.

Our ref: Letter to Council

Telecommunication masts being restricted to 15m is liable to result in more masts being required as the area covered will potentially be reduced, given that communications rely on Line Of Sight (LOS), amongst other criteria. Furthermore tree growth has to be considered in the LOS, as this can often exceed 15m. This is more likely to result in less site sharing as the antennae have to be spaced apart and providers will be competing for maximum coverage in the relevant area. A restriction to 15m masts will inevitably result in an increased number of masts in various locations as coverage areas will be reduced with lower masts. This is at odds with the general objective of mast sharing to reduce the number of individual towers and fails to take account of that potential impact on prized landscapes that the measure is seeking to protect. Therefore there is a lack of consistency and coherence within the plan and the proposed policy is unsound in respect of CE1.

Outside of the designated AOCWTHS there is a requirement for applications for overhead cables to demonstrate that the chosen route follows the natural features of the environment.

When bringing forward proposals for new or upgrading of this existing energy infrastructure, NIE Networks is legally obliged (under Schedule 9, Electricity Order (NI) Order 1992) to consider visual and environmental considerations during the formulation of proposals, before they come before the Council as a planning application, and do so in accordance with the Holford Rules. The final design and proposal brought forward for submission to the Planning Authority will therefore be the output from a carefully considered balance of technical, environmental, visual and landowner considerations. Therefore, NIE Networks will have carefully considered the environmental impact and included appropriate mitigation measures to minimise any potential significant environmental effects or any unacceptable adverse impacts, within the final design of the proposal in the planning application. Following the natural features of the environment is a critical consideration in arriving at the final design solution but it has to be weighed against other environmental and technical considerations.

NIE Networks would also highlight that there is already existing energy infrastructure located within these important landscape areas, which forms part of the current landscape character and environmental character. As outlined earlier, RG5 of the RDS focuses on strengthening the grid and linkages between transmission and distribution networks, which will likely include refurbishment and upgrade of existing overhead lines, pylons, poles and other energy infrastructure. Restrictions on the location of and heights of strengthening works to overhead lines and associated infrastructure required to support reinforcement of the network, could result in undue and unreasonable challenges in achieving the RG5 objective. It could also result in an increase the costs of such works through costly diversion of infrastructure or more expensive infrastructure solutions, which may inevitably increase pressure on customer bills.

NIE Networks respectfully suggests that any associated policy needs to build in an element of reasonable flexibility to allow the planning authority to exercise reasonable and appropriate planning judgement in weighing up proposals. It is recognised that policy makers cannot anticipate all situations or proposals, and as such, it must allow for every case to be considered separately and on its own merits. As such, NIE Networks considers that the current policy wording imposing height restrictions does not take sufficient account of Policy RG5 of the RDS, and as such is considered unsound by virtue of Soundness Test C1. It is not sufficiently flexible to take account of changing situations and is therefore also unsound in respect of Soundness Test CE4.

NIE Networks consider that the height restrictions derived from wind turbines are inappropriate as a threshold for energy infrastructure, and do not logically flow from an analysis or evidence base of existing infrastructure or from the information contained in the Landscape Character Assessment. This is in line with the DfE NI Energy Strategy and restrictions of this manner would inhibit us from aligning with this strategy. It is our considered opinion that all proposals should be considered on their own merits, in the context of supporting landscape and environmental information which assesses the specific proposal within its specific context and landscape. Policy makers cannot anticipate all situations or proposals, and as such, it must allow for every case to be considered separately and on its own merits. As such, NIE Networks considers that the current policy wording imposing height restrictions is unsound in the context of Soundness Test CE2 and CE3

Our ref: Letter to Council

Policy SCA1 - Special Countryside Areas:

Unsound (by virtue of Consistency Tests C4 and CE1)

The draft Plan Strategy proposes Special Countryside Policy Areas as outlined in the District Proposals maps and under Policy SCA 1 it is proposed that *'there will be a presumption against all new development in order to protect the quality and unique amenity of these unique landscapes.'* Within the Slieve Beagh and High Sperrins SCA's the policy will allow for the provision of essential electricity transmission or supply infrastructure of demonstrable regional importance.

NIE Networks acknowledge the objective of endeavouring to provide appropriate protection to prized landscapes. However the geographical extent of the proposed SCA in the northwest of the district allied to the presumption against all development other than essential electricity transmission or supply infrastructure of demonstrable regional importance, would result in a significant barrier to the provision of important electrical infrastructure across the district boundary into adjoining council areas in Causeway Coast & Glens, Derry & Strabane and Fermanagh & Omagh. There is no evidence of the draft Plan Strategy taking account of what its neighbouring councils are proposing in this regard and there proposals are therefore unsound by virtue of Consistency Test C4 – it has not acknowledged the potential implications beyond its council area.

NIE Networks is governed by the Utility Regulator for Northern Ireland (UREGNI), and they agree a budget for each price control period in advance, which is funded by the NI customer through the Distribution Use of System (DUoS) tariff. NIE Networks generally pays for all the infrastructural alterations required to facilitate new developments. This cost is passed on to NI customers through the DUoS tariff. The cost for new connections is paid for in full by the customer. Within that context, NIE Networks has a legal obligation (under the Electricity (NI) Order 1992) to offer the NI customer the *'least cost, technically acceptable'* solution for a new connection or alteration to the electricity network to facilitate development. In the majority of rural and suburban areas, this will always be an overhead line connection for High Voltage connections.

In this instance the extensive nature of the proposed SCAs and the presumption against development outlined above means that overhead lines, other than those of demonstrable regional importance, will be required to circumnavigate the designated SCA and add considerable cost to the delivery of the electricity service to customers. That cost will more often than not render potential developments unviable and result in them not proceeding. As a result the proposed zoning and associate policy is seriously at odds with the plan vision and objectives of promoting sustainable development in the district. A sustainable alternative would be to place the onus of the developer of necessary service infrastructure to demonstrate that the delivery of that infrastructure does not result in unacceptable impacts on the inherent character and integrity of the designated SCA. In its current form the policy and designation is unsound by virtue of CE1 that it is inconsistent with the sustainable development objectives of the RDS, the SPPS and the vision and objectives of the Plan itself.

I can confirm that NIE Networks wish to appear at the Independent Examination, in respect of the issues raised in this submission.

I trust this is of assistance and would confirm that NIE Networks are happy to meet with you and the relevant members of your team, should you wish to discuss these matters further.

Our ref: Letter to Council

Yours sincerely,
for NIE Networks



Head of Asset Management, NIE Networks

Ian Bailie
Network Development Manager, NIE Networks

