

Elaine Mullin

From: Michelle Hill [REDACTED]
Sent: 17 April 2019 12:47
To: DevelopmentPlan@midulstercouncil.org
Subject: RSPB NI Response to Mid Ulster LDP - dPS / HRA /SA _SEA
Attachments: RSPB NI Mid Ulster LDP DPS final 17.04.19.pdf; RSPB NI Mid Ulster dPS SA_SEA final 17.04.19.pdf; RSPB NI Mid Ulster LDP HRA final 17.04.19.pdf; RSPB Response to Mid Ulster POP_27.01.17.pdf; 16.05.06 -RSPB SPPS Renewable Energy final.pdf; 16.05.06 -RSPB SPPS COUNTRYSIDE - Final.pdf; Lough Beg landscape-scale conservation area.pdf; South-west Lough Neagh landscape-scale conservation area.pdf

Please note: This submission by RSPB NI **comprises 9 attachments.**

Please find attached RSPB NI's responses in respect of the following consultations:

1. LDP draft Plan Strategy;
2. Draft Plan Strategy Sustainability Appraisal;
3. Draft HRA; and,
4. For convenience a copy of our original Preferred Options Paper submission is attached along with other RSPB NI submissions which have been referred to either in the POP or DPS response:
 - (i) RSPB NI Mid Ulster POP Response
 - (ii) RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
 - (iii) RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (2016)
 - (iv) RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS) (2014)
 - (v) RSPB NI's Lough Beg landscape-scale conservation area map
 - (vi) RSPB NI's South West Lough Neagh landscape-scale conservation area map

I would be grateful if you could acknowledge receipt of same and keep me advised of future opportunities for comment.

Michelle Hill MRTPI

Conservation Team Leader (Planning and Sites)

Northern Ireland Headquarters Belvoir Park Forest, Belfast, BT8 7QT

Tel [REDACTED]
Mobile [REDACTED]

rspb.org.uk

Let's give nature a home in Northern Ireland



Northern Ireland

RSPB Northern Ireland is part of the RSPB, the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

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Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



**Local Development Plan
Representation Form
Draft Plan Strategy**

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Local Development Plan 2030 – Draft Plan Strategy

Representations must be submitted by 4pm on 19th April 2019 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

2. Agent Details (if applicable)

Title	<input type="text" value="MS"/>	<input type="text"/>
First Name	<input type="text" value="Michelle"/>	<input type="text"/>
Last Name	<input type="text" value="Hill"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Conservation Team Leader
(Planning and Sites)"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="RSPB"/>	<input type="text"/>

Address Line 1	RSPB NI	
Line 2	NIHQ	
Line 3	Belvoir Park Forest	
Line 4	Belvoir Drive BELFAST	
Post Code	BT8 7QT	
Telephone Number		
E-mail Address		

Mid Ulster District Council – Local Development Plan Draft Plan Strategy Representation

A response from RSPB Northern Ireland, 16 April 2019

Introduction

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

RSPB NI welcomes the opportunity to comment on the Mid Ulster District Council (MUDC) Local Development Plan (LDP) Draft Plan Strategy (DPS).

This submission comprises a number of responses, and as such they have been numbers for ease of reference.

N.B. preference for representation to be dealt with is by way of Oral Hearing – see page 77 of this submission for further details.

Response 1

3.0 local Development Plan, Vision and Objectives

Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

In response to the MID Ulster LDP objective to:

‘to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and well-being’.

As per our concerns outlined on this matter in response to the Preferred options Paper, RSPB NI questions the wording ‘to achieve biodiversity’; this current wording is somewhat vague, and difficult, if not impossible to truly measure its effect, and whilst not only also being subject to interpretation, it is inconsistent with legislative provisions and regional strategic policy as follows:

Under the Wildlife and Natural Environment Act (NI) 2011, local councils have a duty to further the conservation of biodiversity. Furthermore, Paragraph 6.171 of the SPPS states ‘sustaining and enhancing biodiversity is fundamental to furthering sustainable development. The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020’.

Modifications

In the circumstances, RSPB NI reiterates its request that the Mid Ulster LDP's strategic objective should be amended to reflect and accord the ambition of the WANE Act (NI) 2011 as follows:

‘to protect and enhance the natural and built environment to **further the conservation of biodiversity**, achieve quality design, enhanced leisure and economic opportunity and promote health and well-being’. (words in **bold underlined** – suggested rewording).

Response 2

4.0 Growth Strategy and Spatial Planning Framework

SPF 2 – Focus growth within the three main towns/hubs of Cookstown, Dungannon and Magherafelt and strengthen their roles as the main administrative, trade, employment and residential centres within the District

Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

Paragraph 4.15 of MUDC's dPS states '60% of the district's Housing Growth Indicator (HGI) to be located within the three towns'. Paragraph 4.17 goes on to provide a set of priorities for the identification of land for housing. However, neither statement explicitly states brownfield land as a priority in the accommodation of such housing growth. The use of Brownfield land plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration.

The dPS has therefore not only failed to take into account RG8 of the RDS which seeks to manage housing growth to achieve sustainable patterns of residential development (including the 60% Brownfield land target), but also the Housing Evaluation Framework as contained within Table 3.2 of the RDS, while also undermining the Strategic Planning Policy Statement's (SPPS) aim of furthering sustainable development. Furthermore, it undermines the objective of the planning system (consistent with Part 1, Section 1 of the Planning Act (Northern Ireland) 2011), which is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. (Paragraph 2.1 of SPPS, Our emphasis).

Modifications

It is therefore requested that SPF 2 is amended to explicitly state the 60% brownfield target for accommodating housing growth within the three main towns and include brownfield land as criterion for priority identification across the settlement hierarchy *per se* in order to be more effective and comply with the RDS, SPPS and the objective of the planning system.

Response 3

4.0 Growth Strategy and Spatial Planning Framework

SPF 2 – Focus growth within the three main towns/hubs of Cookstown, Dungannon and Magherafelt and strengthen their roles as the main administrative, trade, employment and residential centres within the District

Paragraph 4.19 ref. Appendix 1 Housing Growth Indicators

Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

The information contained within Appendix 1 illustrates that there is a real danger that the District's HGI of 11,000 units could be far exceeded during the plan period. The combined figure for 'committed units still to be developed and residual zoning (at 1st April 2015)' serves only to compound this fear.

In this regard, the combined figure for committed units still to be developed and residual zoning (at 1st April 2015) within the main towns, local towns villages and small settlements yields a total of 14,386. This figure has no regard to any approvals in the countryside, which will further add to this total.

Looking at the Housing Local Indicators 2015-2030 (units) column of Appendix 1, similarly highlights the potential for significant over provision in housing allocation over the plan period. In this regard, a similar calculation across the settlement hierarchy yields a total of 10163 units.

Added to this is the figure for the Countryside which will be monitored to ensure that it does not exceed 4380 units.

In the circumstances, there is a very clear danger that the Plan could significantly exceed its stated HGI figure of 11,000.

RSPB NI recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

It is therefore crucially important that the LDP ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the LDP burdens the environment with more housing than is actually needed. In this regard, housing growth and allocations should therefore be based on a robust evidence base. Land is a finite resource and we need to ensure that all development is within environmental limits.

Furthermore, furthering sustainable development is at the heart of the SPPS and indeed, Paragraph 3.3 of the SPPS states this means (in relation the needs and aspirations of our society) 'facilitating sustainable housing growth in response to changing housing need'.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

Modifications

The HGI values across the settlement hierarchy including the countryside, need to be reconciled against the Plan's stated HGI of 11,000 in order to be more effective and comply with the principles of furthering sustainable development as contained within the RDS, and SPPS.

Response 4

4.0 Growth Strategy and Spatial Planning Framework

SPF 6 - Accommodate development within the countryside that supports the vitality and viability of rural communities without compromising the landscape or environmental quality and whilst safeguarding our natural and built heritage;

Unsound

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

Paragraph 4.34 of the dPS states 'the countryside will not be subject to an allocation of the Districts HGI, however housing development will be monitored. At present 40% of our Districts households are located in the open countryside. Accordingly, for review purposes if the number of houses being approved in the countryside exceeds 40% of the Districts HGI this will trigger the need to change policy at the Plan Review'.

The 40% tipping point for housing growth in the countryside has been identified from past trends, however, justification for future patterns of allocation based on historic patterns is not considered to be a sustainable approach, as they may not necessarily further sustainable patterns of development.

In this regard, it is not clear how MUDC has applied the findings of the environmental assets appraisal and landscape assessment which should be undertaken as the conclusions of such are key to determining an acceptable level of allocation based on environmental capacity to accommodate.

The RDS acknowledges that 'Between 2001 and 2008 the population of Northern Ireland increased by 5.1 per cent however the growth was unevenly distributed. The fastest growing areas tended to be located in suburban areas within commuting distance of major urban centres. There was a shift from the most densely-populated urban areas of Belfast and Londonderry. Large, medium and small towns grew slightly faster than the NI average. The fastest rates of growth were seen in villages (+13 per cent) and intermediate settlements (+11 per cent). Small villages, hamlets and open countryside areas registered growth of 9 per cent on average'. Reinforcing and continuing such a pattern of growth is not considered to be sustainable.

Modifications

In this context, MUDC should make available the conclusions of the environmental assets appraisal and landscape assessment which allows the Plan to support up to 40% of the District's HGI in the countryside. There is no evidence to confirm that what is being proposed can either further sustainable development or will operate within environmental limits. A projected growth scenario cannot sit in isolation from these objectives; otherwise it will be inconsistent with both the RDS and the SPPS. The finite capacity of our environment requires to be safeguarded through the LDP process.

Response 5

4.0 Growth Strategy and Spatial Framework

Key Site Requirements for Economic Development Zones at Granville

Zone D ECON 3 – Land at Killyglass Road

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?

Details /Modification

There is no recognition of the area of wet grassland around the lake between the NE boundary of D ECON 3 and the existing D101 zoning *per se*. A Key Site Requirement should be an ecological survey to ascertain the relative importance of this area given its proximity to a lake and wet grassland in order to accord with the SPPS and Policy NH 5 of PPS 2 in relation to ‘Other Habitats, Species or Features of Natural Importance’.

Response 6

4.0 Growth Strategy and Spatial Framework

Key Site Requirements for Economic Development Zones at Granville

Zone D ECON 4 – Land to North West of Dungannon Industrial Park

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

The Key Site Requirements for Zone D ECON 4 acknowledge that an area of fen habitat exists within the north eastern part of the site. As a priority habitat it is welcomed that no development is to occur within this area. However, setting this area aside from development is only part of what is necessary to secure the long-term maintenance of such areas. These important sites should be protected and maintained where they occur and should be restored where their condition has declined.

Modifications

Paragraph 6.192 of the SPPS states that 'planning permission should only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known priority habitats...'. This level of protection is also replicated in Policy NH5 of PPS 2.

Paragraph 6.195 of the SPPS continues 'in plan-making councils should take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area. Natural heritage features and designated sites should be identified as part of the plan-making process. Where appropriate, policies should be brought forward for their protection and / or enhancement. LDPs should also identify and promote the design of ecological networks throughout the plan area which could help reduce the fragmentation and isolation of natural habitats through a strategic approach.

In order for the dPS to be more effective and comply with the SPPS and PPS2 Policy NH5, the Key Site Requirement should be amended as follows (**amended text bold and underlined**):

Northern Ireland

- An area of fen habitat exists within the north eastern part of the site and an ecological survey of the northern sector of the zone should be submitted to determine the extent to which development should be set back from this area. **An ecological assessment should also be submitted to ensure that there is no unacceptable adverse impact on the fen habitat as a consequence of the development or demonstrate how it meets the exceptions test as contained within Policy NH 5 of the Plan.**

Response 7

General Principles Planning Policy

Policy GP 1 – General Principles Planning Policy

Unsound

C3 Did the council take account of policy and guidance issued by the Department?

Details

Regional Policy is not over prescriptive in its guiding principle in determining planning applications where ‘sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance’. There is no defined list of such interests of acknowledged importance.

However, Policy GP 1 of the dPS seeks to provide an exhaustive list of interests in points (a) through to (j) (though it is recognised that Paragraph 6.9 of the dPS states ‘the criteria in this policy represents those considerations which normally apply to a range of different types of proposals. However, it is not possible to indicate all potential material considerations that may arise’).

Modifications

While the inclusion of the aforementioned text is helpful, a more open-ended approach to ‘interests of acknowledged importance’ within Policy GP 1 *per se* would better reflect the tenor of the SPPS. Suggested rewording is outlined below (**additional text is bold and underlined**), which facilitates the ‘opening up’ of the defined and prescriptive list of interests which follow.

Planning permission will be granted for sustainable development where the proposal accords with the Plan and there is no demonstrable harm **to interests of acknowledged importance** ~~in relation to~~ **including** the following:

Response 8

General Principles Planning Policy

Policy GP 1 – General Principles Planning Policy

(j) Biodiversity

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Policy GP 1 states 'development proposals should respect, protect and/or enhance the District's rich and distinct biodiversity....'.

Paragraph 6.172 of the SPPS outlines the regional strategic objectives for natural heritage including *inter alia* 'protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region's natural heritage'. While it is acknowledged that Paragraph 6.195 of the SPPS makes reference to 'protection and/ or enhancement', this however is set with a much broader context within the SPPS, as can be observed at Paragraph 6.172 and the remaining narrative of Paragraph 6.195 for example.

In Policy GP1, the dPS has effectively weakened the Regional Strategic Objectives which advocates solely 'and' scenarios. The creation of an 'and/or' scenarios in such an abridged context within the dPS is a dilution in the policy wording, which should be resisted.

In addition to the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011), the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'. Furthermore, the proposed wording does not include the full range of regional strategic objectives for natural heritage, as set out at Paragraph 6.172 of the SPPS. Nor does it seek to halt the loss of biodiversity and ecosystem services by 2020 as contained within The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy.

Modifications

Northern Ireland

In light of the foregoing and to be more effective and compliant with the SPPS, point (j) of Policy GP 1 should be revised to delete the and/or scenario, and include the full range of requirements for the District's biodiversity as follows (revised text **bold and underlined**):

'development proposals should protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the District's natural heritage'.

Response 9

Social Policies - Accommodating Growth and Creating places

7.0 Housing in Settlements

Policy HOU2 – Quality Residential Development

Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

Our response to the Preferred Options Paper (attached to this email submission), outlined the benefits of incorporating biodiversity measures into the design of new housing developments and urban regeneration, however Policy HOU2 has failed to have regard to this and the regional strategic objectives on sustaining and enhancing biodiversity as contained within the RDS and SPPS. In addition, we provided details of the Kingsbrook development case study in England¹. Here the RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

On the Kingsbrook development just outside Aylesbury, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

Project objectives:

- 50 per cent wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve.

¹ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

Northern Ireland

- Wildlife corridors. Kingsbrook is being designed so that wildlife can move all around and through the greenspace and the residential areas. Whether it be hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.
- Sustainable Urban Drainage. Rather than shunting rainwater straight underground into pipes, in many places it will be directed along rills and swales on the surface - great wildlife habitat - slowing the flow and using nature to clean the water.
- Planting for wildlife, including a higher proportion than is usual of native shrubs, many hedges, areas of wildflower grassland for pollinators and butterflies, plus a fruit tree in each garden.
- All manner of wildlife homes, from bird boxes built into the walls of houses to places where amphibians can hibernate.

Please refer to our previous POP submission for further details for other research on this topic.

The built environment should aim to be permeable to wildlife and to incorporate design which helps to sustain and increase particular species and habitats. Such measures will also play a significant role in helping people and wildlife adapt to climate change. There are many approaches that can be included in the detailed design of development to achieve permeability – for example sustainable drainage schemes (SuDS) and living roofs and walls. While small and often low-cost design changes can make buildings suitable for bats, birds and invertebrates, some design features (for example living roofs or rooftop permaculture farms) will require early consideration of building form and structure (especially roof loadings) so that habitat requirements can be accommodated from the outset².

Modifications

The apparent lack of accord with the RDS and the SPPS, The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy (which seeks to halt the loss of biodiversity and ecosystem services by 2020), the Wildlife and Natural Environment Act (Northern Ireland) 2011 (which places a statutory duty on every public body to further the conservation of biodiversity), and paragraph 4.3 of PPS 7 (which recognises that good design can promote biodiversity and encourage wildlife), represents a backwards step in policy formulation for sustainable development and biodiversity. The Plan Policy should therefore contain policies that require biodiversity to be designed into the built environment.

Further details on how to do this could then be contained within an appropriate supplementary planning guidance document on design, that would refer back to the above Local Plan policy. A good example is

² The Environment Agency's Green Roof Toolkit

Appendix 2 of Exeter City Council's award-winning Residential Design Supplementary Planning Document³. The SPD details good practice approaches to protecting and enhancing biodiversity value within the built fabric and wider landscape of a residential development.

Furthermore, the Plan Policy should also state that planning conditions will be used to require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment.

Other useful sources (as previously referred to in our POP response):

- Paragraph 4.2.6 and Annex B of the TCPA Good practice guidance for green infrastructure and biodiversity⁴
- Biodiversity in the Built Environment⁵

³ Exeter City Council (2010) Residential Design Supplementary Planning Document. Exeter City Council.

⁴ Planning for a Healthy Environment – Good Practice Guidance for Green Infrastructure and Biodiversity
Published by the Town and Country Planning Association and The Wildlife Trusts, July 2012

⁵ UK-GBC Biodiversity Task Group (2009) Biodiversity and the Built Environment. London: UK Green Building Council.

Response 10

Social Policies - Accommodating Growth and Creating places

8.0 Housing in the Countryside

Policy CT2 – Dwellings in the Countryside

(d) Conversion/re-use of existing buildings for residential use

Unsound

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

In this regard, it is not only greenfield sites which are important for natural heritage interests, old buildings and vacant sites can present invaluable opportunities for biodiversity, and as such great care and attention should be given to retaining the site's biodiversity in any proposals for their re-development.

The State of Nature 2016 report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years.

RSPB NI believes that the protection and enhancement of both urban and rural biodiversity can be achieved through careful planning and development.

To achieve this, RSPB NI believes that any redevelopment proposals should aim to protect and enhance biodiversity on sites and enhance connections between ecological features within and across sites.

Biodiversity features which might be incorporated, where appropriate, into the design and layout include:

- Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pippistrelle and house sparrow;
- Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;

- Green/living roofs and green walls;
- A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
- Wildlife friendly lighting.

Modifications

To this end, it is recommended that Policy CT2 (d) be amended to include the following (**additional text in bold and underlined**)

'Any extensions, alterations or adaptations should not result in a net loss of biodiversity.

(It should also include reference to the abovementioned biodiversity features which may be incorporated, where appropriate, into the design and layout)

Such an amendment is considered to further sustainable development, consistent with the aims of the RDS and the SPPS and comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

Response 11

Social Policies - Accommodating Growth and Creating places

8.0 Housing in the Countryside

Policy CT2 – Dwellings in the Countryside

(d) Dwelling for holder of commercial fishing licence

Unsound

C1 Did the council take account of the Regional Development Strategy?

Details / Commentary

The dPS identifies a large area as a 'Policy Area of Holders of Commercial Fishing Licence to the west of Lough Neagh, given its proximity to the lough shore, there is a danger that such a zoning (which coupled with Policy ARF 1 – which also permits development ancillary to commercial fishing within the same spatial area) could put this area under increased development pressure and in the longer term undermine the international protection of the Lough. While the HRA anticipates that the resultant development from such policy will be low – careful monitoring through the LDP monitoring and review programme will be necessary to ensure that such development does not exceed environmental limits. Housing development resulting from this policy should be included within the allocation for housing in the countryside. This should be read alongside our comments in respect of **SPF 6 - Accommodate development within the countryside that supports the vitality and viability of rural communities without compromising the landscape or environmental quality and whilst safeguarding our natural and built heritage.**

Response 12

Social Policies - Accommodating Growth and Creating places

10.0 Urban Design

Policy UD 1 – Urban Design

Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

A requirement to 'respect the urban context taking into account any natural features of the landscape and the overall setting in which the development is introduced' and 'respect existing vegetation' are not considered to be in general conformity with the regional strategic objectives protecting, conserving, enhancing and restoring the abundance, quality, diversity and distinctiveness of the Region's natural heritage as contained within the RDS and SPPS, nor does it seek to halt the loss of biodiversity and ecosystem services by 2020 as contained within The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy. Nor could it be argued that the current policy wording reflects the statutory duty on every public body to further the conservation of biodiversity as articulated by the Wildlife and Natural Environment Act (Northern Ireland) 2011. Furthermore, there is no recognition either implicit or explicit that good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3), this is a backwards step in policy formulation for sustainable development and biodiversity. The Plan Policy should therefore contain policies that require biodiversity to be designed into the built environment.

Please refer to additional comments in respect of Policy HOU 2 above as they are equally applicable here.

Modifications

The Plan Policy should therefore contain policies that require biodiversity to be designed into the built environment.

Further details on how to do this could then be contained within an appropriate supplementary planning guidance document on design, that would refer back to the above Local Plan policy. A good example is

Appendix 2 of Exeter City Council's award-winning Residential Design Supplementary Planning Document⁶. The SPD details good practice approaches to protecting and enhancing biodiversity value within the built fabric and wider landscape of a residential development.

Furthermore, the Plan Policy should also state that planning conditions will be used to require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment.

Other useful sources (as previously referred to in our POP response):

- Paragraph 4.2.6 and Annex B of the TCPA Good practice guidance for green infrastructure and biodiversity⁷
- Biodiversity in the Built Environment⁸

Please refer to comments in respect of Policy HOU 1 above as they are equally applicable here.

⁶ Exeter City Council (2010) Residential Design Supplementary Planning Document. Exeter City Council.

⁷ Planning for a Healthy Environment – Good Practice Guidance for Green Infrastructure and Biodiversity Published by the Town and Country Planning Association and The Wildlife Trusts, July 2012

⁸ UK-GBC Biodiversity Task Group (2009) Biodiversity and the Built Environment. London: UK Green Building Council.

Response 13

Economic Policies – Creating Jobs and Prosperity

12.0 Economic Development

Policy ECON 2 – Economic Development in the Countryside

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

While the statement at paragraph 12.17 is welcomed with regard to the acknowledgement of 'disturbance being caused to species which are present in the redundant buildings such as bats and owls which have legislative protection' in respect of farm diversification proposals. However, the current wording in relation to the requirement for a wildlife survey is not considered to be sufficiently robust to be in accordance with the SPPS and PPS 2. Currently, the sentence states 'it will therefore be necessary to carry out a relevant wildlife survey where these species are identified' and while RSPB NI has no objection to this request *per se*, it should however be reworded for robustness and completeness as in certain circumstances, the presence of such species may not yet be formally identified or confirmed until a relevant wildlife survey has taken place – such an approach would be consistent with Paragraph 6.179 of the SPPS in relation to Protected Species.

Furthermore, paragraph 12.17 of Policy ECON 2 makes no reference to the difference policy and legislative provisions of the two types of protected species i.e. EU and National, and as such fails to have regard to both the exceptional circumstances test for European protected species, and the requirements for any other statutorily protected species (including nationally protected species listed under the Wildlife Order 1985 (as amended)).

Modifications

As such, a more appropriate requirement would 'it will therefore be necessary to carry out a relevant wildlife survey **where the presence of a protected species is suspected**'. (revised wording bold and underlined).

Northern Ireland

Furthermore, for consistency, clarity and robustness, the revised text should also refer back to the language and legislation contained within Paragraphs 6.180 and 6.181 of the SPPS for EU protected and Nationally protected species respectively.

Response 14

Economic Policies – Creating jobs and Prosperity

14.0 Minerals

Policy MIN 2 – Extraction and Processing of Hard Rock and Aggregates

Unsound

- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

Details / Modifications

- (i) Please refer to **RSPB NI – proposed modification to dPS Map 1a** which highlights an area of blanket bog in the area of Patrick’s Lough. This area is important locally for cuckoo and historically curlew. (See comments at ‘Economic Policies – Creating Jobs and Prosperity, 15.0 Tourism, Overview / Our Tourism Strategy, General Commentary’, for further details regarding curlew). Given the recognised importance of our peatlands as detailed in our response below to Policy MIN 4, this area should be identified as an Area of Constraint on Mineral Development to prevent the area of blanket bog being subject to further gravel and sand extraction.
- (ii) Please refer to **RSPB NI – proposed modification to dPS Map d** which highlights a number of lowland peat sites including Ballynahone Bog and Curran Bog. RSPB NI recommends that these sites should be protected from peat extraction and Ballynahone Bog and Curran Bog zoned as Special Areas of Constraint, given their international designations – consistent with other internationally designated areas within the Council boundary.
- (iii) Please refer to **RSPB NI – proposed modification to dPS Map e** which highlights an area of peatland/wetland habitat which should also be subject to an Area of Constraint on Mineral Development. Peat extraction should be restricted in this area as it is a designated Ramsar site. It has also been recommended that this area is located within the SCA designation.

Other comments

As previously outlined in our response to the Preferred Options Paper, consideration needs to be given at a strategic level to the potential impact of the need to look for new sand and gravel sites should the extraction within Lough Neagh cease (currently the subject of an undetermined planning application). The creates an opportunity to explore other potential areas which are not located under peatland priority habitat, and can therefore be extracted more sustainably, without destructing a priority habitat.

Response 15

Economic Policies – Creating jobs and Prosperity

14.0 Minerals

Policy MIN 4 – Peat Extraction

Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

Any policy wording should provide robust protection to the natural environment as required by the RDS, SPPS and PPS2. Clear and robust policy tests must be set out so that the criterion can be effectively assessed and measured by the decision maker. Furthermore, any tests for potential impact on sensitive sites, including those set at European Level through the Habitats Directives, must be appropriately incorporated into any policy wording of the LDP.

While RSPB NI welcomes the fact that ‘applications for commercial extraction of peat will not accord with the Plan’, it is however concerned that the exceptions listed could result in the continued extraction of peat throughout the plan period without policy wording modification. In this regard, the current wording states ‘exceptions may be made where the peat land is not reasonably capable of restoration or where it can be demonstrated that peat extraction is linked to a management and restoration plan which will deliver improved peatlands over the longer term’.

With regards to the ‘not reasonably capable of restoration’ element, this wording is vague and undefined and as such it could be easily argued that an area of peatland is not reasonable capable of restoration. In the circumstances, it is strongly recommended that further clarification is added to the policy (either in the policy box wording or in the justification and amplification section that **any peatland with a layer of peat of 0.5m or more is considered capable of restoration**. This would provide further clarify to the policy wording and paragraph 14.27.

We are similarly concerned that the second proposed exception which states, ‘where it can be demonstrated that peat extraction is linked to a management and restoration plan which will deliver improved peatlands over the longer term’ and recommend that this be removed from the policy wording as it is contradictory to peatland conservation and has the potential to be used to justify continued extraction.

Paragraph 14.28 goes on to state ‘where it is proposed to remove peat as part of a management plan for the conservation and restoration of peatlands, the developer will need to demonstrate that the proposed management structures and finance are in place. In such cases, a planning agreement between relevant parties may be required’. Despite the provisions of this paragraph, RSPB NI remains extremely concerned that such provisions could be used as a mechanism to continue with peat extraction.

If Mid Ulster Council (and indeed all other councils in Northern Ireland) is to take our climate change commitments seriously, then applications/proposals which increase the release of carbon dioxide in situations where peatland is drained, removed or disturbed should be resisted.

In the circumstances, Paragraph 14.28 should be amended to reflect such a situation and place a requirement for those sites currently being extracted to be restored as follows:

‘For those sites currently being extracted, restoration plans should be in place for them, and that the developer will need to demonstrate that the proposed management structures and finance are in place for the restoration of these sites. In such cases, a planning agreement between relevant parties may be required’.

These positions are strengthened by more recent statements and initiatives to protect peatlands for both biodiversity and, perhaps more resonantly, climate change. During November 2016, the United Nations Environment Programme (UNEP) launched a [Global Peatlands Initiative](#) in Marrakesh at the climate change CoP, with more than a dozen partners, to retain greenhouse gases in peatlands and restore / maintain their other functions.

As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest

peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO₂) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat).

As noted above, if Mid Ulster Council is to take our climate change commitments seriously, then applications/proposals which increase the release of carbon dioxide in situations where peatland is drained, removed or disturbed should be resisted.

Please refer to our response to the POP for further details in this regard.

RSPB NI would like to draw your attention to RSPB's Sustainable Catchment Management Programme (SCaMP) in Garron Plateau as a model to be utilised to demonstrate and support sustainable management in such areas. For further details please see web links below:

<http://www.rspb.org.uk/our-work/rspb-news/news/361922-giving-nature-a-home-at-garron>

<http://www.rspb.org.uk/our-work/rspb-news/news/340365-peak-district>

Modifications

To this end, Policy MIN 4 should be reworded as follows:

'Applications for commercial extraction of peat will not accord with the Plan. Exceptions may be made where the peat land is not reasonably capable of restoration, **noting any peatland with a layer of peat of 0.5m or more is considered capable of restoration**'.

Modification to Paragraph 14.28 (**amended wording bold and under lined**)

'For those sites currently being extracted, restoration plans should be in place for them, and that the developer will need to demonstrate that the proposed management structures and finance are in place for the restoration of these sites. In such cases, a planning agreement between relevant parties may be required'.

Response 16

Economic Policies – Creating jobs and Prosperity

14.0 Minerals

Policy MIN 3 – Valuable Minerals and Hydrocarbons

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

Details

The policy wording in the policy box essentially replicates the policy presumptions of the SPPS in this regard. However, at Paragraph 14.22 within the Justification and Amplification section, the policy presumption refers only to 'human health or human safety'.

Modification

Therefore, in the interests of clarity and for the avoidance of doubt, the last sentence of Paragraph 14.22 should be extended to include environmental impacts as well as human health and safety.

Proposed rewording as follows (**additional text bold and underlined**):

Therefore, in relation to unconventional hydrocarbon extraction or chemical extraction of precious metals, proposals for such development will be contrary to the Plan, unless it can be definitively proven that there will be no negative impacts on human health, ~~or~~ human safety **or environmental impact.**

Response 17

Economic Policies – Creating Jobs and Prosperity

15.0 Tourism

Overview / Our Tourism Strategy

General Commentary

While tourism can often be related to the enjoyment of the natural environment, and this is something we strongly advocate, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The Mid Ulster area is rich in its wildlife and diversity of habitats. As noted above, biodiversity does not confine itself to protected sites. As such, it is imperative that the Mid Ulster LDP provides strong policy protection for those areas of natural and semi-natural habitat which lack formal designation (e.g. areas of wet grassland, or blanket bog) – See RSPB NI – proposed modification to dPS Maps 1a, 1d and 1e for further information in this regard.

Paragraphs 15.1 and 15.2 of the dPS state that ‘our tourism industry is one of the most underdeveloped of all of the 11 Council Districts, and that we need to improve the attractiveness of Mid Ulster as a holiday / leisure destination’, while Paragraph 15.5 states that there is ‘a failure to get them [visitors] to stay and contribute to the wider economy’. Paragraph 15.7 states that ‘the Regional Development Strategy 2035 recognises tourism as a key element underpinning sustainable economic growth in Northern Ireland’, and Paragraph 15.9 in relation to the Community Plan concludes there is a ‘core objective of getting more people to visit and stay overnight in the District’, and that Seamus Heaney is one of three strategic strands to achieve same.

To this end, RSPB NI is firmly of the view that nature tourism linked to visits to well-designed sites within the Seamus Heaney HomeGround (the Lough Beg landscape) will achieve this, provided that such sites are designed with low impact sustainable access in mind (and are wholly sustainable). In creating sustainable visitor access for example at Traad Point, the opportunity to redevelop the wetland in the area should not be lost.

On Lough Neagh, nature tourism should include zoning areas where there are ‘No Disturbance Wildlife Refuges’, refuges that are free from all kinds of human disturbance. Such areas could be complemented

by nearby ‘honeypot’ wetland sites close to Lough Neagh/Beg (e.g. Newferry and SW Lough Neagh), and be designed with visitors in mind, while being carefully created and managed as wetlands that attract large volumes of nature from nearby Lough Neagh/Beg to come closer to people and provide unique and memorable visitor experiences. Central to this is the requirement for managing for nature and sustainable tourism at the landscape scale, as it sets clear parameters at the strategic level in defining what would be acceptable in attracting more nature tourism.

As previously noted in our response to the Preferred Options Paper, issues of potential disturbance to key birds from recreational tourism should also be considered, particularly areas of wet grassland along the western shore of Lough Beg, and along the west and south-west shore of Lough Neagh which would be important habitat for breeding waders. Breeding waders have declined substantially from the 1980’s. In this regard, conclusions from the 2013 breeding wader survey⁹ found that breeding populations of Eurasian Curlew, Northern Lapwing and Common Snipe (known as breeding waders) have all declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside.

In particular, curlew is a NI priority species¹⁰; breeding populations are of a high conservation concern in Ireland¹¹; and they are also protected as a Schedule 1 listed species under The Wildlife (NI) Order 1985 (as amended)¹² and are thus protected by special penalty. Curlew are of particular concern as their global breeding range has declined enough that they are now recognised as near threatened in a global context by the International Union for the Conservation of Nature (IUCN)¹³. Additionally, Brown *et al.* (2015)¹⁴ consider that curlew should now be considered the UK’s highest conservation priority bird species.

Breeding pairs have significantly declined in recent years in Northern Ireland to an estimated 526 pairs¹⁵, representing a decline of 82% in the mean breeding densities of curlew in the last 30 years. Curlew have also been recorded as sensitive to the presence of wind farms during their breeding seasons with a reduction in breeding pairs of up to 48% within 500metres (m) of turbines and/or associated infrastructure,

⁹ Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

¹⁰ <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/northern-ireland-priority-species-list.pdf>

¹¹ Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

¹² [Schedule 1](#)

¹³ <http://www.iucnredlist.org/details/22693190/0>

¹⁴ Brown D., Wilson J., Douglas D., Thompson P., Foster S., McCulloch N., Phillips J., Stroud D., Whitehead S., Crockford N. & Sheldon R (2015) The Eurasian Curlew – the most pressing bird conservation priority in the UK? *British Birds* 108, 660-668.

¹⁵ Colhoun *et al.* (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013. *Bird Study* 2015, 62, 394-403

with negative impacts on breeding curlew, specifically reduced breeding densities through displacement, within 1km of turbines¹⁶.

The 2013 breeding wader survey¹⁷ also presents current population estimates for lapwing as 860 pairs and snipe as 1123 pairs. As such, there has been continued significant population declines since the 1985/87 breeding wader survey for all of these species, with declines in mean breeding density for curlew of 82%, for lapwing of 89% and for snipe of 78%.

Within this context, the Mid Ulster LDP has a critical role in protecting such species and their habitats from inappropriate development, and to make space for the creation and management of additional habitat along the shore of Lough Beg and Lough Neagh for sustainable strategic tourism at a landscape scale. (Please refer to our previous POP response and the accompanying maps for further information in this regard).

Creation of a Lough Neagh/Beg SPA/ASSI Buffer Zone

RSPB NI has proposed the identification of a buffer zone to the SPA/ASSI designated site of Lough Neagh / Beg. Please refer to **Map 2** at the end of this submission for further details. In this regard, an area of 1km has been identified from the edge of the protected area in order to allow nature a space to 'breathe' at the edge of the site designation. Species are mobile and do not recognise lines or boundaries identified on a map, as such they do not necessarily confine themselves solely to the protected area. Habitats, although not mobile like species can be linked to adjacent areas e.g hydrologically. As such, the identification of such a buffer area, will allow for the creation of a zone where nature is not constantly trying to vie for space or be in competition with other land uses 'cheek by jowl'. This is particularly important where areas are coming under/or have the potential to come under increased pressure, through for example: development, pollution, or habitat fragmentation during the plan period.

Given the size and scale of the Lough Neagh / Beg protected area, it was considered that the 'on land' part of the designation requires further supplementation through the identification of the 1km buffer area.

While RSPB NI appreciates that there is already development in this buffer zone, and extant permissions are still likely to be implemented, and indeed future permissions still likely to be granted where policy criteria is met – the identification of the buffer area serves to highlight the special consideration required

¹⁶ Pearce-Higgins et al (2009): The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins *et al* (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394

¹⁷ Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

to be given to future development in this area to avoid future potential impacts either alone or in combination, while giving nature an opportunity 'to breath' at a landscape scale beyond the precise delineated boundaries of the site designation.

This is a process which could be replicated for other designated sites with the District Council boundary which are coming/ or have the potential to come under increasing pressure. A proportionate approach would be necessary with regards to the scale of the buffer zoning in this context.

Response 18

Economic Policies – Creating Jobs and Prosperity

15.0 Tourism

Policy TOU 1 – Protection of Tourism Assets and Tourist Accommodation

General Commentary

As noted above, RSPB NI is firmly of the view that nature tourism linked to visits to well-designed sites within the Seamus Heaney HomeGround (the Lough Beg landscape) could help achieve the Plan's Tourism Strategy, provided that such sites are designed with low impact sustainable access in mind.

In addition to the Tourism Conservation Zones (TOZs) on Lough Neagh, nature tourism should include zoning areas where there are 'No Disturbance Wildlife Refuges', refuges that are free from all kinds of human disturbance. Such areas could be complemented by nearby 'honeypot' wetland sites close to Lough Neagh/Beg (e.g. Newferry and SW Lough Neagh), and be designed with visitors in mind, while being carefully created and managed as wetlands that attract large volumes of nature from nearby Lough Neagh/Beg to come closer to people, and provide unique and memorable visitor experiences (all meeting the requirements of the Birds and Habitats Directives). Please refer to **RSPB NI – proposed modification to dPS Maps 1d and 1e** which *inter alia* seek to provide a strategic vision for tourism at a landscape scale e.g. Bann Valley vision area, or SW Lough Neagh respectively which could be managed sustainably for nature tourism.

Please refer to **RSPB NI – proposed modification to dPS Map 1a**, which proposes an additional Tourism Conservation zone around Patrick's Lough – an area of Blanket bog.

In addition to the above, RSPB NI has proposed the identification of a buffer zone to the SPA/ASSI designated site of Lough Neagh / Beg. Please refer to **Map 2** at the end of this submission for further details. In this regard, an area of 1km has been identified from the edge of the protected area in order to allow nature a space to 'breathe' at the edge of the site designation. Species are mobile and do not recognise lines or boundaries identified on a map, as such they do not necessarily confine themselves solely to the protected area. Habitats, although not mobile like species can be linked to adjacent areas e.g. hydrologically. As such, the identification of such a buffer area, will allow for the creation of a zone where nature is not constantly trying to vie for space or be in competition with other land uses 'cheek by jowl'. This is particularly important where areas are coming under/or have the potential to come under increased pressure, through for example: development, pollution, or habitat fragmentation during the plan period.

Northern Ireland

Given the size and scale of the Lough Neagh / Beg protected area, it was considered that the 'on land' part of the designation requires further supplementation through the identification of the 1km buffer area.

While RSPB NI appreciates that there is already development in this buffer zone, and extant permissions are still likely to be implemented, and indeed future permissions still likely to be granted where policy criteria is met – the identification of the buffer area serves to highlight the special consideration required to be given to future development in this area to avoid future potential impacts either alone or in combination, while giving nature an opportunity 'to breath' at a landscape scale beyond the precise delineated boundaries of the site designation.

This is a process which could be replicated for other designated sites with the District Council boundary which are coming/ or have the potential to come under increasing pressure. A proportionate approach would be necessary with regards to the scale of the buffer zoning in this context.

Response 19

Economic Policies – Creating Jobs and Prosperity

15.0 Tourism

Policy TOU 3 – Tourism accommodation

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

The final paragraph of the policy box wording states 'development within a TOZ will need to demonstrate that they will not have, or have mitigated against, significant adverse impacts on internationally recognised habitats'.

The wording as currently proposed is not an accurate reflection of the tests set out in legislation for internationally protected areas (i.e. Habitats Directive and the Conservation (Natural Habitats etc) Regulations 1995 (as amended) and nor the regional policy contained within SPPS (paragraphs 6.175-6.178) and PPS 2 (Policy NH 1).

This not only serves to undermine and weaken such tests, but also create unnecessary confusion and uncertainty for everyone concerned in the planning process.

Furthermore, why only specifically refer to internationally designated sites, within the SPPS and PPS2, there are various tiers of protections for sites and also for species and habitats. In addition, Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011, which includes the furthering of conservation of biodiversity and enhancement of species or habitat, places a duty on public bodies to further the conservation of biodiversity. The SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environmental and halt the loss of biodiversity for the benefits of future generations'. Furthermore, the Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020'.

The requirement for 'special attention' to 'wildlife and heritage interests' as set out at paragraph 15.35 does not go far enough in meeting the aforementioned policy documents and legislative requirements.

Modifications

Delete the final paragraph of Policy TOU 3 and replace it with the exact wording of Policy N1 of PPS2 (including the 3 policy tests for exceptional circumstances) or replicate the text from Paragraph 6.178 of the SPPS as follows 'a development proposal which could adversely affect the integrity of a European or Ramsar site may only be permitted in exceptional circumstances as laid down in the relevant statutory provisions (Directives 2009/147/EC and 92/43/EEC known as the Birds Directive and the Habitats Directive)'.

In addition, there should be a general reference to the Natural Heritage Policies within the Plan (providing they are wholly consistent with the equivalent wording and policies contained within the SPPS and PPS 2) and a requirement to further biodiversity with no net loss, consistent with Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy.

Response 20

Economic Policies – Creating Jobs and Prosperity

15.0 Tourism

Policy TOU 4 – Other Tourism Facilities / Amenities and Attractions

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Our concerns for this policy are identical to that of Policy TOU 3 above with regards to the final paragraph in the policy text box.

The final paragraph of the policy box wording states 'development within a TOZ will need to demonstrate that they will not have, or have mitigated against, significant adverse impacts on internationally recognised habitats'.

The wording as currently proposed is not an accurate reflection of the tests set out in legislation for internationally protected areas (i.e. Habitats Directive and the Conservation (Natural Habitats etc) Regulations 1995 (as amended) and nor the regional policy contained within SPPS (paragraphs 6.175-6.178) and PPS 2 (Policy NH 1).

This not only serves to undermine and weaken such tests, but also create unnecessary confusion and uncertainty for everyone concerned in the planning process.

Furthermore, why only specifically refer to internationally designated sites, within the SPPS and PPS2, there are various tiers of protections for sites and also for species and habitats. In addition, Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011, which includes the furthering of conservation of biodiversity and enhancement of species or habitat, places a duty on public bodies to further the conservation of biodiversity. The SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environmental and halt the loss of biodiversity for the benefits of future generations'. Furthermore, the Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020'.

The facilitation of such proposals 'dependant on their impact on rural character, landscape, heritage and other amenity considerations' as set out at paragraph 15.40 does not go far enough in meeting the aforementioned policy documents and legislative requirements.

Modifications

Delete the final paragraph of Policy TOU 3 and replace it with the exact wording of Policy N1 of PPS2 (including the 3 policy tests for exceptional circumstances) or replicate the text from Paragraph 6.178 of the SPPS as follows 'a development proposal which could adversely affect the integrity of a European or Ramsar site may only be permitted in exceptional circumstances as laid down in the relevant statutory provisions (Directives 2009/147/EC and 92/43/EEC known as the Birds Directive and the Habitats Directive)'.

In addition, there should be a general reference to the Natural Heritage Policies within the Plan (providing they are wholly consistent with the equivalent wording and policies contained within the SPPS and PPS 2) and a requirement to further biodiversity with no net loss, consistent with Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy.

Response 21

Economic Policies – Creating Jobs and Prosperity

16.0 Agriculture, Forestry and Fishing

Policy AFR2 – Farm Diversification

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Policy ECON 2 of the dPS refers to Farm Diversification at paragraph 12.17 and acknowledges 'such projects can however often involve the extensive refurbishment of redundant buildings and this can result in disturbance being caused to species which are present in the redundant buildings such as bats and owls which have legislative protection. It will therefore be necessary to carry out a relevant wildlife survey, where these species are identified'. (Please note our comments above in respect of Policy ECON 2 and our suggested modification).

However, the specific policy on Farm Diversification (Policy AFR20) makes no reference to the value of redundant/old buildings for protected species or biodiversity in general, save a test at paragraph 16.21 which requires the activity to be 'carried out in a manner that has no significant impact on rural character'.

Currently, Paragraph 12.17 of Policy ECON 2 states 'it will therefore be necessary to carry out a relevant wildlife survey where these species are identified' and while RSPB NI has no objection to this request *per se*, it should however be reworded for robustness and completeness as in certain circumstances, the presence of such species may not yet be formally identified or confirmed until a relevant wildlife survey has taken place – such an approach would be consistent with Paragraph 6.179 of the SPPS in relation to Protected Species.

Furthermore, paragraph 12.17 of Policy ECON 2 makes no reference to the difference policy and legislative provisions of the two types of protected species i.e. EU and National, and as such fails to have regard to both the exceptional circumstances test for European protected species, and the requirements for any other statutorily protected species (including nationally protected species listed under the Wildlife Order 1985 (as amended)).

Modifications

As such, it is recommended that the revised policy wording of Paragraph 12.17 of Policy ECON 2 is copied across to Policy ARF 2 as follows (**additional/modified text bold and underlined**):

‘Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes offer the greatest scope for sustainable economic development in the countryside. Such projects can however often involve the extensive refurbishment of redundant buildings and this can result in disturbance being caused to species which are present in the redundant buildings such as bats and owls which have legislative protection. It will therefore be necessary to carry out a relevant wildlife survey **where the presence of a protected species is suspected**’.

For consistency, clarity and robustness, the revised text should also refer back to the language and legislation contained within Paragraphs 6.180 and 6.181 of the SPPS for EU protected and nationally protected species respectively.

Response 22

Environmental Policies – Protecting Heritage and providing Infrastructure

18.0 Natural Heritage

Our Strategy

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Paragraph 18.11 of the dPS states 'in addition to these designations biodiversity and landscape character are recognised through the designation of Local Landscape Policy Areas and they are also a planning consideration when determining a planning application in the context of the General Principles Planning Policy.'

RSPB NI has concerns with the General Principles Planning Policy with regard to biodiversity as previously noted above, and repeated for convenience below:

Policy GP 1 states 'development proposals should respect, protect and/or enhance the District's rich and distinct biodiversity....'.

Paragraph 6.172 of the SPPS outlines the regional strategic objectives for natural heritage including *inter alia* 'protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region's natural heritage'. While it is acknowledged that Paragraph 6.195 of the SPPS makes reference to 'protection and/ or enhancement', this however is set with a much broader context within the SPPS, as can be observed at Paragraph 6.172 and the remaining narrative of Paragraph 6.195 for example.

In Policy GP1, the dPS has effectively weakened the Regional Strategic Objectives which advocates solely 'and' scenarios. The creation of an 'and/or' scenarios in such an abridged context within the dPS is a dilution in the policy wording, which should be resisted.

In addition to the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011), the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity

for the benefits of future generations’. Furthermore, the proposed wording does not include the full range of regional strategic objectives for natural heritage, as set out at Paragraph 6.172 of the SPPS. Nor does it seek to halt the loss of biodiversity and ecosystem services by 2020 as contained within The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy.

Modifications

In light of the foregoing and to be more effective and compliant with the SPPS, point (j) of Policy GP 1 should be revised to delete the and/or scenario, and include the full range of requirements for the District’s biodiversity as follows (revised text **bold and underlined**):

‘development proposals should protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the District’s natural heritage’.

Response 23

Environmental Policies – Protecting Heritage and Providing Infrastructure

18.0 Natural Heritage

Policy SCA 1 – Special Countryside Areas (SCAs)

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details and Modifications

- (i) Please refer to **RSPB NI – proposed modification to dPS Map 1a**, where the blanket bog area around Patrick's Lough should be identified as SCA.
- (ii) Please refer to **RSPB NI – proposed modification to dPS Map 1c** where the SCA zoning located to north of Fivemiletown be extended westward to fully include the most up to date information on hen harriers (i.e. 2016 Hen Harrier Census).
- (iii) Please refer to **RSPB NI – proposed modification to dPS Map 1d**. In this regard, there are a number of lowland peat sites within dPS Map 1d which are internationally recognised and should be given the same SCA status as Lough Beg – these areas include Ballynahone Bog and Curran Bog.

In addition, the SCA zoning north of the new A6 should be extended southwards to run up to the boundary of the new A6 to include all the lands within the whooper swan complex at Toome and Gortgill at they are features of the Lough Neagh and Beg SPA.

In addition, the whooper swan areas at Newferry and within the Bann Valley should also be identified as an SCA as these areas will create opportunities for the whooper swans in the absence of overhead powerlines and wind turbines, thereby creating a space strategically for this species and SPA feature. These areas should also be identified as an Area of Constraint on Wind Turbines and High Structures.

- (iv) Please refer to **RSPB NI – proposed modification to dPS Map 1e**. To be consistent with other SCA zonings, the SCA designation should be extended at the SW corner of Lough Neagh so as to replicate the Ramsar zoning. This is the area ‘white’ area From Tamnamore up to the lough shore and between the Policy Area of Holders of Commercial Fishing Licence and the Council boundary.

These additional zonings in Map 1c and 1d will create further opportunities for whooper swans and hen harriers in areas where powerlines and wind turbines are restricted. Hen harriers are Annex I species under the EU Birds Directive and are of medium conservation concern in Ireland^[1]. The most recent 2016 UK Hen Harrier Survey shows the population in Northern Ireland has declined from 59 pairs down to 46 since 2010, a decline of 22%^[2]. The importance and sensitivity of curlew is previously set out in our response to at ‘Economic Policies – Creating Jobs and Prosperity, 15.0 Tourism, Overview / Our Tourism Strategy, General Commentary’ above.

^[1] Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

^[2] <http://www.rspb.org.uk/our-work/rspb-news/news/443191-UK-hen-harrier-population-suffers-decline-according-to-latest-figures>

Response 24

Environmental Policies – Protecting Heritage and Providing Infrastructure

18.0 Natural Heritage

Policy NH 1 – International Designations

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Given that the detail contained within PPS2 will fall once the draft Plan Strategy is adopted, it is strongly recommended that the more detailed wording of Policy NH 1 of PPS 2 is included within the dPS Policy NH 1, as the current wording replicates the 'summary' wording of Policy NH 1 of PPS 2 in the SPPS (Paragraphs 6.175-6.178).

Currently dPS Policy NH 1 does not provide any detail on the exceptional circumstances test (save acknowledge its existence). In this regard, Policy NH 1 of PPS 2 states:

'In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- there are no alternative solutions; and
- the proposed development is required for imperative reasons of overriding public interest; and
- compensatory measures are agreed and fully secured¹⁸. As part of the consideration of exceptional circumstances, where a European or Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:
 - it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment;
 - or agreed in advance with the European Commission'.

The inclusion of this text will provide added clarity for everyone involved in the planning management process.

¹⁸ Through conditions or a planning agreement – "legal certainty" as required by ECJ case law.

Northern Ireland

Furthermore, there is no reference to the actual relevant statutory provisions. These are currently Directives 2009/147/EC and 92/43/EEC known as the Birds Directive and the Habitats Directive. In additional consideration will require to be given to future proofing wording around any Brexit legislative implications.

In addition to the above, RSPB NI has proposed the identification of a buffer zone to the SPA/ASSI designated site of Lough Neagh / Beg. Please refer to **Map 2** at the end of this submission for further details. In this regard, an area of 1km has been identified from the edge of the protected area in order to allow nature a space to 'breathe' at the edge of the site designation. Species are mobile and do not recognise lines or boundaries identified on a map, as such they do not necessarily confine themselves solely to the protected area. Habitats, although not mobile like species can be linked to adjacent areas e.g hydrologically. As such, the identification of such a buffer area, will allow for the creation of a zone where nature is not constantly trying to vie for space or be in competition with other land uses 'cheek by jowl'. This is particularly important where areas are coming under/or have the potential to come under increased pressure, through for example: development, pollution, or habitat fragmentation during the plan period.

Given the size and scale of the Lough Neagh / Beg protected area, it was considered that the 'on land' part of the designation requires further supplementation through the identification of the 1km buffer area.

While RSPB NI appreciates that there is already development in this buffer zone, and extant permissions are still likely to be implemented, and indeed future permissions still likely to be granted where policy criteria is met – the identification of the buffer area serves to highlight the special consideration required to be given to future development in this area to avoid future potential impacts either alone or in combination, while giving nature an opportunity 'to breathe' at a landscape scale beyond the precise delineated boundaries of the site designation.

This is a process which could be replicated for other designated sites with the District Council boundary which are coming/ or have the potential to come under increasing pressure. A proportionate approach would be necessary with regards to the scale of the buffer zoning in this context.

Modifications

For added clarity and robustness, replicate the policy wording of PPS2, Policy NH1 with dPS Policy NH 1, rather than the summary text contained within Paragraphs 6.175-6.178 of the SPPS – as currently proposed.

Refer to RSPB Map 2 at the end of the submission for SPA/ASSI buffer zoning around Lough Neagh /Beg.

Response 25

Environmental Policies – Protecting Heritage and Providing Infrastructure

18.0 Natural Heritage

Policy NH 2 – Protected Species

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Policy NH 2 as currently proposed has changed the wording of the test for European protected species from 'likely to harm' as set out in Paragraph 6.180 of the SPPS and Policy NH 2 of PPS 2 to 'likely harm'.

To avoid any potential for the weakening of protection for such species, as provided for in the various legislative provisions and not at the gift of the LDP to alter, then it strongly recommended that the standard wording of 'likely to harm' is inserted as bullet point 1 of dPS Policy NH 1 in respect of European Protected Species.

In addition to the above, RSPB NI has proposed the identification of a buffer zone to the SPA/ASSI designated site of Lough Neagh / Beg. Please refer to **Map 2** at the end of this submission for further details. In this regard, an area of 1km has been identified from the edge of the protected area in order to allow nature a space to 'breathe' at the edge of the site designation. Species are mobile and do not recognise lines or boundaries identified on a map, as such they do not necessarily confine themselves solely to the protected area. Habitats, although not mobile like species can be linked to adjacent areas e.g hydrologically. As such, the identification of such a buffer area, will allow for the creation of a zone where nature is not constantly trying to vie for space or be in competition with other land uses 'cheek by jowl'. This is particularly important where areas are coming under/or have the potential to come under increased pressure, through for example: development, pollution, or habitat fragmentation during the plan period.

Given the size and scale of the Lough Neagh / Beg protected area, it was considered that the 'on land' part of the designation requires further supplementation through the identification of the 1km buffer area.

While RSPB NI appreciates that there is already development in this buffer zone, and extant permissions are still likely to be implemented, and indeed future permissions still likely to be granted where policy

criteria is met – the identification of the buffer area serves to highlight the special consideration required to be given to future development in this area to avoid future potential impacts either alone or in combination, while giving nature an opportunity ‘to breath’ at a landscape scale beyond the precise delineated boundaries of the site designation.

This is a process which could be replicated for other designated sites with the District Council boundary which are coming/ or have the potential to come under increasing pressure. A proportionate approach would be necessary with regards to the scale of the buffer zoning in this context.

Modifications

Bullet point 1 should be amended to read (amended text **bold and underlined**):

1. **It is likely to harm** a European Protected Species

For additional clarity is recommended that Paragraph 5.6 of PPS 2 is copied across to the Justification and Amplification section of dPS Policy NH1 as follows:

‘Lists of all protected species of animals and plants can be found at <https://www.daera-ni.gov.uk/topics/biodiversity> As all fish are protected no lists have been produced’.

Refer to RSPB Map 2 at the end of the submission for SPA/ASSI buffer zoning around Lough Neagh /Beg.

Response 26

Environmental Policies – Protecting Heritage and Providing Infrastructure

Policy NH 3 – National Designations

Unsound

C3 Did the council take account of policy and guidance issued by the Department?

Details

The first line of dPS Policy NH 3 and criteria (a) read in contradiction with one another and serve only to confuse the reader and add another test wording which is not present in regional policy (SPPS Paragraphs 6.183-6.185 or PPS2, Policy NH 3). In this regard, the current wording states:

‘Proposals for development which would adversely affect the integrity of national designations, shall not accord with the LDP unless:

- (a) the objectives of the designation and the overall integrity of the area, including the value of the site to the habitat network, will not be compromised; or’

This is not the correct policy test as set out in the above-mentioned regional policy. Proposals for development which would adversely effect the integrity of a national designation cannot simultaneously be said not to compromise the overall integrity of the area – it either has an effect or not. In its current format, this policy exception cannot be reconciled with the existing policy test.

Modifications

In order to be consistent with regional policy as articulated by the SPPS (Paragraphs 6.183-6.185) and PPS2 (Policy NH 3), it is strongly recommended that the policy wording of dPS NH3 (first paragraph and criterion (a) be amended to read as follows (amended/additional text in **bold underlined**).

‘Proposals for development which would have **‘an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:**

- **an Area of Special Scientific Interest;**
- **a Nature Reserve;**
- **a National Nature Reserve; or**
- **a Marine Nature Reserve**

shall not accord with the LDP unless:

Insert criterion (b) of dPS Policy NH 3 here’.

Response 27

Environmental Policies – Protecting Heritage and Providing Infrastructure

Policy NH 5 – Other Habitat, Species or Features of Natural Importance

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

While Policy NH 5 has made some attempt to including 'other natural heritage features' in its policy box wording (last sentence) as follows 'there will be a presumption in favour of retaining trees where they make a valuable contribution to the wider environment and local amenity'.

This is, however, much narrower in scope that the range contained within Paragraph 5.12 of Policy NH 5 of PSS 2 as follows:

'Other natural heritage features worthy of importance are most likely to include trees and woodland which do not fall under the priority habitat or long-established woodland categories but are in themselves important for local biodiversity. Certain other features which make a significant contribution to biodiversity may also be included'.

Its policy application is therefore much more restrictive and could potentially exclude other features which make a significant contribution to biodiversity.

Modifications

In the circumstances, consistent with Policy NH 5 of PPS 2 and Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011, which includes the furthering of conservation of biodiversity and enhancement of species or habitat, by placing a duty on public bodies to further the conservation of biodiversity, and the Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy, which collectively seek to halt the loss of biodiversity and ecosystems services by 2020, it is strongly recommended that Paragraph 5.12 of PPS 2 Policy NH5 be copied across in its entirety and inserted in the policy wording box of dPS Policy NH 5 (following the last sentence) as follows:

'Other natural heritage features worthy of importance are most likely to include trees and woodland which do not fall under the priority habitat or long-established woodland categories but are in themselves important for local biodiversity. Certain other features which make a significant contribution to biodiversity may also be included'.

Response 28

Environmental Policies – Protecting Heritage and Providing Infrastructure

Policy NH 6 – Areas of Outstanding Natural Beauty

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

The wording in the policy box should refer to the full range of considerations and not just the 'distinctive special character and landscape quality'. This is a much narrower and restrictive interpretation of regional policy, as articulated by Policy NH 6 of PPS 2 and Paragraph 6.187 of the SPPS.

In this regard Paragraph 6.187 of The SPPS states 'development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, **heritage and wildlife...**' (our emphasis). This is replicated at Paragraph 5.14 of Policy NH 6 of PPS 2. Paragraph 5.15 of PPS 2, continues, 'the quality, character and heritage value of the landscape of the AONB lies in their tranquillity, cultural associations, distinctiveness, **conservation interest**, visual appeal and amenity value' (our emphasis), yet this aspect is not addressed in this section.

Furthermore, dPS Policy NH 6 fails to include the second part of the policy requirement as articulated by Paragraph 6.187 of the SPPS. In this regard, compliance with the first part of Paragraph 6.187 of the SPPS alone, does not allow for the development to be considered in conformity with the Local Development Plan as is currently proposed by dPS NH 6.

Rather, Paragraph 6.187 of the SPPS sets out a two-part test i.e. 'development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, **and be in the (sic) accordance with relevant plan policies**' (our emphasis). Being sensitive to the distinct special character and landscape quality and visual amenity alone does not result in conformity the Local Development Plan.

Modifications

In order to accord with regional policies articulated by both the SPPS (paragraphs 6.186-6.188) and Policy NH 6 of PPS 2, and the Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy, which

Northern Ireland

collectively seek to halt the loss of biodiversity and ecosystems services by 2020, it is strongly recommended that the first paragraph in the policy wording box of dPS NH 6 be amended as follows (amended text in **bold and underlined**):

'Development proposals in the Sperrins Area of Outstanding Natural Beauty must be sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife and be in accordance with other relevant Local Development Plan polices'.

Response 29

Environmental Policies – Protecting Heritage and Providing Infrastructure

19.0 Flood Risk

Policy FLD 1 – Fluvial Floodplains

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

At the outset it should be noted that this is considered to be one of the most difficult policies in the dPS to follow. The typo errors within the policy box text have also been unhelpful in this regard.

While it is appreciated that this is a detailed and complicated policy, the current format as proposed does little in the way to benefit a clearer understanding, and has omitted assessment criteria and policy clarification along the way as follows:

With regards to development proposals of overriding economic importance, PPS 15 Policy FLD 1 contains details of two criteria which must be met – this requirement has however been omitted from dPS policy FLD 1.

Furthermore, PPS15 (Paragraph 6.26) goes on to state 'subject to the principle of development in the flood plain being accepted by the planning authority, the developer will be prompted to identify a suitable site in the least vulnerable parts of the flood plain. The development of greenfield sites in the undefended flood plain will rarely be acceptable as these areas pose the greatest flood risk'. Such requirements have also failed to be contained within the dPS Policy FLD 1 (both within the policy text box and the Justification and Amplification section).

In addition, neither the wording contained within the policy text box, nor the Justification and Amplification sections makes reference to 'proposals involving significant intensification of use', as contained within the Policy FLD 1 of PPS 15.

A further omission is that Policy FLD 1 of PPS 15 operates ‘a presumption against development of greenfield sites in defended areas (paragraph 6.16) and goes on to state that ‘built development and infrastructure works, particularly on green field sites, will not normally be permitted’ (Paragraph 6.18). These are important omissions in the context of the EU Flood Directive, the RDS, SPPS and PPS 15 all of which prevent or restrict new development in flood prone areas and adoption of the precautionary approach to development in areas of flood risk.

In the interests of furthering sustainable development consistent with the RDS and SPPS, responding to climate change and building environmental resilience (consistent with the SPPS), the MU LDP should not be promoting the acceptance of residential development within a flood plain even in part.

RSPB NI does not support the permission of new development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere. Natural flood plains and natural watercourses should not be subject to development pressure and should therefore be retained and restored of as a form of flood alleviation and an important environmental and social resource. Converting areas of flood plain to public open space in residential development could result in a loss of biodiversity, which is inconsistent with the RDS, SPPS and the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

Modifications

In order to take account of the aforementioned legislative and policy provisions it is recommended that the dPS Policy FLD 1 is revised to include the various omissions as noted above.

Response 30

Environmental Policies – Protecting Heritage and Providing Infrastructure

19.0 Flood Risk

Policy FLD05 – Artificial Modification of Watercourses

Unsound

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?

Details / Modifications

RSPB NI does not support the culverting and canalisation of watercourses, as the canalisation of any form can disrupt the connectivity and interaction between wetlands, riparian zones and rivers. As such in the interests of furthering sustainable development consistent with the RDS and SPPS, it is recommended that there be a presumption against culverting on water courses in all designated sites (International/European to local) and supporting habitat.

Response 31

Environmental Policies – Protecting Heritage and Providing Infrastructure

20.0 Waste Management

Policy WM 1 – Waste Management: General Policy

Unsound

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details /Modifications

While MUDC states at Paragraph 2013 of the Justification and Amplification section that 'in assessing proposals, the Council will adopt a precautionary approach. The key issues in assessing applications will relate to public health, neighbouring amenity, potential nuisance, odours, noise, dust and other emissions as well as the visual impact of the proposals...'. There is no mention of risks to the environment in this context. While it is acknowledged that the following paragraph (20.14) makes reference to the requirement 'to demonstrate that there will be no unacceptable environmental impacts in terms of built or natural heritage', this however is disconnected from the precautionary principle as set out in the preceding dPS paragraph.

In assessing all proposals for waste management facilities should be guided by the precautionary principle that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. This is because many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment including nature conservation interests (species and habitats) and pollution.

The application of the precautionary principle with regard to the environment should therefore be added to the amplification and justification section of Policy WM 1 on waste management.

Response 32

Environmental Policies – Protecting Heritage and Providing Infrastructure

21.0 Telecommunications, Overhead Cables, High Structures and Other Utilities

Area of Constraint on Wind Turbines and High Structures (AOCWTHS)

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details / Modifications

RSPB NI, based on its ornithological knowledge and data, has recommended that the dPS AOCWTHS be extended to include a number of additional areas within the District council boundary:

- (i) Patrick’s Lough Area – See **RSPB NI – proposed modification to dPS Map 1a** for further details; and
- (ii) Ballynahone Bog, Curran Bog, Whooper Swan areas at Toome/Gortgill and Newferry, and within the Lough Beg vision area adjacent to the lower Bann – See **RSPB NI – proposed modification to dPS Map 1d** for further details.
- (iii) Zoning located to north of Fivemiletown be extended westward to fully include the most up to date information on hen harriers (i.e. 2016 hen harrier census). See **RSPB NI – proposed modification to dPS Map 1c** for further details.

These additional zonings will create further opportunities for whooper swans and hen harriers in areas where powerlines and wind turbines are restricted. Hen harriers are Annex I species under the EU Birds Directive and are of medium conservation concern in Ireland^[1]. The most recent 2016 UK Hen Harrier Survey shows the population in Northern Ireland has declined from 59 pairs down to 46 since 2010, a decline of 22%^[2].

Whooper Swan Consultation Zone

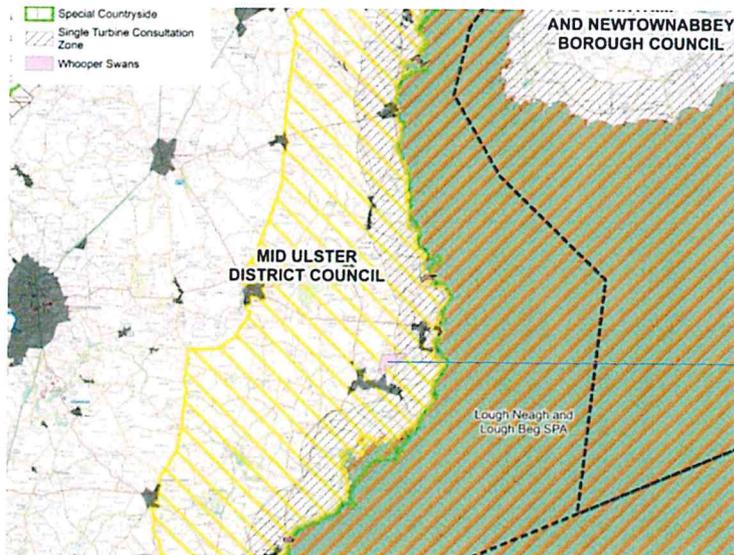
While RSPB NI welcomes production of Map 18 (Appendix 7 of HRA), which illustrates ‘whooper swan sites and consultation zones for single turbine identified by DAERA’, RSPB NI would request that the aforementioned reference and map with modification below is included within the main body of the

^[1] Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

^[2] <http://www.rspb.org.uk/our-work/rspb-news/news/443191-UK-hen-harrier-population-suffers-decline-according-to-latest-figures>

Plan Strategy document to provide additional clarity, and be consistent with the RDS, SPPS, PPS2 and the legislative requirements in relation to European Designated sites.

It should be highlighted that the swan consultation zone does not cover all of the whooper swan areas as currently depicted on the map. See extract from Map 18 below:



This part of the whooper swan area is located outwith the Single Turbine Consultation Zone. Zone should be extended to include this area.

Notwithstanding the above, further clarity is sought on this map as it is not referenced within the main body of the dPS.

Response 33

Environmental Policies – Protecting Heritage and Providing Infrastructure

22.0 Renewable Energy

Policy RNW 1 Renewable Energy

Unsound

- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Please note that there are a number of elements to our response to Policy RNW 1 as follows:

Details (i)

The current wording of dPS Policy RNW 1 has weakened and undermined the existing policy provisions of Policy RE 1 of PPS 18 and the SPPS.

Paragraph 6.221 of the SPPS states 'LDPs must take into account the above-mentioned aim and regional strategic objectives, local circumstances, and the wider environmental, economic and social benefits of renewable energy development'.

These are copied out from the SPPS below:

'6.218 The aim of the SPPS in relation to renewable energy is to 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'.

Regional Strategic Objectives

6.219 The regional strategic objectives for renewable energy are to:

- ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
- ensure adequate protection of the region's built, natural, and cultural heritage features; and
- facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design'.

However, in formulating dPS Policy RNW 1, a sweeping un-caveated general presumption in favour of renewable energy proposals (outside of Special Countryside Areas) has been created. Such a *cart blanche* approach to renewable energy development does not accord with the regional strategic aim, or objectives, and PPS 18 (Policy RE 1). Within this strategic policy context, renewable energy *per se* (there are no exceptions, and this applies to all forms of renewable energy development) is required to demonstrate that the proposal (and any associated building and infrastructure) 'will not result in an unacceptable adverse impact on:

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.'

While it is recognised that that the following text is contained within either the Policy box wording of dPS Policy NW 1 or the Justification and Amplification section as follows:

- dPS Policy RNW 1 states 'the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted',
- Paragraph 22.14 recognises 'for the most of Mid Ulster, we will presume in favour of renewable energy development of all types except where it is likely to cause harm to our most vulnerable and distinctive landscapes or where it would be detrimental to the public safety, human health or residential amenity'; and
- Paragraph 22.20 states 'outside of these areas (vulnerable and distinctive landscapes), proposals for renewable energy will be acceptable subject to meeting the criteria in this policy and the general planning criteria'.

None of these provisions either individually or cumulatively are however considered to be a substitute for the abovementioned tests, and this is confirmed by its presence within PPS 18 Policy RE 1 and Paragraphs 6.224 and 6.225 of the SPPS which include both the policy tests (a-e above) and this statement.

Modifications (i)

In order to accord with the SPPS and PPS 18 on renewable energy, the overarching tests, applicable to all forms of renewable energy development should be included within the overarching policy wording of dPS Policy RNW 1 as follows (**additional text bold and underlined**):

Outside of Special Countryside Areas ‘development that generates energy from renewable resources including solar, hydropower, thermal, geothermal and biomass **will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:**

(a) public safety, human health, or residential amenity;

(b) visual amenity and landscape character;

(c) biodiversity, nature conservation or built heritage interests;

(d) local natural resources, such as air quality or water quality; and

(e) public access to the countryside’.

Details (ii)

In addition, Policy RNW 1 has effectively narrowed the application of the ‘cautious approach’ advocated by Paragraph 6.223 of the SPPS. In this regard, the SPPS states ‘a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant’s Causeway and Causeway Coast World Heritage Site, **and their wider settings**. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region’s cultural and natural heritage assets’. (Our emphasis).

However, dPS Policy RNW 1 states ‘a cautious approach will be adopted towards all renewable developments within the Sperrin AONB, Slieve Beagh and the along (SIC) the Clogher Valley ridge line’. The proposed policy wording of dPS Policy RNW 1 has effectively disregarded ‘their wider settings’ as required by the SPPS and refers only to the designated areas.

Modifications (ii)

In the circumstances, it is recommended that the existing policy wording is amended to accord with Paragraph 6.223 of the SPPS as follows (additional text **bold and underlined**).

‘a cautious approach will be adopted towards all renewable energy development proposals within the Sperrin AONB, Slieve Beagh and the along the Clogher Valley ridge line **and their wider settings. In such**

sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets'.

Details (iii)

There is a further expectation in Policy RE 1 of PPS 18 for proposals 'to be located at, or as close as possible to, the source of the resource needed for that particular technology, unless, in the case of a Combined Heat and Power scheme or a biomass heating scheme, it can be demonstrated that the benefits of the scheme outweigh the need for transportation and an end user is identified'. This requirement has also been omitted from dPS Policy RNW 1.

Modifications (iii)

This paragraph should be included within policy RNW 1, following on from the recommended modification (ii) above (additional text **bold and underlined**):

'Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology, unless, in the case of a Combined Heat and Power scheme or a biomass heating scheme, it can be demonstrated that the benefits of the scheme outweigh the need for transportation and an end user is identified'.

Details (iv)

dPS policy RNW 1 will also states 'favourable consideration will be given to the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the life span of developments such as windfarms and solar farms providing that these do not result in unacceptable impacts on the environment or residential / visual amenity'.

In this regard, Paragraph 4.17 of PPS 18 deals the with the issue of repowering/re-equipping turbines at the end of its planning permission life (in most cases planning permission will be linked to the expected operational life of the turbine). Paragraph 4.27 of the PPS states 'while there are obvious advantages in utilising established sites, such cases will have to be determined on their individual merit and in the light of the then prevailing policy and other relevant considerations'.

Modification (iv)

In order therefore for Policy RNW 1 to be effective and accord with regional policy, the provisions of Paragraph 4.17 of PPS 18 require to be copied across. The issue of re-powering or re-equipping is likely to

become more of an issue as many of the first generation of windfarms will be approaching their end of life within the LDP plan period (Revised/additional text **bold and underlined**).

'Applications for the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the life span of developments such as wind farms and solar farms **will have to be determined on their individual merit and in the light of the then prevailing policy and other relevant factors including not resulting** in unacceptable impacts on the environment or residential / visual amenity'.

Details (v)

Furthermore, while dPS Policy RNW 1, in relation to wind energy development states 'development will not be permitted in active peatland, unless there are imperative reasons of overriding public interest' and while this accords with Policy RE 1 of PSS 18, it does not however accord with the more recently published SPPS, which widens out the scope of such a restriction to all renewable energy developments as follows:

'6.226 Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. **Any renewable energy development on active peatland will not be permitted** unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended'. (our emphasis).

Modification (v)

dPS Policy RW 1 should be amended with the following text inserted in the general policy wording applicable to all energy development (additional text bold and underlined):

'Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended'.

Details (vi)

In a similar vein, the consideration of cumulative impact should be extended to include all types of renewable energy development (e.g. solar farms) and not just wind farms as is currently proposed in dPS Policy RNW 1.

In this regard, Paragraph 6.229 of the SPPS provides for the cumulative assessment of **all renewable energy developments**, not just wind turbines. This requirement should therefore be removed from the Wind Energy Development section of dPS Policy RNW 1 and moved to the general policy wording section above of dPS Policy RNW 1, (i.e. applicable to all forms of renewable energy development) so as to be effective in preventing unacceptable adverse impact and accord with the SPPS.

Modifications (vi)

The wording as currently proposed in the Wind Energy Development section, is readily applicable to all forms of energy development, and as such a simple relocation of text within the policy structure will be sufficient.

Details (vii)

Other factors for consideration are included within Paragraphs 6.228 and 6.229 of the SPPS, and importantly Paragraph 6.229 of the SPPS provides for the consideration of the inter-relation between these considerations – this is also absent from dPS Policy RNW 1 and needs to be copied across from the SPPS.

Modifications (vii)

A sentence at the end of general policy wording within the text box as follows would accord with the provisions of Paragraph 6.229 of the SPPS as follows (additional text **bold and underlined**):

'It will be necessary to consider the inter-relational between both the above-mentioned considerations and other relevant polices within this plan'.

Details (viii)

While the requirement for decommissioning and restoration, as articulated at Paragraph 22.17 of dPS Policy RW 1 is welcome in principle, the consideration of such proposals after planning permission has been granted and just prior to the commencement of the decommissioning works would not accord with legislative requirements of the Habitats Directive in circumstances where the original proposal has been subject to an HRA. In this regard, the HRA requires all stages of the development to be considered within such an assessment. Please refer to the following guidance document prepared by the EU 'Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC', which sets out such a requirement:

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

Modifications (viii)

It will be necessary to add a point of clarification to Paragraph 22.17 of dPS Policy RNW 1 that where a Habitats Regulation Assessment is required, the consideration of the decommissioning phase will need to be considered at the planning application stage in order to accord with the relevant legislative provisions.

Details and Modifications (ix)

Furthermore, dPS Policy RNW 1 makes no reference to 'information requirements' as currently set out at Paragraphs 4.18-4.21 of PPS 18. As a minimum, the Justification and Amplification section of dPS Policy RNW 1 should set out that certain proposals depending on their scale or location may be subject to the Environmental Impact Assessment Process (under the provisions of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

Furthermore, dPS Policy RNW 1 should indicate that where renewable energy development does not fall within the requirements of the EIA Regulations, the Planning Authority will still expect an assessment of the environmental effects of the development to be submitted with any application. The level of detail required should reflect the scale of the technology employed and take account of location'

The Council should also draw the attention to prospective developers of renewable energy projects to the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) where the 'competent authority' is required to undertake an Appropriate Assessment of any proposal that has the potential to significant affect a European Site, either directly or indirectly. In such cases, developers must provide such information as the competent authority may reasonably require.

The inclusion of such text within the Justification and Amplification section within Policy RNW 1 will provide clarity for developers and stakeholders alike.

Response 34

Environmental Policies – Protecting Heritage and Providing Infrastructure

23.0 Transportation

Our Transportation Strategy

Unsound

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

RSPB NI is extremely disappointed that the dPS for Transportation has no regard to focusing the promotion of sustainable transport choices, despite referencing regional policy and its own Community Plan in this regard. The protection of disused transport routes (as contained within dPS Policy Tran 2), while welcome, does not however relinquish the Council of its duty to promote sustainable transport and reduce the reliance on the private car with the LDP.

Furthermore, the general principles policy makes no reference to the furthering the promotion of sustainable transportation and reducing the reliance on the private car.

While SPF 8 – Encourage improvements to public and private transportation provision including railway lines and upgrading of the road network', makes reference to sustainable transportation, the provisions of this SPF require to further translated into active policies within the LDP.

This should be addressed as matter of urgency in order to accord with regional policy and the Community Plan.

Response 3

24.0 Monitoring of our Plan

Unsound

CE3 Are there clear mechanisms for implementation and monitoring?

Monitoring of Our Plan

Details

While the proposed monitoring regime sets out the objectives to be monitored, it is however not clear in indicating which outcomes, indicators and measures relate to which objectives – with some objectives not actually appearing to have any associated outcomes, indicators and measures identified. In the circumstances, to aid the understanding of the proposed monitoring regime, it is recommended that there is a clear read across for each objective in relation to its own specific outcomes, indicators and measures.

In general terms, RSPB NI has concerns with the Measures as currently proposed as they are not considered to be SMART (i.e. specific, measurable, achievable, relevant and timebound), and at this time represent no more than unqualified statements in the absence of any contextual baseline information, or trigger factor for remedial action. Mid Ulster needs to examine its Monitoring Plan in this regard as a matter of urgency in order to allow an effective assessment of how the Plan Strategy objectives are being achieved.

Furthermore, there are considered to be obvious omissions from the indicators and measures sections which would facilitate an enhanced assessment of the Plan Strategy in meeting its objectives for example:

Accommodating People and Creating Places

Measures including the number of windfall housing units granted, and average density of housing developments permitted would provide additional valuable data on the Plan Strategy's ability to create compact urban forms without town cramming.

Furthermore, there is no outcome, indicator or measure to monitor the loss of open space within the settlements and wider countryside.

Creating jobs and promoting prosperity

There is neither an outcome, nor indicator nor a measurement criterion for the objective of 'to encourage energy efficiencies and promote use of renewable energy'. As such the Plan Strategy will not be able to be monitored in its ability to meet this objective. This needs to be addressed.

Similarly, the outcome 'mineral extraction will continue to provide sufficient materials for the construction industry and related quarry products sector' is devoid of any indicators and measures within the proposed monitoring plan. This also needs to be addressed if it is to be effectively monitored during the plan period.

Enhancing the environment and improving infrastructure

There is no outcome, indicator or measure for the Plan Strategy objective to 'reduce flood risk and the adverse consequences of flooding. The outcome here should be no development within floodplains, with the quantity of development permitted in undeveloped areas of flood risk being an appropriate measure, with indicators being Mid Ulster planning decisions and consultations with DfI Rivers.

Please also refer to our earlier comments in respect of Section 3 Local Development Plan, Vision and Objectives, with regards to our comments in respect of the objective of which seeks to 'achieve biodiversity'.

In addition to the measure 'the number and type of permissions granted within our Special Countryside Areas', there should be a measure which provides for the number and type of permissions granted within all natural heritage sites. Furthermore, development pressure should be monitored through the number and type of permissions granted in Tourism Opportunity Zones, number and type of exceptions granted for wind turbines and high structures within the area of constraint on such structures over 15m, and within the Policy Area of Holders of Commercial Fishing Licence. The condition of internationally and nationally designated sites available from NIEA should also be included.

Furthermore, Measure 5 should be extended to include blue ways or blue infrastructure.

Response 36

Other Commentary

List of Maps Within and Accompanying the Plan Strategy

General Observations

Map 1.1 – Owenkillew River and Upper Ballinderry River SACs appear to be missing from ‘Area of International Importance’. One of the smaller ASSIs also seems to be omitted – Sruhanleanantawey Burn.

Map 1.2 – see comments in respect of 4.0 Growth Strategy and Spatial Framework, Key Site Requirements for Economic Development Zones at Granville, Zone D ECON 3 – Land at Killyglass Road for further commentary.

Map 1.4 – Site proposed looks like an old quarry site, there could therefore be opportunities for restoration, in accordance with Policy MIN 5 – Restoration of Mineral Sites.

Map 1.6

Unsound

C3 Did the council take account of policy and guidance issued by the Department?

The Key Site Requirements outlined for this Strategic Rural Industrial Policy Area at Desertcreat (found at paragraph 4.40 of the dPS) have no regard to the river/stream flowing straight through site – save a reference to ‘no development shall take place involving the two ponds on the northern portion of the site, without a Wildlife License being issued an NIEA Wildlife Officer and the conditions of that License have been complied with’. The protection afforded to this river corridor is considered to be inadequate and does not accord with the policy provisions of NH 5 of PPS 2. A Key Site Requirement should include ‘retention of the watercourse within the site and provision of an adequate ecological buffer alongside it’.

Map 1.16 – Tourism Opportunity Zone - Traad Point

Site is partially within Lough Neagh and Lough Beg SPA and Lough Neagh ASSI, therefore any development there would have to take consideration of the international and national site designations. The site boundary is mostly woodland, but it should be noted that there is good reed bed habitat just south of the site boundary and is a BTO Constant Effort Site (CES). The reedbeds are a great site for sedge warbler, reed warbler and reed bunting and is one of the few ringing sites in NI that rings these species regularly.

While there is an opportunity to create public access here, the opportunity to redevelop the area as a wetland should not be lost. See details below with regards to BTO data.

Map 1.17 – Tourism Opportunity Zone – The Battery

Site is partially within Lough Neagh and Lough Beg SPA and Lough Neagh ASSI, therefore any development there would have to take consideration of the international and national site designations. There is WeBS data from 2010 for the site (both the water in front of the site as well as on land section). Species from water include moorhen, coot, tufted duck, scaup, goldeneye, little grebe, common gull, lesser black backed gull and greater black backed gull, heron, cormorant and black-headed gull. On land species include common gull, whooper and mute swan, black-headed gull, golden plover and lapwing. See details below with regards to BTO data.

Map 1.18 – Tourism Opportunity Zone – Mountjoy

Site is partially within Lough Neagh and Lough Beg SPA and Lough Neagh ASSI, therefore any development there would have to take consideration of the international and national site designations. From 2010 data - On land species include whooper and mute swan, curlew and lapwing. On water species include pochard, whooper and mute swan, shelduck, moorhen, coot, tufted duck, goldeneye, scaup, little grebe among others. See details below with regards to BTO data.

Map 1.19 – Tourism Opportunity Zone – Washing Bay

Site is partially within Lough Neagh and Lough Beg SPA and Lough Neagh ASSI, therefore any development there would have to take consideration of the international and national site designations. No recent data for land but WeBS data on water from 2010 records little grebe, great crested grebe, whooper swan, shelduck, coot, tufted duck, scaup, goldeneye, black-headed gull, heron and pochard. See details below with regards to BTO data.

BTO Wetland Bird Survey (WeBS) data can be requested from the BTO at <https://www.bto.org/volunteer-surveys/webs/data/submit-data-request>

The BTO WeBS sections in the Mid Ulster District Council are below. Highlighted sections are those which are directly adjacent to Tourism Opportunity Zones and so should be prioritised. We would also recommend that the Lough Beg Swan Fields be prioritised. Combined numbers for the whole Loughs Neagh and Beg sector can be found at <https://app.bto.org/webs-reporting/?tab=alerts> along with Alerts which provides a review of the status of the species found in this sector.

Sector Loughs Neagh and Beg

Water based sites (North to South)

- Lough Beg (Mullaghhardry)
- Lough Beg (Ballycullion East)
- Lough Beg (Dewhamill)
- Lough Beg (Scab Island)
- Lough Beg (Creagh)
- Scotts
- Moyola Water Foot
- Ballynawillian Bay
- **Traad Point**
- **Ballyronan Bay**
- Ballyronan Lake Lodge
- Ballymultry Bay
- Salterstown
- Ballinderry River
- Mullaghartrey Bay
- Curran Quay
- **Stanier's Point**
- **Battery Harbour**
- **Ardboe Point**
- Farsnagh
- Big Jakes
- Kiltagh Point
- Annagh
- Brookend
- Blackers Rock
- Killycolpy
- Back Lower and Kells Point
- **Back Lower and Brockagh**
- **Mountjoy Flat**
- **Washing Bay and Doon Point**
- **Washing Bay and Roskeen Point**
- Scaddy Island
- Blackwater Foot
- Derrywarragh

Land based sites (North to South)

- **Lough Beg and Creagh Swan Fields**
- **Altra Swam Fields**
- **Ballinderry Swam Fields**
- **Ardboe Swam Fields**
- **Clonoe Swam Fields**

Map 1a – RSPB NI – proposed modification to dPS Map 1a

This modification highlights the area around Patrick’s Lough, and recommends that this area of blanket bog be identified as an Area of Constraint on Minerals, Area of Constraint on Wind Turbines and High Structures, a Tourism Conservation Zone and a Special Conservation Area (SCA). Please refer to map reference ‘**RSPB NI – proposed modification to dPS Map 1a**’ throughout this submission for further details/justification on the aforementioned.

Map 1c – RSPB NI – proposed modification to dPS Map 1c

This modification highlighted the need for an extension to the SCA and Area of Constraint on Wind Turbines and High Structures based on the most recent data for hen harriers (2016 Hen Harrier Census). Please refer to map reference ‘**RSPB NI – proposed modification to dPS Map 1c**’ throughout this submission for further details/justification on the aforementioned.

Map 1d – RSPB NI – proposed modification to dPS Map 1d

This modification included the identification of lowland bog area, the Bann Valley vision area, proposed SCA extension to include the internationally designated sites of Curran Bog and Ballynahone Bog and extend the SCA north of the proposed A6 road line to meet up with the new A6 road line. Further whooper swan areas have been identified, along side the identification of Areas of Constraint on Wind Turbines and High Structures principally for whooper swans. Please refer to map reference ‘**RSPB NI – proposed modification to dPS Map 1d**’ throughout this submission for further details/justification on the aforementioned.

Map 1e – RSPB NI – proposed modification to dPS Map 1e

This modification includes the identification of additional areas of peatland, an Area of Constraint on Mineral Development and the extension of the SCA to include those lands falling under the Ramsar designation. Please refer to map reference ‘**RSPB NI – proposed modification to dPS Map 1e**’ throughout this submission for further details/justification on the aforementioned.

The abovementioned maps are located overleaf.

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

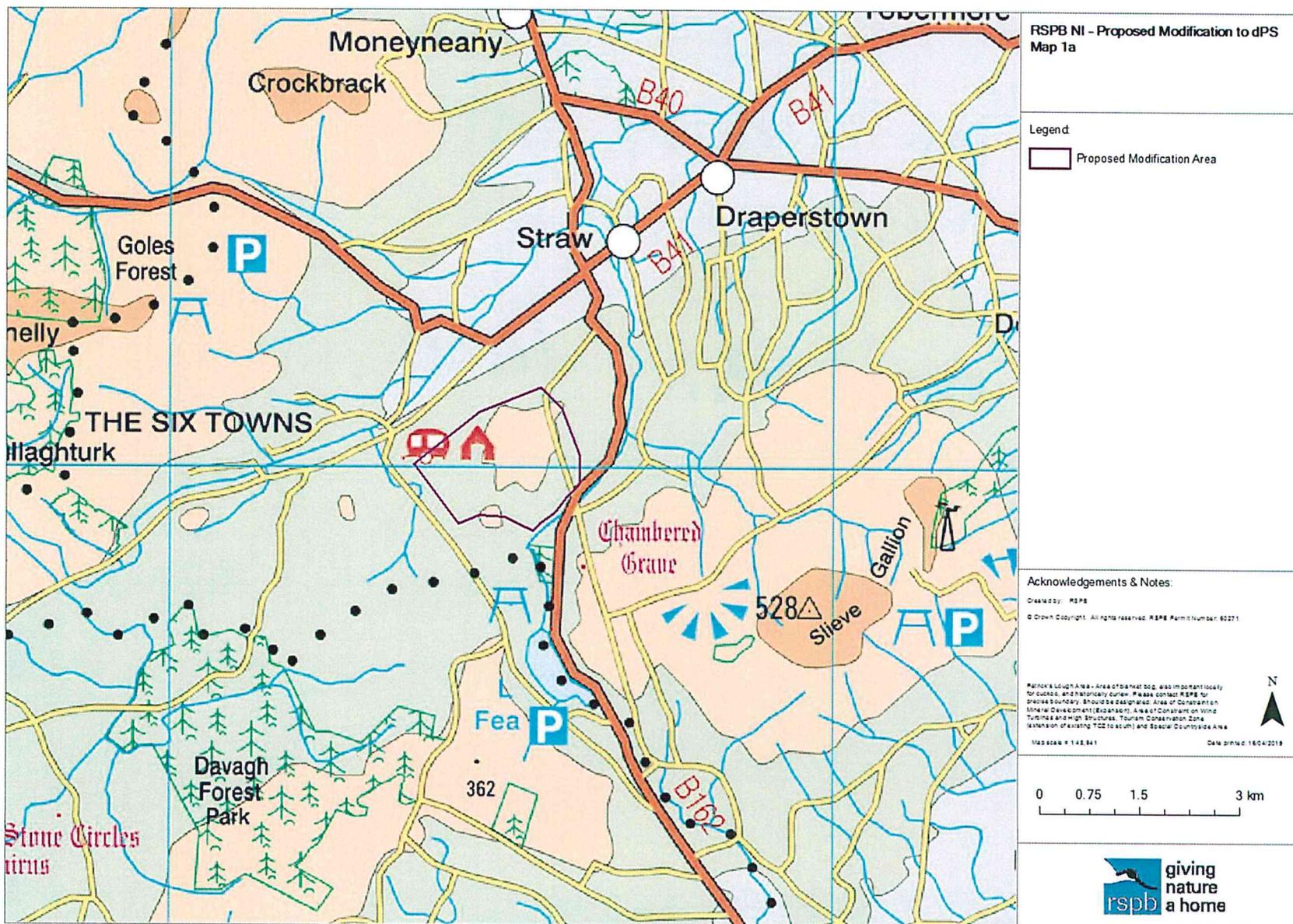
Oral Hearing

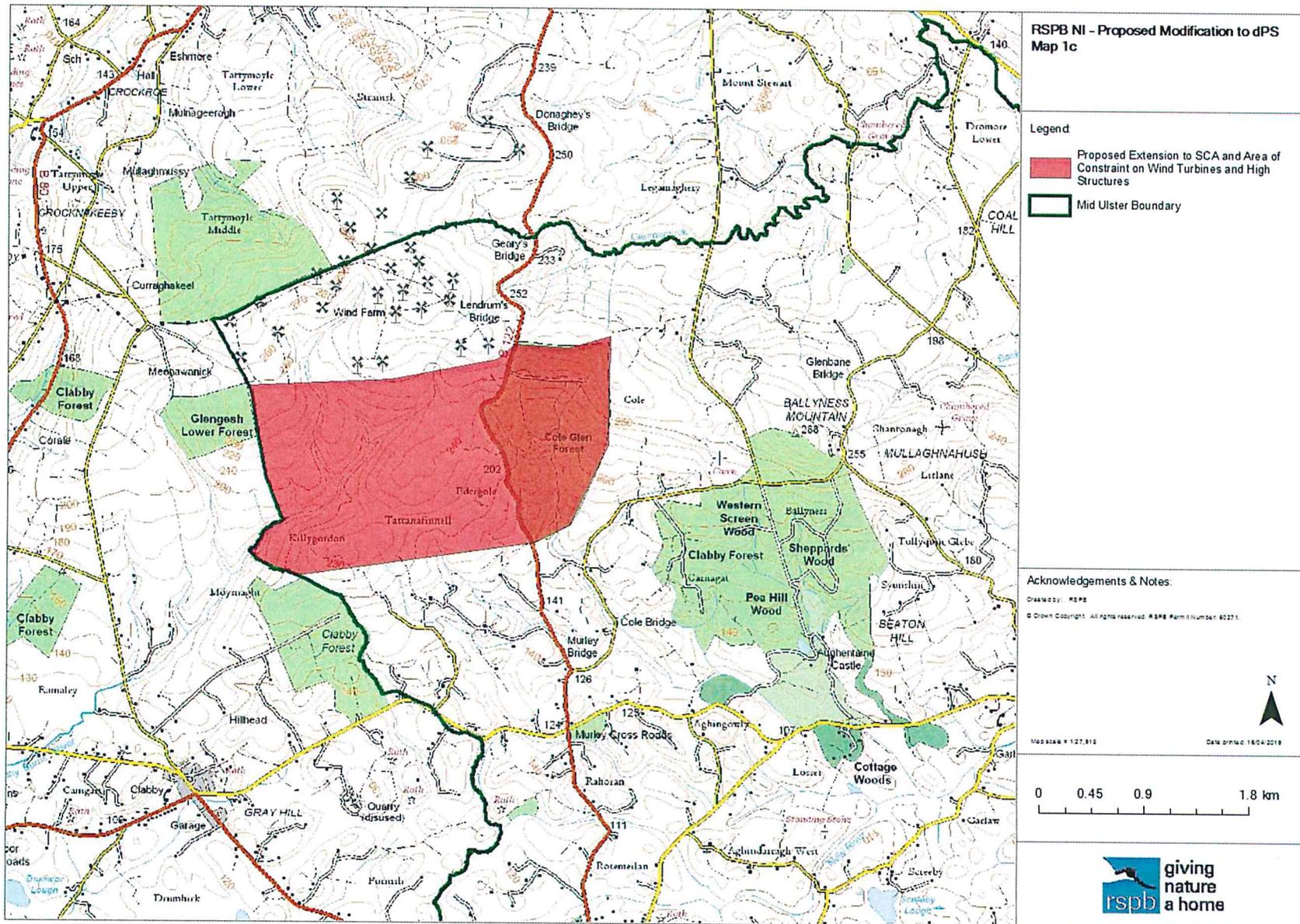
NB. This preference refers only the draft Plan Strategy document response.

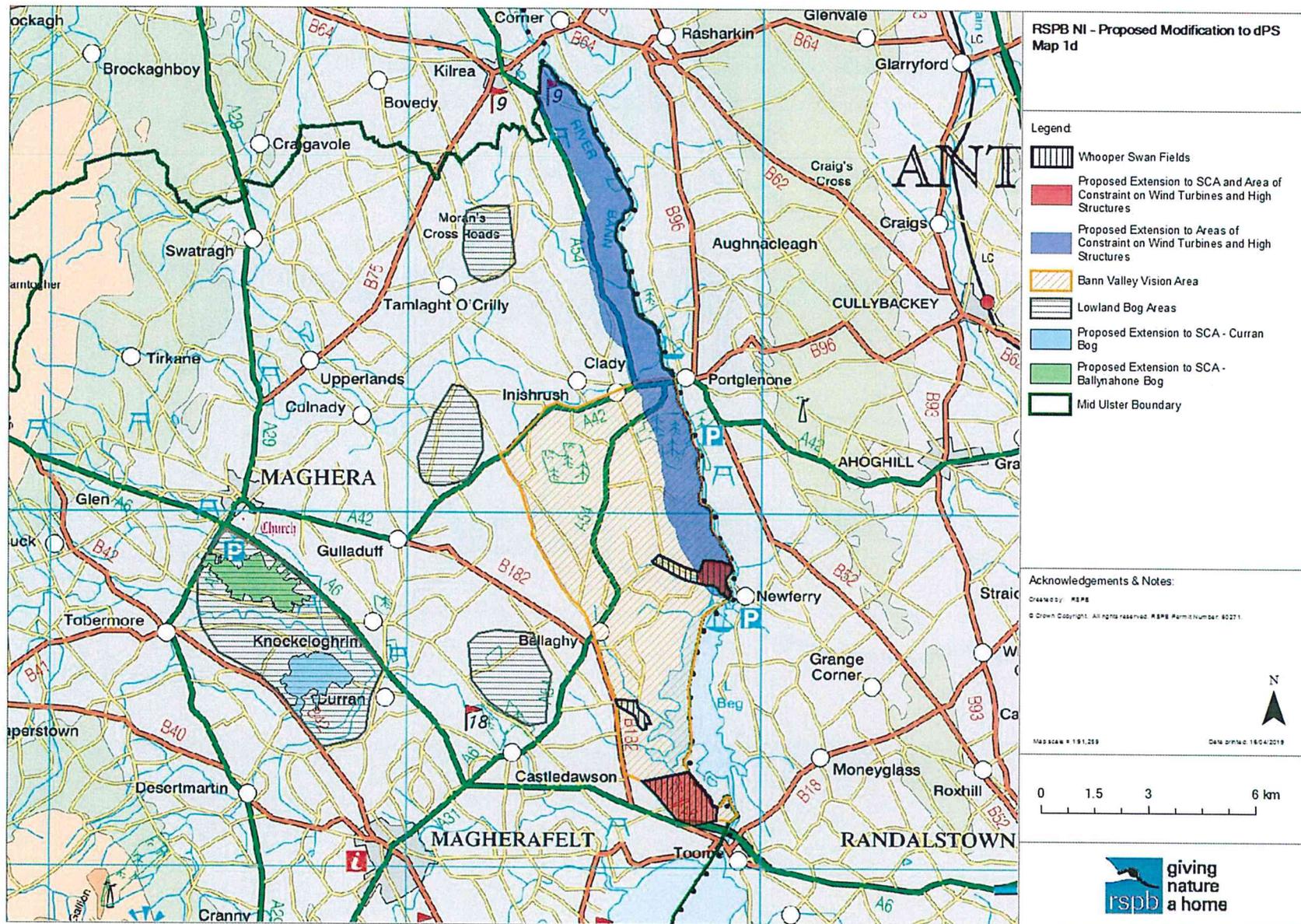
Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

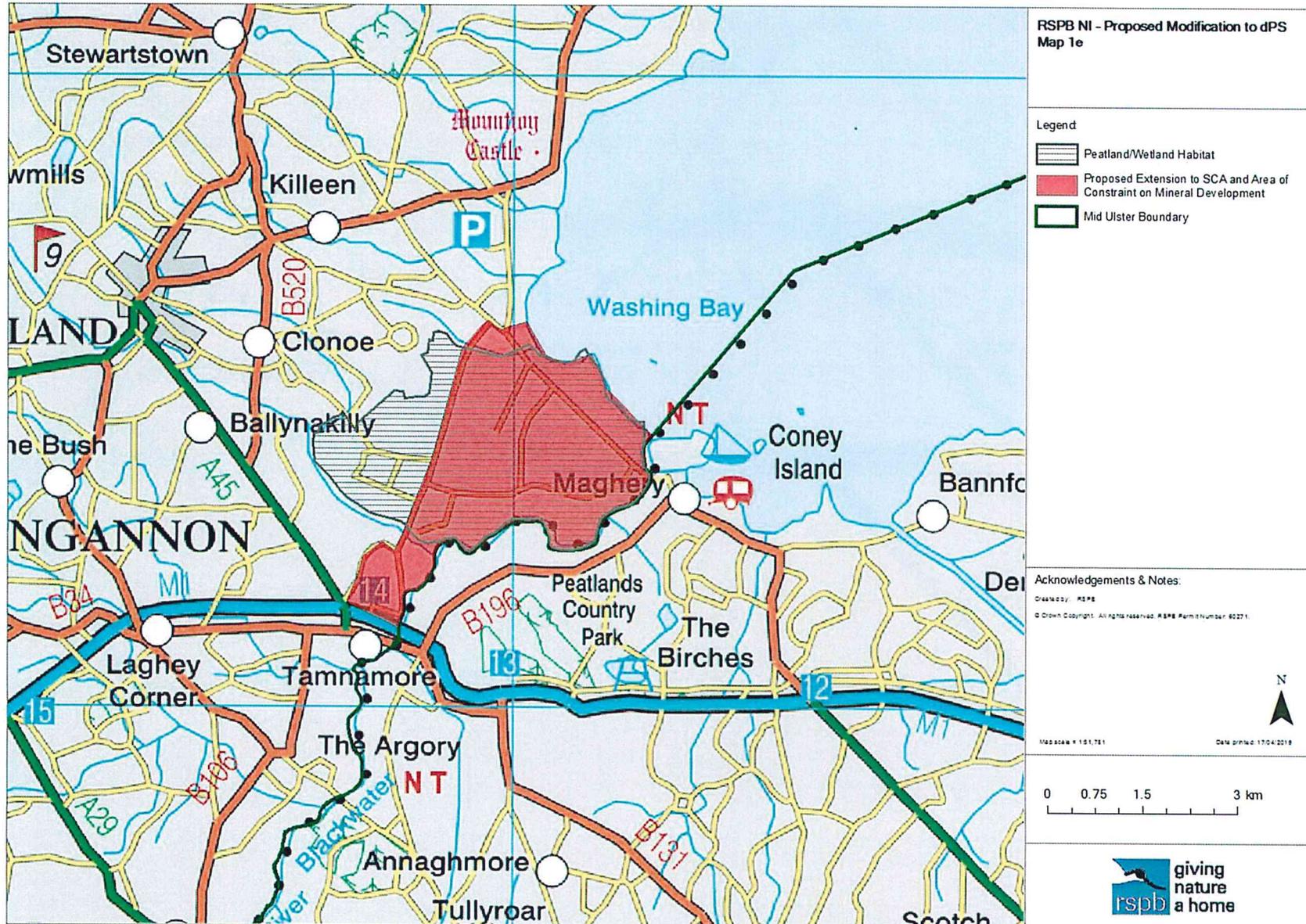
Signature:

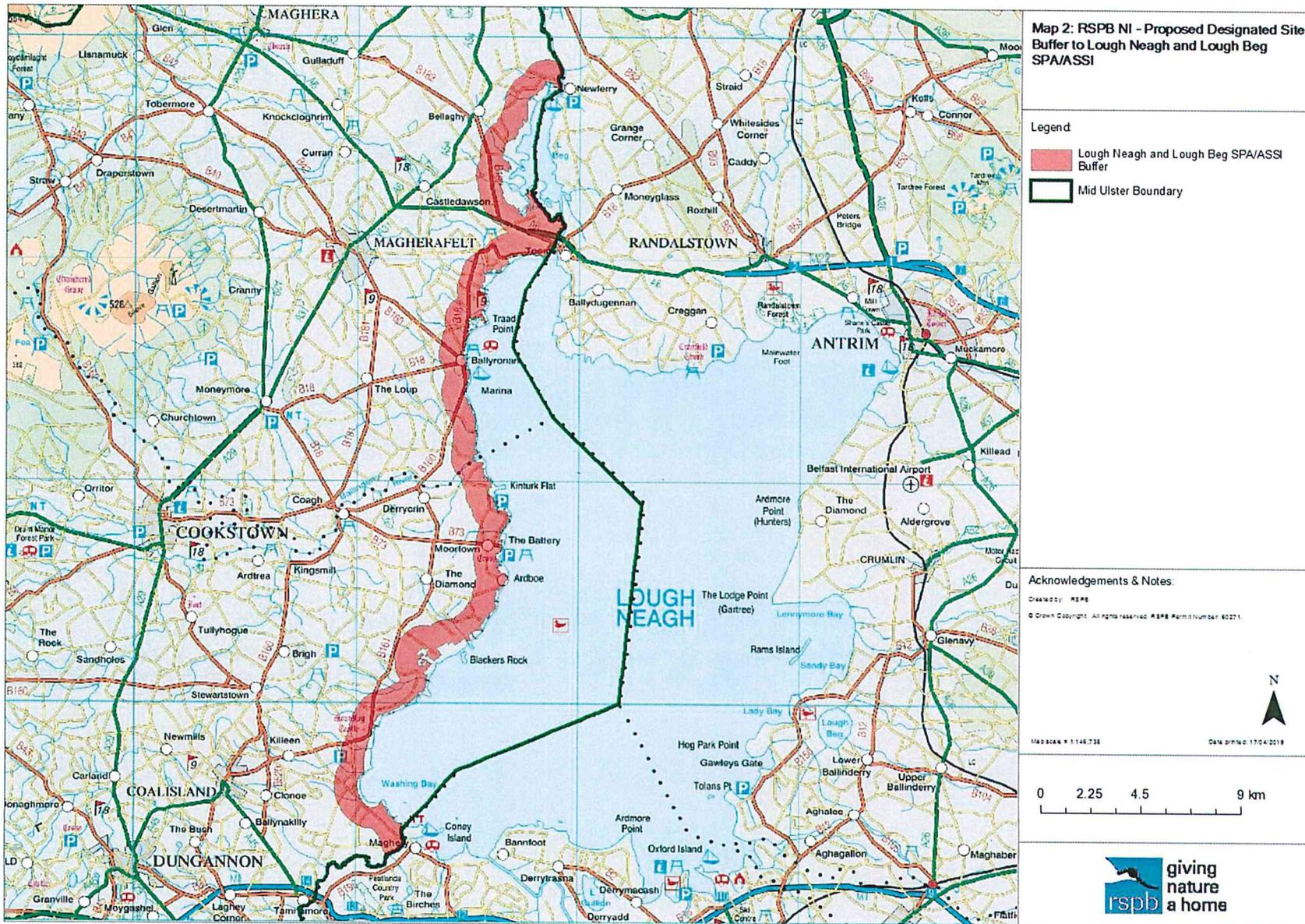
Date:











Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



**Local Development Plan
Representation Form
Draft Plan Strategy**

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Sustainability Appraisal incorporating Strategic Environmental Assessment (Environmental Report)

Representations must be submitted by 4pm on 19th April 2019 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

2. Agent Details (if applicable)

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

Point of Clarification

As a number of responses have been made they are numbered for clarity:

Response 1

3. To which part of the DPD does your representation relate?

- (i) Paragraph 4.1 - Links to other policies, plans and programmes and sustainability objectives and how these have been taken into account / Appendix 2
- (ii) Objective _____
- (iii) Growth Strategy/
Spatial Planning Framework _____
- (iv) Policy _____
- (v) Proposals Map _____
- (vi) Site Location _____

4 (a). Do you consider the development plan document (DPD)

is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

Details

There are there other relevant policies, plans and programmes that will affect or influence the Local Development Plan/Sustainability Appraisal, which have not been included in the list. In this regard, the United Kingdom (UK) tier appears to be missing from the Plan, Policies and Programmes Review contained within Appendix 4.

Please refer to [Appendix A: Review of Other Plans, Programmes and Environmental Protection Objectives¹](#) of the SEA undertaken for the Strategic Planning Policy Statement (SPPS) for further detailed in this regard.

6 If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Modifications

The United Kingdom, (UK) tier should be included within the Plan, Polices and Programmes Review.

¹ https://www.planningni.gov.uk/index/policy/spps/appendix_a_-_plans_programmes_environmental_protection_objectives.pdf

Response 2

3 To which part of the DPD does your representation relate?

- | | |
|--|--|
| (i) Paragraph | <u>Appendix 4 – Further Baseline Information</u> |
| (ii) Objective | _____ |
| (iii) Growth Strategy/
Spatial Planning Framework | _____ |
| (iv) Policy | _____ |
| (v) Proposals Map | _____ |
| (vi) Site Location | _____ |

4(a). Do you consider the development plan document (DPD) is:

Sound Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at <https://www.planningni.gov.uk/index/advice/practice-notes/development-plan-practice-note-06-soundness-version-2-may-2017-2a.pdf.pdf>).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

Details

It would have been an advantage to include details of all the baseline information referred to, so as to allow a full and proper review of same.

We would also recommend inclusion of the State of Nature Report². This report presents the very latest

² Full Document http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf

Summary Document http://www.rspb.org.uk/Images/summary_tcm9-345844.pdf

2nd Report 2016 <https://www.rspb.org.uk/our-work/conservation/projects/state-of-nature-reporting>

population data on a wide range of species to provide a single, authoritative statement on the changing state of nature in the UK and the UK Overseas Territories, including Northern Ireland.

Please not hesitate to contact RSPB NI, as we may hold data which may be of assistance in both the SEA and HRA assessments.

It is also important for the SEA to demonstrate the relationship between different topics (e.g. ecology and health), and we would also reference the following useful reports:

- (i) Wellbeing through wildlife, RSPB³
- (ii) Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012

To ensure this SEA follows best practice and adds real value to the LDP, we would also recommend that the following documents are drawn upon:

- (i) RSPB, RTPI and CIEEM (2013) [Planning Naturally](#)⁴. Spatial planning with nature in mind: in the UK and beyond.
 - (ii) Countryside Council for Wales, English Nature, Environment Agency and RSPB (2004) Strategic Environmental Assessment and Biodiversity: Guidance for Practitioners.
 - (iii) Collingwood, LUC, Levett-Therivel, Scott Wilson, TEC and C4S (2006) Working with the SEA Directive: Do's and Don'ts Guide to generating and developing alternatives.
 - (iv)
- 6 If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

³ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

⁴ <https://www.rspb.org.uk/our-work/our-positions-and-casework/our-positions/land-use-planning/planning-naturally/>

Modifications

Provide a full list of the baseline information utilised and include the document 'State of Nature Report' as part of the review.

Response 3

3. To which part of the DPD does your representation relate?

- (i) Paragraph Key Sustainability Issues (page 42)
- (ii) Objective _____
- (iii) Growth Strategy/
Spatial Planning Framework _____
- (iv) Policy _____
- (v) Proposals Map _____
- (vi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at <https://www.planningni.gov.uk/index/advice/practice-notes/development-plan-practice-note-06-soundness-version-2-may-2017-2a.pdf>).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

Details

The inter-relationship between the different topics (e.g. ecology and health) has not been addressed within the draft Plan SEA, and there should be additional topic(s) to address the inter-relationship e.g. Green Infrastructure and Ecosystems Services. An ecosystems approach to the SEA is absent, its inclusion would therefore allow consideration of the extent to which the LDP (and its reasonable alternatives) delivers or affects Ecosystems Services (i.e. provisioning, regulating, cultural and supporting services).

The purpose of SEA Objectives is to ensure that the assessment process is transparent and robust, and that the LDP considers and addresses potential environmental effects.

The draft Plan Strategy SEA has combined the distinct SEA topics of Biodiversity, Flora and Fauna within a single 'Sustainability Objective' to 'conserve and enhance biodiversity'. The effects of which gives limited regard to potential impacts on protected and priority species. As such, the SEA should set objectives that addresses either splitting the "ecological" issues up or being able to appropriately weight various elements.

The current approach therefore serves only to heighten the already limiting effects of a combining the SEA Topics of Biodiversity, Flora and Fauna within a single sustainability objective.

As noted above, the purpose of the objectives is to ensure that the assessment process is transparent and robust and that the LDP considers and address potential environment effects.

RSPB NI recommends that the following SA Objectives are included as follows:

- (i) Include green infrastructure and ecosystems services (the following has been extracted from the SPPS SEA by way of an example)
 - a. 'Preserve and enhance the ability of an area to provide ecosystem services such as carbon sequestration
 - b. Encourage multifunctionality of greenspace to provide numerous ecosystem services simultaneously
 - c. Encourage biophysical changes such as restoration of degraded land and enhanced connectivity of habitats and greenspace
 - d. Strengthen positive natural connections and interactions between different areas and regions
 - e. Encourage cultural and outdoor recreational tourism that is landscape and nature based
 - f. Improve knowledge and understanding of and connection with the natural environment'⁵

⁵ Table 2.2 SEA Objectives https://www.planningni.gov.uk/index/policy/spps/strategic_environmental_appraisal_-_environmental_report.pdf

- (ii) SA Objective 11 – maintain and enhance the amount, range and quality of Ecosystem Services; and, restore or enhance wider habitats and populations of species under the public body Duty to Conserve Biodiversity
- (iii) SA Objective 15 – should include protection and enhancement the status of aquatic and wetland ecosystems.
- (iv) SA Objective 16 – should also include a reference to minerals including maximising opportunities for the ecological restoration of redundant mineral sites.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Modifications

Revise as per comments above.

Response 4

3. To which part of the DPD does your representation relate?

- (i) Paragraph Chapter 6.0 Implementation and Monitoring
- (ii) Objective _____
- (iii) Growth Strategy/
Spatial Planning Framework _____
- (iv) Policy _____
- (v) Proposals Map _____
- (vi) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at <https://www.planningni.gov.uk/index/advice/practice-notes/development-plan-practice-note-06-soundness-version-2-may-2017-2a.pdf.pdf>).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Response and modifications required

Development Plan Practice Note 04 Sustainability Appraisal incorporating Strategic Environmental Assessment (April 2015) states:

'monitoring should focus upon the likely significant effect identified by the SA and the mitigation measures proposed to offset or reduce significant adverse effects.

Monitoring measures should be clearly linked to the SA process, with particular reference to the sustainability objectives and issues identified Development Plan Practice Note 4 Sustainability Appraisal incorporating SEA April 2015 29 during the preparation of the SA Report. Monitoring allows the actual significant effects of the implementing the plan to be tested against those predicted in the SA. Therefore, where possible, monitoring should be based on indicators which have been used to describe the baseline, the objectives of the plan and the SA. The appropriate level at which to monitor will depend on the development plan document.

Where possible, a council may wish to use existing monitoring arrangements and information to reduce duplication of effort and maximise the efficient use of resources. As a council will be required to prepare an Annual Monitoring Report, this may also include the findings of monitoring any likely significant effects as a result of implementing the plan' (paragraphs 13.1 - 13.3).

Against this background therefore caution must be exercised in avoiding a situation where monitoring amounts to simply monitoring trends in the baseline environment which would have occurred irrespective of the LDP.

It is also worth Mid Ulster Council referring to [SEA prepared for the SPPS](#)⁶, and in particular Sections 9.1.5, 9.1.5 and 9.2.1 – 9.2.6

Section 9.1.5 sets out a number of suggestions for the (then) DOE to monitor within LDPS adopted after the SPPS, it is therefore recommended that the SA includes those suggestions as set out at Section 9.1.5 as part of its overall monitoring:

⁶ https://www.planningni.gov.uk/index/policy/spps/strategic_environmental_appraisal_environmental_report.pdf

- *'Area of coastal lands identified in LDPs where development is restricted to exceptional circumstances due to unique amenity/ landscape value; nature conservation interest and archaeological/ historical potential.*
- *Area of coastal lands identified in LDPs where development should not be permitted as it is at risk from flooding, coastal erosion, or land instability.*
- *Area of flood plain identified in LDPs for conservation and enhancement of biodiversity.*
- *Area of flood plain identified in LDPs for flood control/ mitigation service.*
- *Area identified (which, because of their intrinsic amenity value, including landscape, natural heritage or archaeological), where there is a presumption against mineral development.*
- *Area of natural heritage features identified in LDPs.*
- *Area and length of ecological network identified in LDPs.*
- *Area of new Open Space provisioned for in LDPs for biodiversity.*
- *Area of brown-field sites identified in LDPs as part of an urban ecological network.*
- *Area of peatland identified in LDP as a carbon store.*
- *Number of Shoreline Management Plans commissioned to inform LDPs⁷.*

With specific regard to the conserve biodiversity indicator, this should include a reference to habitats and species, especially protected (including priority) habitats and species.

Monitoring should also include the non-implementation of LDP policies as well as those which are implemented.

[Regulation 25 \(3\) of The Planning \(Local Development Plan\) Regulations \(Northern Ireland\) 2015⁸](#) makes the following provision:

'Where a policy specified in a local development plan is not being implemented, the annual monitoring report must identify that policy and include a statement of—

- (a) the reasons why that policy is not being implemented,*
- (b) the steps (if any) that the council intend to take to secure the implementation of it, and*
- (c) whether the council intend to prepare a revision of the local development plan to replace or amend the policy'.*

This will ensure the identification of any unforeseen adverse effects through the non- implementation of a LDP policy at an early stage and allow the necessary remedial action to be implemented.

⁷ https://www.planningni.gov.uk/index/policy/spss/strategic_environmental_appraisal_-_environmental_report.pdf

⁸ <http://www.legislation.gov.uk/nisr/2015/62/regulation/25/made>

Response 5

Other general comments

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

RSPB NI welcomes the opportunity to comment on the Mist Ulster District Council (MUDC) Local Development Plan (LDP) draft Plan Strategy Sustainability Appraisal incorporating Strategic Environmental Assessment.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation Oral Hearing

NB. This preference refers only to SA incorporating SEA document

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



Local Development Plan Representation Form Draft Plan Strategy

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Draft Habitats Regulation Assessment Report of LDP 2030 – Draft Plan Strategy

Representations must be submitted by 4pm on 19th April 2019 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

2. Agent Details (if applicable)

Address Line 1	RSPB NI	
Line 2	NIHQ	
Line 3	Belvoir Park Forest	
Line 4	Belvoir Drive BELFAST	
Post Code	BT8 7QT	
Telephone Number		
E-mail Address		

Introduction

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

RSPB NI welcomes the opportunity to comment on the Mid Ulster District Council (MUDC) Local Development Plan (LDP) draft Plan Strategy Habitats Regulation Assessment (HRA).

General commentary

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

The most important sites for biodiversity in Northern Ireland form part of a Europe-wide network known as Natura 2000, the conservation of which is a key step in halting the decline in Europe's biodiversity. Natura 2000 comprises Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other habitats and species – designated under the EU Birds and Habitats Directives respectively. As such, anyone formulating spatial plans has an important role in ensuring Natura 2000 sites are given the protection they need, so helping to contribute to provision of a high-quality natural environment for wildlife and people.

RSPB NI recognises and strongly supports a plan-led approach, as contained within the Planning Act (NI) 2011. Spatial plans are the principal way to ensure that strategic and rational decisions are taken to reconcile the need to protect and enhance wildlife with that of providing the right framework for development to proceed. They allow potential problems between socio-economic development and wildlife protection to be identified and resolved at an early stage. This is a vital part of achieving sustainable development.

While we acknowledge that the Habitats Regulations Assessment (HRA) of the current draft Plan Strategy is at a strategic-level, there is however, a heavy reliance placed on avoiding adverse effects at the Local Polices Plan (LLP) project-level via project-specific HRAs, and an assumption that adverse effects can be avoided by mitigation considered and implemented at the LPP/project-level.

Such an approach leads to an inevitable requirement for project-level mitigation measures to be an absolute condition of any planning permissions granted by Mid Ulster Council under its Local Development Plan. It also passes the risk to the developer as to whether mitigation measures will be able to avoid an adverse effect on integrity at the project level, undermining the value of strategic HRA. Mitigation measures, necessary to avoid an adverse effect on European sites, need to be set out (at a high/generic level) in greater detail in Plan Strategy HRA, and it should be clearly stated that these measures must be included at the LPP/project stage for the conclusion of no adverse effects to be reached at this stage. In addition, it is important that mitigation measures are available in time, on site and are effective.

Point of Clarification – this submission comprises a number of responses to the dHRA and are numbered individually below for ease of reading.

Response 1

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Section 2. Habitats Regulations Assessment: The Approach

In Combination and cumulative effects (page 5)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

C3 and C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Significant effects can also arise from the effects of the plan in-combination with other plans and projects. As set out in the Habitats Directive, consideration of these possible in-combination effects is part of the AA process. NIEA should be able to provide initial guidance on the plans or projects that need to be considered as part of the in-combination test. The types of plan to consider in this context include Area Plans and any spatially based plan prepared by a competent authority (NI Government department or statutory body) or submitted to a competent authority for licence or consent. A list of potential plan types is given in Table 1 (page 6) of the RSPB publication [‘The Appropriate Assessment of Plans in Northern Ireland: a guide to why, when and how to do it’](#). Dodd A.M., Cleary B.E., Dawkins J.S., Ferry C.D. and Williams G.M. (2008) The RSPB, Sandy. It would also be necessary to consider projects that have been applied for but not yet granted, consented but not implemented, and consented but undergoing statutory review.

As such, it is considered that the Draft HRA has been too narrow in its approach to the identification of other relevant plans and has ignored projects. It is also unclear as to whether any transboundary in-combination effects have been addressed within the HRA thus far as the draft HRA states ‘Development Plans in neighbouring counties in Ireland or other strategies such as those for infrastructure **could** have an in-combination effect’ (our emphasis). Again, the issue of trans-boundary projects appears to have been ignored.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 2

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Assessment Assumptions and Limitations (page 5)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

C3

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

The draft HRA is predicated on the fact that a number of Strategic Planning Policy Statement (SPPS) polices must be taken into account in the determination of planning applications and which specifically apply to International Designations (i.e. paragraphs 6.175 to 6.178). It has been assumed by the draft HRA that these polices will all apply to the draft Plan Strategy and LDP and that they are material to all decisions on individual planning applications.

Any deviation from such an assumption (through local tailoring for example) in any future iterations of the draft Plan Strategy or LPPS could undermine the conclusions of the HRA as currently written. The HRA will need to monitor any local tailoring closely.

RSPB NI welcomes cognisance of the CJEU Case C323/17 (People over Wind & Sweetman), and the cautious approach taken to screening the plan for potential impacts.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 3

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

4. To which part of the DPD does your representation relate?

Climate Change (page 6)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your

representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

With regards to climate change, the draft HRA states *'the causes of climate change are global and it is not within the scope of the LDP to bring about levels of change such that they will have an evident impact on climate change as it affects European sites. Climate change is therefore not assessed as an impact that the draft Plan Strategy directly contributes to'*.

However, in order to secure the long-term presence and stability of the Natura 2000 sites and network climate change should be a key consideration in the application of Appropriate Assessment (AA). To this end, it is recommended that during the AA process, consideration should be given to whether the plan does in any way inhibit the potential of species and habitats to adapt to climate change¹.

¹ Appropriate Assessment of Plans, September 2006, Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 4

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Brexit (Page 7)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

The particular situation of the Mid Ulster Council in this context is complex given that it shares a land border with the Republic of Ireland and a cross-border Natura 2000 site (Slieve Beagh SPA). Such a situation will need to be recognised and addressed.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 5

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

4. Screening for likely significant effects (page 11)

Strategic Planning Framework

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C1 and C2

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

This section overlooks 'SPF 6 – Accommodate development within the countryside that supports the vitality and viability of rural communities without compromising the landscape or environmental quality and whilst safeguarding our natural and built heritage'. In particular, a large swath of land along the western shore of Lough Neagh is identified as a Policy Area for Holders of Commercial Fishing Licence where permission for a dwelling or other ancillary development is permissible for such licence holders. This is in addition to all other development in the countryside which is permissible under the dPS. Furthermore, such development is also permissible within the Lough Neagh/Beg SCA (paragraph 18.15 of the dPS). As such there is potential for in-combination effects and increased development pressure on the Lough Neagh / Beg SPA and Ramsar. While the draft HRA states in relation to Housing in the countryside (Policy CT2), that the number of applications in this context is likely to be below, there is however no evidence at this time to support such a conclusion.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 6

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Environmental Policies – Protecting Heritage and Providing Infrastructure (page 13)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C3 and C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Given the omissions from or modifications to policies NH 2 to NH 6 within the dPS in comparison to the provisions of the SPPS and PPS 2, it is recommended that these policies be screened in. Please refer to our response to the dPS in this regard for further details.

Furthermore, in general terms, within this stage little or no cognisance has been given to in-combination effects with other plans and projects including permitted ongoing activities. RSPB NI would have expected this to be included within this stage. As set out in the Habitats Directive, consideration of these possible in-combination effects is part of the AA process. As noted above, Table 1 of the RSPB publication [‘The Appropriate Assessment of Plans in Northern Ireland: a guide to why, when and how to do it’](#) provides further details on the types of plans to consider. It would also be necessary to consider projects that have been applied for but not yet granted, consented but not implemented, and consented but undergoing statutory review. Further consideration should be given to permitted ongoing activities such as discharge consents or abstraction licences¹.

An example of an in-combination effect could include the interaction between an Area Plan’s proposed industrial development adjacent to an estuarine SPA and proposals for aquaculture in the same estuary proposed by a government department².

¹ Dodd A.M., Cleary B.E., Dawkins J.S., Ferry C.D. and Williams G.M. (2008) The RSPB, Sandy http://ww2.rspb.org.uk/Images/NIAA_tcm9-196528.pdf

²The Habitats Regulations – a guide for competent authorities. EHS (2002)

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 7

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

5. Protective Measures in the draft Plan Strategy

Subject Policies (7-23)

Policies that directly protect international sites (page 23)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness__version_2____may_2017_-2a.pdf.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

The draft HRA relies on the legislative requirements and environmental assessment including the need to comply with the Habitats Regulations as well as the Strategic Planning Policy Statement (SPPS), yet the dHRA informing the LDP is equally important as now is the ideal time to establish what the key sensitivities of the various protected sites are (both within and those with linkages outwith the Council area) to ensure that their needs are reflected in the design of the Plan, and to employ effective avoidance techniques, as opposed to mitigation measures (as per tier 1 of the mitigation hierarchy).

Please refer to our comments above regarding dPS Policies NH 2 – NH 6.

Reference is also made to Sites of Local Conservation Importance (SLNCIs) and their potential to 'provide a protective buffer to international sites'. The precise location of such areas in relation to SLNCIs is not yet known and as such no cognisance at this stage can be given to its actual ability as a protective measure in respect of international sites.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 8

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

5. Protective Measures in the draft Plan Strategy

Subject Policies (7-23)

Other Protective Polices (page 23)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C3 and C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Draft Plan Strategy Policy TOHS 1 and SCA 1 do not cover all of the internationally designated sites within the plan area, and RSPB NI has concerns that the Area of Constraint on Wind Turbines and High Structures and the SCA zonings exclude certain areas which are known to be important hen harrier areas. This is based on information from the 2016 Hen Harrier Census. The HRA should not defer obtaining updated information on hen harrier ranges from DAERA to inform locations of development that could impact on hen harrier to the development management level. It is evident from the text on hen harrier success in the Slieve Beagh-Mullaghfad-Lisnaskea SPA that the data is out of date (page 91). The results of the 2016 Hen Harrier Census confirm this fact. This undermines the soundness of the HRA in this regard.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 9

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Monitoring and Review (page 25)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

The HRA states that the indicators identified for monitoring the objective to 'protect the natural environment' are in the form of pressure analysis for housing and renewable energy development. This, however, is considered to be insufficient as tourism opportunity zones and the potential impacts of intensive farming and animal husbandry particularly in the context of ammonia production and its impact on biodiversity for example could either individually or collectively undermine the plan objective to 'protect the natural environment'.

In addition to the measure 'the number and type of permissions granted within our Special Countryside Areas', there should be a measure which provides for the number and type of permissions granted within all natural heritage sites. Furthermore, development pressure should be monitored through the number and type of permissions granted in Tourism Opportunity Zones, number and type of exceptions granted for wind turbines and high structures within the area of constraint on such structures over 15m, and within the Policy Area of Holders of Commercial Fishing Licence. The condition of internationally and nationally designated sites available from NIEA should also be included.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 10

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

6. Tests of Likely Significance and Appropriate Assessment

Potential for Cumulative Impacts (all sites

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on [the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness__version_2_may_2017_-_2a.pdf.pdf](https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness__version_2_may_2017_-_2a.pdf.pdf)).

Soundness Test No.

C3 and C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

N.B. The following comments are equally applicable to all of the sites assessed and are not replicated for individual sites. Where we have additional site-specific comment, this will follow the general commentary.

As set out previously, significant effects can also arise from the effects of the plan in-combination with other plans and projects. As set out in the Habitats Directive, consideration of these possible in-combination effects is part of the AA process. NIEA should be able to provide initial guidance on the plans or projects that need to be considered as part of the in-combination test. The types of plan to consider in this context include Area Plans and any spatially based plan prepared by a competent authority (NI Government department or statutory body) or submitted to a competent authority for licence or consent. A list of potential plan types is given in Table 1 (page 6) of the RSPB publication [‘The Appropriate Assessment of Plans in Northern Ireland: a guide to why, when and how to do it’](#)¹. It would also be necessary to consider projects that have been applied for but not yet granted, consented but not implemented, and consented but undergoing statutory review. Further consideration should be given to permitted ongoing activities such as discharge consents or abstraction licences¹.

As such, it is considered that the dHRA has been too narrow in its approach to the identification of other relevant plans and projects. In-combination effects (direct, indirect and induced) cannot be continuously deferred to the next level of assessment. This needs to be addressed in any revised version of the HRA.

More specifically, in respect of the Owenkillew River SAC, it does not appear that cognisance has been made to the pending planning application for Dalradian’s gold mine, or the similarly pending planning application for sand abstraction within the Lough Neagh /Beg SPA and Ramsar. Equally, the effects of existing wind farms within and around the Slieve Beagh SPA on hen harriers should be considered in-combination.

¹ Dodd A.M., Cleary B.E., Dawkins J.S., Ferry C.D. and Williams G.M. (2008) The RSPB, Sandy.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 11

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

6. Tests of Likely Significance and Appropriate Assessment

Controls in place to address threats (all sites)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C3 and C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

N.B. The following comments are equally applicable to all of the sites assessed and are not replicated for individual sites. Where we have additional site-specific comment, this will follow the general commentary.

As set out previously Draft Plan Strategy Policy TOHS 1 and SCA 1 do not cover all of the internationally designated sites within the plan area, and RSPB NI has concerns that the Area of Constraint on Wind Turbines and High Structures and the SCA zonings exclude certain areas which are known to be important hen harrier areas. This is based on information from the 2016 Hen Harrier Census. The HRA should not defer obtaining updated information on hen harrier ranges from DAERA to inform locations of development that could impact on hen harrier to the development management level. It is evident from the text on hen harrier success in the Slieve Beagh-Mullaghfad-Lisnaskea SPA that the data is out of date (page 91), as confirmed by the results of the 2016 Hen Harrier Census. The most update information should be used in the HRA. This undermines the soundness of the dHRA in this regard.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 12

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

6. Tests of Likely Significance and Appropriate Assessment

In-combination effects from their plans or projects that are likely to have significant effects and Appropriate assessment Conclusions (all sites)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

N.B. The following comments are equally applicable to all of the sites assessed and are not replicated for individual sites. Where we have additional site-specific comment, this will follow the general commentary.

In addition to our concerns outlined at 'Potential for Cumulative Effects' above, the dHRA in this section states 'the need to consider and assess further in-combination effects from other projects or plans including those of adjacent councils, will be reviewed before the HRA is finalised'. While such a review is welcome in principle, the timing of such review is flawed. Such reviews should be undertaken before conclusions of 'no significant effects' can be drawn. Therefore, in the absence of such a complete review, the dHRAs conclusion of no significant effect with mitigation in place is considered to be premature.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 13

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

7. Outcome and Recommendations (page 108)

Table 5: Recommendations for Mid Ulster Local Development Plan

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

C3 and C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Of the 14 recommendations set out, only 2 relate to the Plan Strategy Stage, a further 2 to the Plan Review stage, and the remaining 10 relate to the Development Management. As we have set out above, while we acknowledge that the Habitats Regulations Assessment (HRA) of the current draft Plan Strategy is at a strategic-level, there is however, a heavy reliance placed on avoiding adverse effects at the Local Polices Plan (LLP) project-level via project-specific HRAs, and an assumption that adverse effects can be avoided by mitigation considered and implemented at the LPP/project-level.

Such an approach leads to an inevitable requirement for project-level mitigation measures to be an absolute condition of any planning permissions granted by Mid Ulster Council under its Local Development Plan. It also passes the risk to the developer as to whether mitigation measures will be able to avoid an adverse effect on integrity at the project level, undermining the value of strategic HRA. Mitigation measures, necessary to avoid an adverse effect on European sites, need to be set out (at a high/generic level) in greater detail in Plan Strategy HRA, and it should be clearly stated that these measures must be included at the LPP/project stage for the conclusion of no adverse effects to be reached at this stage. In addition, it is important that mitigation measures are available in time, on site and are effective.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 14

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Habitat Loss (page 108)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Now is the ideal time to establish what the key sensitivities of the various protected sites are (both within and those with linkages outwith the Council area) to ensure that their needs are reflected in the design of the Plan, and to employ effective avoidance techniques, as opposed to mitigation measures (as per tier 1 of the mitigation hierarchy).

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 15

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Direct Disturbance (page 110)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Notwithstanding our concerns above regarding the deferral of mitigating adverse effect to the project level, the recommendations set out at 6 (International Sites – Recreation), 7 (TOZs – Recreation Impacts), 8 (Waterfowl supporting habitat/flight paths) 12, (Hen harrier range) and 14 (TOZs – Development Pressure) should be included as additional recommendations.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 16

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Indirect Disturbance (page 110)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Response 17

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Hydrological Change (page 110)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

This should include Recommendations 8 (Waterfowl supporting habitat/flight paths) and 12, (Hen harrier range), as changes to the hydrological regime can affect food availability / roost sites for waterfowl. Changes to the upland hydrological regime on peatland and heather can reduce the availability of suitable nesting habitat for hen harrier – for example succession by grasses as a result of drying out.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 18

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

In-combination ad Cumulative Effects (page 111)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C4 and CE 1

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Significant effects can also arise from the effects of the plan in-combination with other plans and projects. As set out in the Habitats Directive, consideration of these possible in-combination effects is part of the AA process. NIEA should be able to provide initial guidance on the plans or projects that need to be considered as part of the in-combination test. The types of plan to consider in this context include Area Plans and any spatially based plan prepared by a competent authority (NI Government department or statutory body) or submitted to a competent authority for licence or consent. A list of potential plan types is given in Table 1 (page 6) of the RSPB publication [‘The Appropriate Assessment of Plans in Northern Ireland: a guide to why, when and how to do it’](#). Dodd A.M., Cleary B.E., Dawkins J.S., Ferry C.D. and Williams G.M. (2008) The RSPB, Sandy. It would also be necessary to consider projects that have been applied for but not yet granted, consented but not implemented, consented but undergoing statutory review, and other permitted ongoing activities such as discharge consents or abstraction licences,

As such, it is considered that the Draft HRA has been too narrow in its approach to the identification of other relevant plans and has ignored projects. It is also unclear as to whether any transboundary in-combination effects have been addressed within the HRA thus far as the draft HRA states ‘Development Plans in neighbouring counties in Ireland or other strategies such as those for infrastructure **could** have an in-combination effect’ (our emphasis). Again, the issue of transboundary projects appears to have been ignored.

The dHRA in this section states ‘the need to consider and assess further in-combination effects from other projects or plans including those of adjacent councils, will be reviewed before the HRA is finalised’. While such a review is welcome in principle, the timing of such review is flawed. Such reviews should be undertaken before conclusions of ‘no significant effects’ can be drawn. Therefore, in the absence of such a complete review, the dHRAs conclusion of no significant effect with mitigation in place is considered to be premature.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 19

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Conclusions of the HRA (page 111)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C3, C4 and CE 1

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

Our concerns regarding the soundness of the dHRA conclusions in the absence of up to date information, for example on hen harrier population / distribution coupled with the apparent lack of in-combination assessments of other projects and other permitted ongoing activities such as discharge consents or abstraction licences, alongside the acknowledged need to review other plans prior to the finalisation of the HRA have been set out above. As such RSPB NI is of the opinion that a conclusion of no likely significant effect is, at this time, premature.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 20

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Appendix 5: Review of draft Plan Strategy Proposals and Policies (page 124)

Accommodating People and Creating Places

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

'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' has been screened out, however the locations of possible development sites are not known and as such could for example, increase the use of sensitive areas or areas close to such areas and thus increase disturbance potential. Further considered is therefore required at this stage.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 21

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Appendix 5: Review of draft Plan Strategy Proposals and Policies

Enhancing the Environment and improving infrastructure

SPF 10 – 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 (page 129)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

This policy has been screened out, while it does aim to protect the environment, exceptional circumstances are however permitted, and as such it should remain screened in for further assessment.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 22

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Appendix 5: Review of draft Plan Strategy Proposals and Policies

Social – Open Space, Recreation and Leisure

OS 1- Protection of Open Space (page 131)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

This policy has been screened out on account that it 'does not change the location of or quantity of open space', however, exceptional circumstances are permitted, and as such it should remain screened in for further assessment.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 23

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

**Appendix 5: Review of draft Plan Strategy Proposals and Policies
Environmental – Historic Environment 9pages 136-137)**

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

Policies HE 1- HE 8 do not preclude all forms of development, and/or allow exceptions circumstances, as such it should remain screened in for further assessment.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 24

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Appendix 5: Review of draft Plan Strategy Proposals and Policies

Natural Heritage

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C3 andC4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Given RSPB NI concern with the current wording of **Policies NH 2- NH 6**, as outlined in our response to the dPS (please refer for further details). it is recommended that these policies should be screened in as exceptional circumstances are permitted and as such require further assessment.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 25

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Appendix 5: Review of draft Plan Strategy Proposals and Policies

Environmental - Transportation

Policy TRAN 1 – New Roads and Road Improvement Schemes (page 143)

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

C4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

While this policy 'constrains development that could prejudice a transport scheme' there is no assessment of the promotion/facilitation of the road schemes themselves which could have a likely significant effect, and as such this aspect requires further assessment.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 26

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Appendix 7: Maps

Maps 18: Lough Neagh and Lough Beg SPA and Ramsar Site

4(a). Do you consider the development plan document (DPD) is: Sound

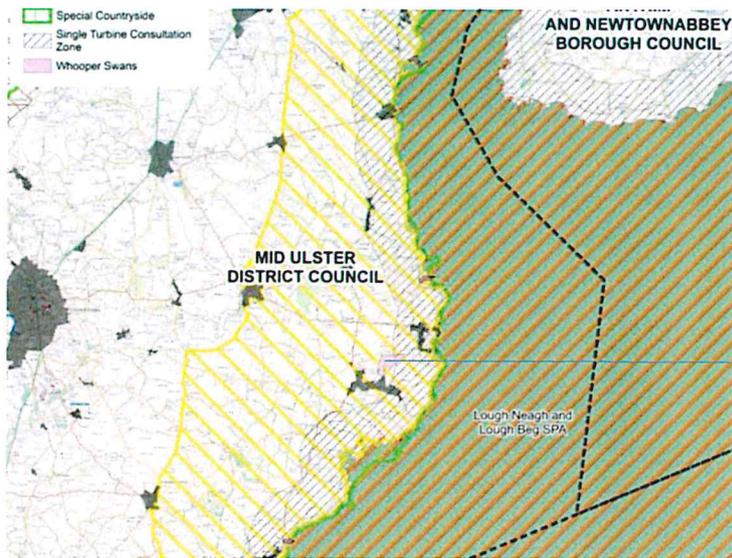
Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Further clarification is sought on the 'Single Turbine Consultation zone', as this is the only reference to this zoning within both the HRA and the dPS. While RSPB NI welcomes this zoning, as a note of caution, it should be highlighted that it does not cover all of the whooper swan areas as currently depicted on the map. See extract from Map 18 below:



This part of the whooper swan area is located outwith the Single Turbine Consultation Zone. Zone should be extended to include this area.

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Response 27

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

Recommendation 14. TOZs- Development Pressure

4(a). Do you consider the development plan document (DPD) is: Sound

Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf).

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

While RSPB NI welcomes the recommendation in the draft HRA to 'monitor development pressure in the Loughshore and Davagh Forest TOZs at each plan review – there is currently no mention of such a monitoring proposal within the dPS (Section 24.0 Monitoring of our Plan). This will require to be added to the dPS monitoring proposal.

Such monitoring requirements should also be extended to include the Policy Area of Holders of Commercial Fishing Licence to similarly monitor development pressure around the Loughshore.

Northern Ireland

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

The aforementioned omissions need to be addressed in any revised version of the HRA in order to allow a competent and robust assessment, consistent with the legislative requirements.

Northern Ireland

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation Oral Hearing

NB. This preference refers only the HRA document response.

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

16 April 2019



Mid Ulster District Council - Local Development Plan Preferred Options Paper

A response from The RSPB, 27 January 2017

Introduction

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

The RSPB welcomes the opportunity to comment on the Mid Ulster District Council Local Development Plan Preferred Options Paper.

For convenience page numbers refer to POP (full version) page numbering. Relevant titles from the POP document are also included for ease of reading.

Page 5

Introduction

The RSPB is disappointed that protection is not mentioned with regards to the environment in the opening paragraphs of this Preferred Options Paper (POP).

Background

The POP articulates that the Plan Strategy provides the framework for accommodating growth and managing sustainable development. The RSPB considers that managing sustainable development alone will fall short of the requirement to ‘further sustainable development’ as set out in the Planning Act (NI) 2011, and the Strategic Planning Policy Statement (SPPS). Mid Ulster has a responsibility to exercise this objective in its plan making function.

Page 8

Supplementary Guidance

This does not contain the full suite of supplementary documents which support regional policies for example:

- (Draft) Supplementary Guidance: Anaerobic Digestion
- Wind Energy Developments (WED) in Northern Ireland’s Landscape – SPPS states (paragraph 6.234) the supplementary guidance for WED in NI and other relevant practice notes should be taken into account in assessing all wind turbine proposals PPS18 Best Practice Guidance
- Parking Standards
- Transport Assessment

Page 9

The RSPB welcomes the commitment to undertake a Habitats Regulation Assessment which is required under the Habitats Directive¹. In this regard, we seek clarification on its current status. No timescales have been provided for this assessment. Now is the ideal time to establish what the key sensitivities of

¹ EU (1992) Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC, Habitats Directive) Article 6 (3)

the various protected sites (both within and those with linkages outwith the Council area) are to ensure that their needs are reflected in the design of the Plan.

Now is the time to employ effective avoidance techniques, as opposed to mitigation measures.

Page 13

Natural Environment

There is no reference to priority species within the info-graphic presented. This is considered to be a serious omission from the Council's list of assets.

Page 14

Vision for Mid Ulster and Plan Objectives

This section of the POP does not go far enough as required under Part 2 (5) of The Planning Act (NI) 2011 in furthering sustainable development in respect of the Council's LDP making objective. 'Aiding' the sustainable development of the District is insufficient. In this regard, there is currently little evidence of how the LDP proposes to mitigate and adapt to Climate Change. Paragraph 3.10 of the SPPS states '*a central challenge in furthering sustainable development is mitigating and adapting to climate change, whilst improving air quality*'.

Refer to paragraph 3.13 of the SPPS for ways the planning system should assist in this regard.

Furthermore, the importance of ecosystem services has not been fully explored within the POP. The SPPS recognises that '*the careful management, maintenance and enhancement of ecosystem services are therefore an integral part of sustainable development*' (para. 3.14). The RSPB recommends that the condition of ecosystem services, the provision of services and their relationship to human well-being should be integrated into plan-making and decision-taking processes, as set out in the SPPS (para. 3.16).

Page 15

Plan Objectives

The Plan Objectives require to be re-examined within the context of the function and remit of a LDP. For example, a LDP cannot promote prosperity, create jobs or attract new firms per se. This is not the function of an LDP. There appears to be a marring of various other Council Plan objectives and as such

the LDP objectives must be reassessed to ensure that they clearly relate to its actual function and remit, otherwise the purpose and function of the LDP is compromised and flawed.

Page 16

Spatial Framework

SPG 2 – see comments at end under ‘Settlements’ in respect of Health Trust Land next to Mid Ulster Hospital which could be reserved as public land to create green space for people.

SPG 3 – see comments at end under ‘Settlements’. The management of the landscape of SW Lough Neagh should be linked to what a well managed landscape can do economically for a place like Coalisland. This equally applies to the Maghera and Carntogher area – the success of the Carntogher model should be used to strengthen approach towards Coalisland.

SPG 4 – see comments at end under ‘Settlements’. Linking leisure to the creation of sustainable low impact access to the landscapes around the following key areas would help develop holistic planning that puts the nature and landscapes centre stage:

- Bellaghy & Castledawson (Lough Beg/Lower Bann area)
- Ballyronan - Ardboe (west Lough Neagh area)
- Brockagh - Tamnamore (SW Lough Neagh area)

SPG 5 – see comments at end under ‘Settlements’. Careful consideration should be given to developing sustainable housing in these areas (e.g ensure they are appropriately serviced with constructed wetlands to deal with waste water, and ensure they do not impact upon important nature landscapes nearby. An example of where care could be taken includes:

- Creagh, Clady & Ballynease (close to the Lough Beg landscape which is subject to landscape-scale conservation planning)
- Ballymaguigan (close to the Lough Neagh landscape which is subject to landscape-scale conservation planning)
- Curran and Tamlaght (close to lowland peatland sites along Bann Valley)

SPG 6 – needs to be reworded to accord with 3.69 & 3.100 of RDS

SPG 8 – ensure that these are all delivered with sustainable development at its heart.

Page 18

Settlements

In response to the POP's objective 'to reinforce our vibrant rural communities so that they do not begin to decline at the expense of the main urban hubs', it is worth noting the contents of SFG 12 of the Regional Development Strategy 2035 (RDS). In this regard, SFG 12 'Grow the population in the Hubs and cluster of Hubs' states, 'the evidence is that over the last 10 years there has been a disproportionate amount of growth in smaller settlements (Appendix B). If this pattern were to continue, it could affect the role of the larger settlements and be contrary to the objectives of the Strategy for strong growth in larger urban areas'.

In this regard, caution should be exercised by Mid Ulster Council in its approach to housing allocation within the settlement hierarchy.

Notably, the RDS recognises that Cookstown, Dungannon and Magherafelt have the potential to form a cluster (para. 3.77).

Page 22

Housing

Housing Allocations and Zoning

The RSPB is of the opinion that the Mid Ulster LDP should be more ambitious in its approach to accommodating housing growth within the main hubs and on Brownfield land. The RDS advocates a target of 60%; such a target should therefore be better reflected within the LDP in order to achieve general conformity with the RDS and to promote sustainable development. The statement within the POP that '*the available of Brownfield land within these settlement limits (Dungannon, Cookstown, Magherafelt and Coalisland) may not meet the 60% target*' is accepting failure before genuine attempts are made to achieve. Urban capacity studies are key to informing the Council's position on this issue; nowhere in the POP documentation can it be observed that such studies have informed the Council's position in this regard.

In terms of considering future housing allocation, particularly with regards to that outside defined settlement limits, justification for future patterns of allocation predicated on historic patterns does not necessary mean that it will further sustainable development.

The RSPB recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

It is therefore crucially important that the planning system ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environment with more housing than is actually needed. In this regard, housing allocations should therefore be based on a robust evidence base.

A sequential approach should be applied to the identification of suitable sites with the use of previously developed land, we recommend that the priorities of Brownfield land, wherever possible, should be further explicitly stated within the subject planning policy, as it plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration. A requirement should be added to the policy which requires as much housing as possible to be delivered on Brownfield land.

However, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the LDP or strategic policy, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and excludes minerals workings and landfill or soil dredging and landfill.

In this context, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

In light of the above, the RSPB disagrees with the Council's preferred Option in this instance and recommends that Option 2 be progressed.

With regards to zoning, the RSPB advocates that the approach set out here needs to be evidence led, and include identification of the originally intended reasons for their zoning, timescales, and prospect of delivery within the new LDP timeframe. The preparation of the new Mid Ulster LDP presents an opportunity to revisit the area's historic land use zonings to ensure that all zonings moving forward, met the Council's legislative requirement of furthering sustainable development in the plan making process.

The merits of going round all landowners to test whether they are willing to provide their land for future housing development is questioned, given that landownership, and positions of landowners could be subject to change overtime. A better use of limited resources would be to undertake urban capacity studies to determine the availability of potential Brownfield land within the urban foot print and examine existing zonings with the aim of providing truly sustainable development.

From the reasons previously outlined above, zoning of housing land should not result in an over zoning or over provision of housing land. This would be a step backwards from the 'plan, monitor and manage' approach to housing land allocation as advocated by the SPPS.

The RSPB recommends that Mid Ulster Council follows the approach to housing zoning and phasing as advocated by the SPPS.

Page 25

The Economy

As with the process of revisiting of old housing zonings, the RSPB advocates that the approach set out here needs to be evidence led, and include identification of the originally intended reasons for their zoning, timescales, and prospect of delivery within the new LDP timeframe.

It is unclear where the environment sits within the economic development land allocation options, particularly with regards to all of the ecosystem services upon which the economy relies. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within the various options.

In this context, and as noted above in respect to housing zonings, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

In identifying the future location of economic development land use zonings, Mid Ulster Council should closely refer to paragraphs 6.92 and 6.93 of the SPPS. In this regard, a comprehension of these paragraphs would highlight the fact that the Council's preferred Option 1 does not meet these requirements or is compatible with RG1 of the RDS. The ability to accommodate economic land use zonings will vary between settlements, dependant on their position within the settlement hierarchy, and cognisance of local environmental and social conditions. All these factors combined must be considered in allocating such land.

Furthermore, as Options 2 and 3 effectively produce very similar outcomes, they are not considered to be sufficiently different to constitute to genuinely different options for consideration.

The RSPB questions the reasoning behind the suggestion of introducing new strategic land zonings in the Plan Strategy to provide an interim supply whilst the LPP (sic) is formulated? In this regard, such action could potentially prejudice the LDP process including associated HRA or SEAs.

As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

Page 27

Transport and Connectivity

The main thrust here must be to support measures to improve transport sustainability to reduce carbon and other greenhouse gas emissions.

Environment

While the RSPB welcomes the Option in favour of sustainable development including the identification of Special Countryside Areas (SCA), full cognisance must be given to the natural environment and its biodiversity outwith designated sites. This is necessary because only a very small proportion of our biodiversity is protected in designated sites, for example areas of lowland grassland, so important for NI's declining breeding wader population, or the contribution fully intact/functioning blanket bog makes to our greenhouse gas targets, or the ecosystem services it provides in respect of flood management and water quality.

The LDP must spell out what Special Countryside Areas mean and how they will be managed. They should be areas where the Council can demonstrate how a sustainable economy can be built around nature.

These areas will require precise spatial expression. It is recommended that the Special Countryside Area should extend beyond the ASSI/ SPA designations at Lough Neagh and Lough Beg into the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale. A similar approach (including hinterland buffer) should be adopted with regards to taking in all the land designated as a Ramsar south of Lough Neagh, and the landscape around Lough Beg, given the significance of the Seamus Heaney landscape.

Consideration should also be given to Annaghroe/Annacraun and the River Blackwater wetlands. Further mention is also merited for the Slieve Beagh and its importance for birds of prey, and in particular hen harrier and merlin. While the site benefits from a Special Protection Area (SPA) international designation, nesting birds of prey can occur outside the designated area. Historically, the Slieve Beagh area supported up to 4 pairs of hen harrier and two pairs of merlin along with at least one pair of peregrine and one pair of buzzard. (N.B more up-to-date data can be provided – where available). Hen harrier and peregrine are listed in Annex 1 of the EU Birds Directive, while both merlin and buzzard are listed in Schedule 1 of the Wildlife (NI) Order 1985 (as amended) as species which are specially protected.

It is therefore important that areas outside of any area of constraint zoning must not become the 'sink holes' for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process. With regard to wind energy developments, we recommend that such a strategic approach should form part of a NI wide spatial approach to wind energy development – a position which the RSPB has been advocating for some time. Please also refer to the RSPB's response to the DOE's Call for Evidence: Strategic Planning Policy for Development in the Countryside (attached in submission email).

In preparing LDPs, councils must take account of the Regional Development Strategy 2035 (RDS 2035), the Sustainable Development Strategy for Northern Ireland and any other policies or advice and guidance issued by the Department, such as the NI Biodiversity Strategy 2020. The later document recognises that *'Development is essential to growing the economy, but it has the potential also to play a part in decreasing biodiversity. It can be a major threat to biodiversity depending upon where it takes place, how it is conducted and the manner in which the site is used following development'*(page 19).

The SPSS requires local plans to:

- take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area;
- Natural heritage features and designated sites should be identified, and policies brought forward for their protection and / or enhancement;
- identify and promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach;
- protect and integrate certain features of the natural heritage when zoning sites for development through 'key site requirements';
- identify and promote green and blue infrastructure where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements;
- consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes;
- incorporate biodiversity into plans for regeneration - by planning for nature and green space in our neighbourhoods we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas; and,

- ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered.

The SPPS recognises 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 (para. 4.38).

While the planning system is an important delivery tool for biodiversity enhancement, its potential is not being realised in current practice. A Defra survey found that the protection of biodiversity through the prevention or mitigation of potential impacts from development was more common than positive measures to enhance biodiversity²

However, in order to halt the loss of our habitats and species, Mid Ulster Council (like all other councils in NI) will need to 'work(ing) towards the restoration of and halting the loss of biodiversity' as identified in paragraph 3.33 of the SPPS.

The survey provided further evidence that investing time and efforts in shaping Local Plans and getting the right policy hooks brings a range of benefits:

- Positive aspects of policy, such as habitat enhancement, are more likely to be achieved where plans are specific and relevant areas are spatially defined.
- When local planning authorities have published more detailed biodiversity-related supplementary guidance, the outcomes of the applications were more fully consistent with planning policy for biodiversity, than those where no such material was submitted.
- Planning authorities are going to be more confident about refusing planning permission for failure to provide biodiversity enhancement if the benefits are clearly required by a specific local policy.

This will add value to the provision, enhancement and connection of open space and habitats in and around settlements.

² "Effectiveness of the application of current planning policy in the town and country planning system", Project Code CK042, http://randd.defra.gov.uk/Document.aspx?Document=10054_PhaseIIFINALREPORTPDF.pdf

General Principles Planning Policy

The RSPB firmly believes that planning, especially plan making should seek to integrate the objectives of sustainable development rather than balancing as this could potentially result in environmental trade-offs. A holistic approach to the management of nature's landscapes for people and for nature will be necessary.

The RSPB questions the need for the General Principles Planning Policy in the format it is presented, as it could present unnecessary opportunities for 'wriggle room' in the assessment of applications, as it omits certain important elements of policy which are only contained within the amplification section.

While the POP notes that it was considered that many of the general considerations were replicated within the various subject policies and that one overall policy applying to all development irrespective of type could be developed, the RSPB would however caution against such an approach and recommends that the suggested policy wording be amended as follows:

GP1 – Planning permission will be granted for sustainable development where the proposal accords with the Plan unless material considerations indicate otherwise.

The detail of the latter (i.e what those material considerations comprise) is much better placed in the individual policies so as to avoid any potential conflict or any opportunity for a widening/lessening of interpretation.

The wording as suggested in the POP contains major omissions, for example on flooding issues – that it does not contribute to or exacerbate the risk of flooding elsewhere.

Trying to capture all the material considerations in a one size fits all policy could potentially lead to damaging omissions – it is much more robust to keep the general policy general and leave the parameters to the individual specific policies.

It should also be noted that caution should be exercised with regards to the wording of the Planning Gain and Developer Contributions, as any wording on this aspect must be clear so as to avoid an

interpretation that planning permission can be bought or sold. In this regard there is important case law to support this in *R (Wright) v Forest of Dean District Council* [2016] EWHC 1349 (Admin) re-affirms a fundamental principle of planning law that, as Lloyd LJ put it in *City of Bradford Metropolitan Council v Secretary of State* [1987] 53 P&CR 55, “planning consent cannot be bought or sold”.³

Furthermore, the wording in this section stops mid sentence within the document, as such RSPB NI reserve the right to make further comment in this regard as necessary.

Page 33

Housing Policy

Density – Policy Approach Options

In addition to our comments above on housing matters, the RSPB suggests that a third Option would be preferable, and be more in keeping with the SPPS (i.e The Local Policies Plan will bring forward local site specific designations (e.g. zonings and policy areas), associated policy criteria and key site requirements consistent with the Plan Strategy. (Para. 5.24).

In this regard, a preferable option would be to continue to operate within a policy context that discourages over intensification of individual sites; respect to their context; and, by way of key site requirements set density figures appropriate to that particular site’s local context.

A flat density rate would not provide the opportunity for flexibility in accommodating the site’s individual characteristics, while an individual key site requirement maintains control over the density threshold, but one that is particular to its individual circumstances, which is considered to be more sustainable.

Page 35

Open Space Provision

The RSPB recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

³ <http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf> accessed 25/01/2017

Please refer to the RSPB's publication 'Wellbeing through Wildlife'⁴. Within this section of the POP there is no reference to multi-functional green space or to the quality (design) of spaces.

While the Council's preferred option is a hybrid of 1 and 2, it is recommended that the policy wording for the requirements for the submission of a detailed landscape strategy to demonstrate that the open space provision is adequate, well designed and integrated should be strengthened from the proposed requirement to simply 'encourage'. A reference to supporting wildlife should be included within the criteria to be demonstrated, given its acknowledged benefits for our wildlife and our well-being and mental health.

Page 37

Suggested Policy Wording

Policy HOU1 – Quality Residential Development in Urban Areas

The suggested wording of this policy is confusing and unclear. It is recommended that the suggested policy as a minimum replicates the wording of the SPPS and PPS7, Policy QD 1 and set out all the criteria which all proposals for residential development will be expected to confirm.

Furthermore, there is no recognition either implicit or explicit that good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3), this is a step backwards in policy formulation for sustainable development and biodiversity. This similarly applies to provision of open space. (paragraph 4.30 of PPS7).

Furthermore, there does not appear to be policy relating to Design Concept Statements, Concept Master plans and Comprehensive Planning – the Design and Access Statement Section on page 36 of the POP is unclear as it interchanges between the terms Design and Access Statements and a Design Concept Statement with no apparent reasoning – it is therefore unclear as to what is actually being proposed or requested. In the circumstances, to ensure quality residential developments, with sustainability at its heart, Option 1 should be pursued to ensure there is no weakening of policy in this regard.

The suggested wording of Policy HOU1 is not considered to be sufficiently robust or clear to ensure the creation of quality residential developments which further sustainable development.

⁴ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

Furthermore, there appears to be no apparent options or suggested policy for addressing regeneration in urban areas.

In this regard, the RSPB would make the following points:

- The State of Nature 2016 report⁵ highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years.
- RSPB NI believes that the protection and enhancement of urban biodiversity can be achieved through careful planning and development.
- To achieve this, RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.
- RSPB NI advocates that FODC should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
 - Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipit and house sparrow;
 - Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
 - Green/living roofs and green walls;
 - A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
 - Wildlife friendly lighting.

⁵ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>
http://www.rspb.org.uk/Images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf
- this is the NI specific element of the report

Page 39

Housing in the Countryside

At the outset, the RSPB recommends that this subject be returned to the overall Development in the Countryside heading, as disaggregating development out into its component parts is somewhat confusing. The policy subdivision of residential and non-residential within the section 'Development in the Countryside' made a more logical approach and reflects the approach in Regional Strategic Objectives and Policy.

Please also refer to the RSPB's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (attached in submission email).

Policy Approach Options

The RSPB welcomes the recognition of environmental considerations in the location, siting and design of dwellings in the countryside, but as detailed above this should be included within an over arching policy for development in the countryside which avoids areas particularly sensitive to change. The SPPS states *'all development (regardless of type) needs to be managed in a manner which strikes a balance between protection of the environment from in appropriate development, while supporting and sustaining rural communities consistent with the RDS'* (6.65). It is therefore illogical to disaggregate all the component parts in the way the POP is proposing.

Page 40

Suggested Policy Wording

Policy CT1

Wording on this policy does not appear to be complete as it finishes mid sentence. The RSPB therefore reserves the right to make further comment in this regard, when the full narrative becomes available.

It is disappointing that this section gives no recognition to the environmental value of the countryside – for example in terms of its value to wildlife, landscape quality, recreational and tourist assets or for the ecosystem services it provides.

The reference to 'special care should be given to ensure that any proposal is sensitive to environmental issues' is considered to be weak and subject to interpretation in its current format. Development that

fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within the policy, as should the avoidance of sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network.

Furthermore a sustainable approach to dealing with waste water should be a priority requirement – for example linking dwellings into specially constructed wetlands for such purposes.

Page 40

Single Dwelling Policy Approach Options

In the interests of furthering sustainable development, the RSPB does not agree with the Council's preferred option. In this regard, Option 1 already provides the flexibility under special domestic or personal circumstances. Additional clarity on those matters outlined under option 1 can be added to the existing policy requirements without prejudice to our countryside or the important functions it performs.

Page 41

Suggested Policy Wording

Policy CT2 – Dwellings in the Countryside

The suggested wording is not considered as robust as that contained within paragraph 6.73 of the SPPS, and introduces a greater degree of unnecessary flexibility, for example the replacement dwelling requirement for location within the curtilage of the original dwelling or nearby in circumstances where the former is not practicable and the later has demonstrable benefits has been omitted.

The RSPB recommends that this policy wording should be revisited to ensure there is no weakening from that set out in the SPPS with regards to residential development in the countryside.

Comments set out at CT1 in respect of ecosystem services, sensitive sites, and a sustainable approach to waste water are equally applicable here.

Urban Design

Overall, this section appears to be primarily about the aesthetics of the building itself, and is limited on key design features from a biodiversity perspective. It fails to comprehensively address the wider built (either urban or rural settlement) environment. Refer also to our earlier comment on urban regeneration.

Within this context, it should advocate that good design and place making should include the area around a scheme i.e. its immediate environment. Furthermore it should include a guiding principle which allows for the avoidance of development that impacts adversely upon natural ecosystems.

Furthermore, place making should include/highlight how the natural environment can contribute to enhancing places and spaces, both from biodiversity and health and well-being perspectives.

The evidence of health benefits of green spaces are many. While the recognition of the environmental benefits of green spaces as habitats for wildlife is an obvious one, there is also the recognition of wellbeing through wildlife. In this regard, we would refer the Department to the following useful reports, and request that they be listed as key documents within this section:

- (i) *Wellbeing through wildlife, RSPB⁶*
- (ii) *Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012*
- (iii) *Exeter residential design code*

A further publication of relevance is UK National Ecosystem Assessment: Technical Report⁷, and in particular Chapter 23: Health Values from Ecosystems⁸. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic intervention (Hine et al. 2009; Haubenhofer et al. 2010); that planners and architects should improve access to greenspace (green design); and that children should be encouraged to spend more time engaging with nature and be given opportunities to learn in outdoor settings (green education).*

⁶ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

⁷ <http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82>

⁸ <http://www.cbd.int/financial/values/unitedkingdom-health.pdf>

Some of the substantial mental health challenges facing society (Foresight 2008; HSE 2008), and physical challenges arising from modern diets and sedentary lifestyles (Wanless 2002; Wanless 2004; DH 2005a; Sport England 2006; Wells et al. 2007; NICE 2008; DH & DCSF 2009; NICE 2009), could be addressed by increasing physical activity in green settings. If children are encouraged and enabled to undertake more green exercise, then they are more likely to have active exposure to nature embedded in their lifestyle as adults and they will reap the associated health benefits' Paragraph 23.8, page 1173).

The RSPB would draw Mid Ulster's attention to the Kingsbrook development in England⁹. The RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

On the Kingsbrook development just outside Aylesbury, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

Project objectives:

- 50 per cent wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve.
- Wildlife corridors. Kingsbrook is being designed so that wildlife can move all around and through the greenspace and the residential areas. Whether it be hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.
- Sustainable Urban Drainage. Rather than shunting rainwater straight underground into pipes, in many places it will be directed along rills and swales on the surface - great wildlife habitat - slowing the flow, and using nature to clean the water.
- Planting for wildlife, including a higher proportion than is usual of native shrubs, many hedges, areas of wildflower grassland for pollinators and butterflies, plus a fruit tree in each garden.
- All manner of wildlife homes, from bird boxes built into the walls of houses to places where amphibians can hibernate.

Policies UD 1, 2 and 3 should be amended in light of the foregoing.

⁹ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

Page 53

Opens Space, Recreation and Leisure

As mentioned previously, the RSPB recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

Please refer to the RSPB's publication 'Wellbeing through Wildlife'¹⁰.

The RSPB welcomes the protection of river corridors at Policy OS2, but suggests that 'significant adverse impact' is an unacceptably high threshold and should be amended to read 'there is no detrimental impact on biodiversity or on sensitive environmental areas and features. This should apply to all river corridors and not just to main rivers, as biodiversity is not solely found along main river corridors.

Pages 56 /57

Outdoor Sport and Recreation / Indoor Sport and Intensive Outdoor Sports Facilities

The RSPB recommends that the existing policy approach of SPPS/PPS 8 should be adopted to ensure sustainable patterns of development are maintained and promoted. The SPPS sets out clear regional strategic objectives and policy which the LDP must be in conformity with.

Again the proposed wording is not considered to be sufficiently robust and is considered to be a weakening of existing policy. For example, the proposed Policy OS3 with regards to water sports development adjacent to inland lakes, reservoirs and waterways has no regard to environmental considerations – the provisions outlined do not include the requirement to demonstrate no detrimental impact on biodiversity or on sensitive environmental areas and features. The same applies to Policy OS 4.

Page 58

Economic Development

Policy Approach Options

The RSPB recommends that Option 1 should be adopted in the interests of maintaining and furthering sustainable development, consistent with the Regional Strategic Objectives and Policy. Contrary to what

¹⁰ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

the POP states about the prohibition of new business start-ups in rural areas, Policy PED 6 of PPS4 states:

A firm proposal to develop a small community enterprise park/centre or a small rural industrial enterprise on land outside a village or smaller rural settlement will be permitted where it is demonstrated that a number of criteria are met. It also provides a site order of preference, which again promotes the furthering of sustainable development.

Under the justification and amplification section of Policy PED 6 of PPS4, it goes on to state *'This policy allows for a flexible approach to ensure adequate provision is made where firm proposals exist for a small rural enterprise that is associated with a village or smaller rural settlement but cannot be accommodated within the settlement'*.

Policy ECON 2 – Economic Development in the Countryside contains no requirement to demonstrate a no detrimental impact on biodiversity or on sensitive environmental areas and features. This is a disappointing omission, and should be redressed.

It is unclear where the environment sits within the economic development land allocation options, particularly with regards to all of the ecosystem services upon which the economy relies. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within the various options.

As mentioned previously, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites. The candidate Rural Industrial Policy Areas should be considered within this context.

Minerals

This subject policy needs to be set in the context which ensures that levels of extraction do not exceed environmental limits, or serve to undermine the environmental integrity of wider ecosystems, while promoting the include the use of recycled materials.

The RSPB is unusual amongst UK NGOs because we engage with individual applications for minerals development across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Between 2012 and 2015, we were the lead partner in the RESTORE project¹¹ seeking to address the challenge of environmental degradation across north-west Europe by working to develop a framework for the restoration of minerals sites (quarries) to provide benefits for biodiversity, habitats and local people. It was co-financed by the EU's European Regional Development Fund through the INTERREG IVB NWE Programme.

This project aimed to increase the sustainability of northwest Europe by:

- Contributing to reversing biodiversity declines
- Protecting and buffering designated sites
- Enhancing landscapes
- Providing Green Infrastructure
- Improving quality of life

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration.

RSPB research has shown that focusing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets.

¹¹ <https://www.rspb.org.uk/whatwedo/projects/details/354133-restore-restoring-mineral-sites-for-biodiversity-people-and-the-economy-across-northwest-europe>

To this end, reference should be made to the RSPB's publication, Habitat Creation for the Minerals Industry. This covers a range of topics in detail and makes an excellent quick reference guide for example:

- Restoration plan detail – we believe it is the applicant's responsibility to provide as much detail as possible in restoration plans at the early stages of planning. Submitted plans may lack detail to allow for future flexibility but we believe that a greater level of detail is required to allow necessary conditioning and is essential to help the biodiversity of the site.
- Restoration fits with natural landscape – restoration design should tie in with the natural landscape. If there are unnatural features to the landscape such as improved grassland or conifer plantations, we advise against adding into these features.
- Phasing - it is best to restore in phases as extraction continues. In addition to this, working quarries can host specialist species that utilise this temporary habitat such as sand martins, peregrines many species of invertebrates.
- Management – management should be detailed in any restoration plan so operators are aware of what is involved post habitat creation. Many operators have seeded fields with wildflowers, only for these same fields to succeed into fields of unmanaged scrub within 3-5 years.
- Natural regeneration – while initially not looking visibly pleasing, natural regeneration is usually the most beneficial form of restoration when land forming is carried out correctly and the right management is in place.
- Soil nutrients – many sites believe they are restoring to best practice by retaining and relaying topsoil. However, soil low in nutrients, particularly phosphorus, is more beneficial to habitats rich in biodiversity. Appropriate treatment and improvement of the substrate need only relate to preparing the site with a thin covering of subsoil.
- Topography – the more varied the better. Diverse micro topography is important because it creates ecological niches and variable microclimates for different species. The worst case scenario is a typical 45° slope.
- Bare earth – this is a rare habitat that can be beneficial in both hard rock and sand and gravel quarries. To leave areas 3-5% bare ground could really increase its value for biodiversity.
- Woodland – many operators have a belief that trees are great for the environment. We believe trees are good for the environment, but only in the right places. We only recommend tree planting when there is no possibility to create more favourable habitats such as heath or species rich grassland. Trees in the wrong area can also host predators such corvids.

- Hedgerows – these should be of local provenance and have a good mixture of species that will benefit invertebrates, birds and mammals. The management of these hedgerows are important for this wildlife and we would suggest a sympathetic cutting regime on a rotation of 3-4 years.
- Improving habitat instead of giving back – we would encourage trying to improve habitats as oppose to restoring land to what it was previously. Areas where semi natural habitats have been removed for extraction and restored to less favourable habitats such improved grassland should not be considered restoration as it is a net loss for wildlife.
- Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from artificial islands for ground nesting birds. Keeping the periphery free of scrub and trees is also desirable as this overshadows many aquatic plants.

In addition to nature conservation and biodiversity benefits, such restoration measures provide additional benefits for tourism and recreation provision, such as wetland on former peat extraction sites.

With regards to peat extraction, while it is acknowledged that Policy MIN 1 states *'applications for the extraction of peat for sale will not accord with the Plan if the proposal fails to protect the bog land and its valuable nature conservation interests as well as protecting landscape quality, particularly in AONB's. The RSPB is of the opinion that the policy should be strengthened as follows:*

'planning permission will not be granted for peat extraction from new or extended sites, or renew extant permissions'.

Notably, the English National Planning Policy Framework has clear requirements not to allow new or extended planning permission for peat extraction.

Lowland raised bogs are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO₂) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

Within this context, for horticulture, the RSPB would expect all countries to follow Defra's lead of phasing out peat, by 2020 for consumer gardening and by 2030 for commercial horticulture. These targets are stated in the government's [Natural Choice](#) report, 2011.

These positions are strengthened by more recent statements and initiatives to protect peatlands for both biodiversity and, perhaps more resonantly, climate change. During November 2016, the United Nations Environment Programme (UNEP) launched a [Global Peatlands Initiative](#) in Marrakesh at the climate change CoP, with more than a dozen partners, to retain greenhouse gases in peatlands and restore / maintain their other functions.

It is also worth noting that Scottish Natural Heritage (SNH) has a well articulated [peatland plan](#) that, again, should be a template for the other UK countries, including Northern Ireland.

Mid Ulster's LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

Page 72

Mineral Reserve Policy Areas

While the RSPB understands the logic of Option 2 to remove those areas where the reserves have since been exhausted, caution should however be exercised with regards to their release for other

development proposals. The ability to release such sites for other development should be sustainably managed so as not to prejudice compliance with the RSD and SPPS Objectives and Policies.

With regards to the Mineral Reserve Area around Coalisland, clarification is sought as to whether this includes the peatlands of south-west Lough Neagh which are currently worked for peat extraction?

Page 74

Suggested Policy Wording

Policy MIN 1 – Mineral Development

With regards to criterion a), care must be exercised with reference to the test of 'prejudicing the essential characterises of a site', as this does not accord with the tests for potential impact on such sites, including those set at European Level through the Habitats Directives. Furthermore, the current wording in criterion a) is somewhat vague and open to interpretation. This must be redressed in any future drafts of policy wording.

Similarly criterion b), which requires 'special attention' to be paid to accommodating protected species and protecting biodiversity is equally vague and open to interpretation. Clear and robust policy tests must be set out so that the criterion can be effectively assessed and measured by the decision maker. The current wording does not provide sufficient protection to the natural environment as required by the RDS and the SPPS.

With regards to criterion g), mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration, in this context it is therefore important that the Mid Ulster LDP recognises this potential and we therefore recommend that it be amended as follows:

g) The proposed development must contain details of **sustainable** restoration proposals which are commensurate with the scale of the development and which takes account of the type of deposits in the ground, the excavation methods used, the characteristics of the surrounding landscape and ***the enhancement of biodiversity wherever possible***. (Bold words – suggested additional text).

Furthermore, the framework for restoration should facilitate regular inspection to ensure such plans are followed through to delivery.

We have previously commented on our position on commercial peat extraction above.

The RSPB welcomes that Mid Ulster Council will determine applications for unconventional hydrocarbon extraction in line with the strategic policy as contained within this SPPS – the policy should however be stated in full so as to provide clarity.

Policy MIN 2 – Areas of Constraint on Mineral Development

As with criterion a) and b) above, criterion b) of Policy MIN 2 needs to be reworded to provide clarity on the limited environmental impact test in order for it to be robust and not subject to interpretation.

With reference to criterion d), please refer to comments above in respect of Policy MIN1 g).

Furthermore, this policy needs to articulate that such an exception will not be applied to for unconventional hydrocarbon extraction until there is sufficient and robust evidence on all environmental impacts, consistent with Regional Strategic Policy.

Other minerals related issues

Nowhere in the POP is there reference to sand extraction in Lough Neagh, either in the short or long term. Furthermore, has consideration been given to the potential impact of the need to look for new sites within the Plan area should sand extraction cease within the Lough? If this is the case, then a policy will be required for habitat restoration post extraction, similar to that for peat or quarry sites.

The RSPB seeks clarification on Mid Ulster's timescales for implementing the Review of Old Minerals Planning consents (ROMPS), as responsibility for this matter has now been passed to local councils are part of the transfer and reform process.

Tourism

Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to their local economies.

Tourism in rural areas will often be related to the enjoyment of the natural environment, and this is something we strongly advocate. However, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides.

The Mid Ulster area is rich in wildlife and diversity of habitats. As noted above, biodiversity does not confine itself to protected sites. As such, it is imperative that the Mid Ulster LDP provides strong policy protection for those areas of natural and semi-natural habitat which lack formal designation (e.g areas of wet grassland, or blanket bog).

Furthermore, it is noted that the POP does not refer to sustainable tourism, as set out in the SPPS (6.254). The Objectives section have diluted the SPPS requirement - the objective as contained within the SPPS is to 'facilitate **sustainable** tourism in an environmentally ~~friendly~~ **sensitive** manner' (words in bold as contained within the SPPS).

Issues of potential disturbance to key birds from recreational tourism should also be considered, particularly areas of wet grassland along the western shore of Lough Beg, and along the west and south-west shore of Lough Neagh which would be important habitat for breeding waders. Breeding waders have declined substantially from the 1980's. In this regard, conclusions from a recent publication¹² found that breeding populations of Eurasian Curlew, Northern Lapwing and Common Snipe (known as breeding waders) have declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside. Within this context, the Mid Ulster LDP has a critical role in protecting such species and their habitats from inappropriate development, and to make space for the creation and management of additional habitat along the shore

¹² Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

of Lough Beg and Lough Neagh. Please see maps attached for further information on location of such areas, so that this approach can be targeted.

The RSPB is responsible for the management of wet grassland on the western shore of Lough Beg (within the Mid Ulster council area). Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective. Notably Lough Beg is not shown on the Tourism Map – this is a critical omission and should be remedied both in terms of its consideration within the LDP and future mapping.

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species). However, we do appreciate the role that the natural landscape plays in attracting tourists, and with this in mind we caution that where the landscape is a core part of the tourism offering, that all related tourism developments are designed to be sustainable.

This is particularly important for landscapes such as Lough Beg, and Lough Neagh.

Page 79

Suggested Policy Wording

Policy TOU 1 – Protection of Tourism Assets and Tourist Accommodation

With regards to Tourism, the SPPS (6.264) states that the LDP in addition to containing policies to safeguard tourism assets together with policies for tourism development will contain criteria for the consideration of such proposals.

The wording of the suggested test/criteria in Policy TOU 1 in respect of the local landscape, wildlife and heritage interests is considered to be vague, insufficiently robust and subjective – in this regard, the RSPB questions how the requirement for ‘special care’ can be identified and measured and competently assessed.

It is recommended that this element of the suggested policy wording be included within the first part of the policy as follows:

‘Development shall conflict with the plan where it would in itself or in combination with existing and approved development in the locality have a significant adverse impact on a tourism asset,

the **character of the local landscape, wildlife and heritage interests**'. (words in Bold – suggested additional text).

Page 80

Similarly in **Policy TOU 3 – Tourism Accommodation**, how can the test 'special attention' be measured? It is vague and subject to interpretation. A more robust test, which is unambiguous and definitive, must replace the current wording, as is provided in the reworded Policy TOU 1 above. The strategic requirement for quality design has been omitted from the suggested wording and should be included, so as to confirm with Strategic Objectives and Policy.

Policy TOU 4 – Other Tourism Facilities /Amenities and Attractions

The presumption in favour of such development in this policy fails to have regard to environmental impact – just because such development is located within an opportunity zone or outwith a conservation zone should not necessarily follow that there will be not detrimental impact on the environment either alone or in combination with other projects. This must be explicitly stated within any revised policy, as the policy point below as contained within the POP, makes no reference to environmental (species, habitats and biodiversity) considerations:

'All proposals for tourism facilities, amenities and attractions will be of a scale, design and sited in order to have significant detrimental effect on the amenity of the area or its landscape character'

With reference to the above policy wording, it is assumed that it contains a typo error and should read 'to have **no** significant detrimental effect on the amenity...'

Furthermore, it refers to proposals for 'all tourism facilities', is this just within the context of this policy or for all tourism proposals *per se*?

Tourism – General comments

Tourism assets must include landscapes like Lough Beg, where the tourism brand can be built upon, based on the legacy of Seamus Heaney. Lough Beg has particular tourism appeal, as could other 'honey pot' sites if created around Lough Neagh (e.g. new wetland landscape in south-west Lough Neagh),

where wetlands are close to the main transport routes used by tourists to link Titanic Belfast and the Fermanagh Lakes.

The Tourism Map includes No 47 Church Island – any development here will need to be thought through extremely careful so as to minimise any potential impact on the natural environment.

Additional sites for inclusion within the list should include the destinations being developed by Mid Ulster Council as part of the Seamus Heaney HomePlace – Long Point, Lough Beg, and Toner’s Bog. In addition Washing Bay/Derryloughan at Lough Neagh should be included.

The south-west corner of Lough Neagh should also be considered as a Proposed Tourism Conservation Zone, with a Vision for how the wetlands there can be transformed to meet this objective.

The area at Lough Beg should also be identified as a Proposed Tourism Conservation Zone, given the significance of the landscape to the Seamus Heaney HomePlace.

Page 81

Agricultural, Forestry & Rural Development

It should be noted that certain permitted development rights agricultural and forestry building and other operations is contained within The Planning (General Permitted Development) Order (NI) 2015 without the express need for planning permission.

In order to main sustainable patterns of development and use of materials and resources both within urban and rural areas, the RSPB recommends that existing buildings should be utilised in the first instance, unless there are exceptional circumstances to allow otherwise. Consistent with existing strategic policy, these exceptional circumstances should be clearly articulated.

It is concerning that none of the suggested policies within this section, which relate to development in the rural area contain any requirement to avoid detrimental impact on the environment (species, habitats, biodiversity), either alone or in combination, or being subject to the normal planning considerations.

Such presumptions in favour of development within this and all other policies within the LDP needed to be framed within the context of being subject to the normal planning considerations so as to avoid any potential for misinterpretation or subjectivity.

Page 83

Comment is reserved on **Policy AFR 3** – conversion and reuse of existing buildings for non-residential use, as the policy provided is a direct copy of Policy AFR2 – Farm Diversification. It is assumed this is a typo error and the RSPB reserves the right to make further comment in this regard when the appropriate wording is made available.

Page 94

Local Landscape Policy Area (LLPAs)

While the RSPB welcomes the retention of these areas, the suggested policy wording of **Policy BH10 – Local Landscape Policy Areas** should be amended to include reference to environmental value, which is currently omitted. These are green spaces which have great environmental and biodiversity value, often in an urban landscape. Suggested rewording is as follows:

Development within LLPAs will accord with the Plan providing it does not harm the intrinsic **environmental value** and character or assets within it and adheres to local policy guidance (words in bold – suggested amendment).

Page 95

Natural Heritage

In response to the MID Ulster LDP objective to:

‘to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and well-being’.

The RSPB questions the wording ‘to achieve biodiversity’; this current wording is somewhat vague, and difficult, if not impossible to truly measure its effect, whilst also being subject to interpretation.

Under the Wildlife and Natural Environment Act (NI) 2011, local councils have a duty to further the conservation of biodiversity. The Mid Ulster LDP's strategic objective should be amended to reflect and accord the ambition of the WANE Act (NI) 2011 as follows:

'to protect and enhance the natural and built environment to **further the conservation of biodiversity**, achieve quality design, enhanced leisure and economic opportunity and promote health and well-being'. (words in bold – suggested rewording).

General Comments

Peatlands of the lower Bann Valley should be included when acknowledgement is given to the areas rich natural heritage.

Natural Heritage Strategy

While the RSPB welcomes the Natural Heritage Strategy, it nevertheless recommends that it could be strengthened to more comprehensively reflect the Regional Strategic Objectives, as it does not carry through on a number of elements contained within such Objectives, and adds 'and/or' scenarios to the LDP Strategy where the Regional Strategic Objectives advocate solely 'and' scenarios.

Furthering sustainable development is not obvious within the LDP Strategy and should be further enhanced, A similar reference should be made to assisting with meeting the various site designations (from international to local) responsibilities and obligations.

To protect, conserve, enhance and restore should be carried out for 'nature's sake', and the ecosystem services which from it - not just where it particularly affects communities.

It recommended that the precautionary principle should be carried though in to the LDP Natural Heritage Strategy – the RSPB welcomes this in the Strategic Policy Approach.

There is no cognisance of the need to promote ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

In this regard, a useful reference document is 'The *Making Space for Nature*' report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

1. Get sites into favourable condition
2. Increase the size of protected sites
3. Create new sites
4. Improve the connectivity between sites
5. Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystems-scale', through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

Page 96

International Designations

The RSPB welcomes Mid Ulster's Preferred Option 3, and suggests that buffer zones around such designated sites should be considered for inclusion within the LDP (in addition to the designation of Special Countryside Areas) thus providing a hinterland to buffer the protected area and provide space for nature to expand at a landscape scale.

Suggested Policy Wording

Policy NH 1 – International Designation

The RSPB seeks clarity on whether this policy is including the exceptional circumstances (IROPI) as laid down in the relevant statutory provisions (i.e Birds and Habitats Directives)?

Page 97

Protected Species

Providing there is no weakening of the existing policy approach, the RSPB has no objection to the Council's preferred Option 1.

It is recommended that a reference link is included to state where the terms priority habitats and priority species is found (as per the existing SPPS).

National Designations

The RSPB questions the merit of removing reference to the AONB designation from this section, as it clearly falls within this tier of designation. Again, consideration should be given to the formulation of buffer zones around such designations in the interests of creating a hinterland into which nature can expand at a landscape scale.

With regards to the use of Special Areas of Constraint, the RSPB is of the opinion that there is merit in conducting such an exercise at Strategic level across the whole of Northern Ireland in providing a spatial expression for renewable energy production, and in particular wind energy. This should include designated and non designated sites, in order that sensitive sites and species are avoided. Please refer to our response to the DoE's call for evidence on Renewable Energy for further information in this regard. This is included as a separate document in our email submission.

Suggested Policy Wording for National Designations

Policy NH 3 – National Designations

The RSPB recommends that the word 'would' in the first sentence be replaced by the word 'could' as use of the word 'would' does not allow for the consideration and application of the precautionary principle as set out in Regional Strategic Objectives. Furthermore criterion a) does not adequately transport the requirements of strategic policy which requires the value of the site to the habitat network, or special interest to be included. This should be reworded accordingly.

Local Designations

The RSPB agrees that protection must be afforded to local designations, including SLNCI's within the LDP. However, we ask that the **Suggested Policy Wording of Policy NH 4 – Local Designations** be strengthened to ensure adequate mitigation is provided where development is permitted. Furthermore it should state that conditions will be used to protect the conservation interest and to require appropriate mitigation. The circumstances, which would outweigh the values of such a site, should also be clarified within the policy.

This gives greater clarification to planners, developers and the public as to what they should expect in this situation. All stakeholders would benefit from greater transparency.

Page 99

Other Habitats, Species or Features of Natural Heritage Importance.

The RSPB supports the Council's preferred Option of adopting existing policy, as it provides an important 'catch-all' for habitats, specials or features of natural heritage importance which currently fall outwith designated areas.

The Policy should provide a list of such habitats, species or features, as contained within the SPPS (6.192) which are found in the plan area, and where possible an indication of where these may be found.

The RSPB is disappointed that this section makes no reference to the values of ecosystems services – this should be redressed in any future iteration of the LDP.

Page 100

Areas of Outstanding Natural Beauty

Please refer to comments above and below with regards the need for a strategic and spatial approach to wind energy development across the whole of Northern Ireland.

Suggested Policy Wording

Policy NH6 – Areas of Outstanding Natural Beauty

An AONB designation is more than how a landscape looks. Rather, such areas are designated primarily for their landscape quality, wildlife importance and rich cultural and architectural heritage.

The wording of this policy has failed to have regard to heritage and wildlife - this should be amended as follows:

Development will be required to be sensitive to the distinctive special character **and the quality of their landscape, heritage and wildlife** of the Sperrins Area of Outstanding Natural Beauty in order to conform with the Local Development Plan. (words in bold – suggested additional wording).

Furthermore the policy needs to include wording on cumulative impacts in such areas, and reference to the Landscape Character Assessments and any other relevant guidance including AONB Management Plans and local design guides in the assessment of development proposals.

Page 103

Flood Risk

Natural flooding has helped to give our landscape and countryside its unique character, and is vital to wetland wildlife. Flood and coastal management should be about protecting and enhancing the natural environment *alongside* protecting people and property from the damaging impacts of floods.

The Water Framework Directive, the Floods Directive, a SuDS policy and the Council's biodiversity duty could help us to restore our damaged rivers and coasts, manage our land more sensitively, and create new areas of flood storage. If Government is to fulfil its commitments to the environment and broader sustainability, physical modification of our flood plains, rivers and coasts must no longer be aimed solely at achieving the greatest cost: benefit in terms of flood risk reduction, with accompanying mitigation of adverse environmental impacts.

Instead, management should aim to identify and deliver on clear environmental, economic and social objectives for catchments or coastline through a range of integrated, cost-effective solutions. These 'win-win' options must be used to buffer us against the impacts of climate change, and reduce the long-term costs (economic, social and environmental) of flood management.

The RSPB has long-advocated an integrated approach to river and coastal management which steps away from defence and drainage and instead looks to contribute to the wider social, economic and environmental objectives set by Government.

For example, the potential for new flood plains to be created up stream should be examined to (i) allow water in, (ii) to be held, and (iii) then to be released when the river can once again cope with the flow. Where floodplains are prevented from functioning, due to artificial flood banks, consideration should be given to the removal of strategically targeted floodbanks, to allow the floodplain to function properly, and manage the risk posed downstream. Land that is then transferred into periodical wetlands due to our climate should be treated as an asset, both for the landscape it creates, the additionality it brings to

those visiting the area, and the natural filtration of water that happens by allowing water to settle out on these floodplains.

Given all of these aforementioned additionalities, landowners (often dairy, beef or sheep farmers) should receive ecosystem service payments. These payments could be made through a joined up approach between for example, water companies; tourism providers; flood risk managers; and, environmental farming schemes. This makes best use of public money and delivers multiple benefits.

Page 104

Regional Strategic Objectives and Aims

There appears to be a few typos in this table, with the repetition of narrative in different boxes. As such the RSPB reserves the right to make further comment in the regard, once any typos have been rectified.

Page 105

Flood Risk Strategy

Mid Ulster's Flood Risk Strategy has omitted a number of key actions which are essential to the management of flood risk within the Plan area, as articulated at Regional Strategic Level, and require to include within policy at local level. These are:

1. A strongly worded policy which clearly and robustly prevents new development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere.
2. Include a policy to promote sustainable development through the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource.
3. Promoting an integrated and sustainable approach to the management of development and flood risk which contribute to
 - the safety and well-being of everyone',
 - the prudent and efficient use of economic resources,
 - the conservation and enhancement of biodiversity, and,
 - the conservation of archaeology and the built heritage.

These should be included within the LDP policy.

Suggested Policy Wording

Policy FLD 1 – Fluvial Floodplains

To manage floods economically and sustainably, the RSPB believes there is a need to look to new approaches, including better warning systems, more floodplain storage, tighter controls on building on floodplains, and better land management. We therefore fully support the Council's overall presumption against development within river floodplains. We have some comments, however, on the list of permitted activities.

Positioning more properties in floodplains can increase flood risk, which may, in turn, require creation of more flood defence structures. The intensification of use of previously developed land could allow increased development in high flood risk areas with minimum flood defences where (i) risk is likely to increase in the future with climate change, resulting in the need for more hard flood defences and (ii) the existing flood defences are already reducing the capacity of the flood plain to carry out its function. We suggest, therefore, that there is a presumption against the development of previously developed land within settlement limits, even if the appropriate 'current' minimum standard of flood defence has been met.

Furthermore the final paragraph within Policy FLD 1 should be amended as follows:

Where flood Protection and/ or management measures are **identified in a Flood Risk Assessment** in order to facilitate **valid exception** development within flood plains, the following will not be acceptable:

- New hard engineered or earthen bank flood defences;
- Flood compensation storage works;
- Land rising (infilling) to elevate a site above the flood level within the undefined fluvial flood plain (bold text – additional wording).

In addition, the requirement for a Flood Risk Assessment should be included within this policy, including the requirement when a site is close to the margins of the flood plain as depicted on the Strategic Flood Map and a more accurate definition of the extent of potential flooding is required.

Page 108

Protection of Flood Defence and Drainage Infrastructure

The RSPB is happy for this policy to stand, provided permission could still be given for development that would replace hard with soft flood defence mechanisms e.g. in certain cases to breach flood defences to allow flooding of low-lying land for managed retreat purposes, should this become necessary and appropriate in Northern Ireland. Examples of similar work already exist in the east of England, amongst other places.

The wording of Policy FLD2 should be extended as follows to include the full range of circumstances, as set out in Strategic Regional Policy:

The council will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure **or hinder access for maintenance purposes.** (bold text – suggested additional wording).

The dimensions of the Rivers Agency working strip should also be contained within the policy wording i.e:

The working strip should have minimum width of 5 metres, and up to 10 metres where considered necessary, and be provided with clear access and egress at all times.

Development at Surface Water (Pluvial) Risk

Suggested Policy Wording

Policy FLD 3 – Development and Surface Water (Pluvial) Flood Risk outside flood plains

Within Policy FLD 3 it states:

Where a drainage assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

In such circumstances, the RSPB questions how such a method will be effectively regulated and monitored to ensure compliance so as to avoid pluvial flood risk.

Given that peatlands are internationally recognised as important for water storage¹³, we would hope that policy FLD 3 is reflected in the assessment of plans to extract peat from lowland and raised bogs in Northern Ireland, and that the precautionary approach will be adopted.

Furthermore, where planning permission is granted subject to the undertaking of mitigation measures, a planning agreement to facilitate their long-term management may be required’.

Page 109

Artificial Modification of Watercourses

Suggested Policy Wording

Policy FLD 4 – Artificial modification of Watercourses

The RSPB supports the general presumption against culverting and canalisation of watercourses. However, we wish to reiterate our concerns that canalisation of any form can disrupt the connectivity and interaction between wetlands, riparian zones and rivers.

The RSPB recommends leaving Policy FLD2 and FLD 4 as separate policies, as no draft combined option has been presented for comment.

Page 110

Development in Proximity to Reservoirs

The RSPB is concerned with the Council’s approach to this matter and preference for Option 3 i.e to adopt no policy in proximity to reservoirs. Given that the POP document at page 13 states the Mid Ulster Council area has 15 reservoirs, Rivers Agency should provide the Reservoir Development Management Maps as a matter of urgency (if not already done so). Until such times, the Regional Strategic Policy contained within the SPPS should apply.

Sustainable Drainage Systems (SuDs)

The RSPB welcomes Mid Ulster’s commitment to maintain the SPPS Regional Strategic Policy for Flood Risk. SuDs should be promoted within new developments, along with retrofits to existing developments when assessments prove the need.

¹³ Resolution VIII.17 on Global Action on Peatlands. 8th Meeting of the Conference of the Contracting Parties to the Convention on Wetlands (Ramsar, Iran, 1971).

Page 111

Waste Management

The RSPB strongly advocates a sustainable approach to waste management, having regard to minimising the amount of waste being sent to land fill, while ensuring that there are no environmental risks associated with waste management, disposal or treatment. To this end, there is no reason why the adopted existing policy approach cannot accommodate the policy provisions of PPS11 as amended by the SPPS.

Given the RSPB's recommendation for a general 'general policy' the Option of adopting existing policy as set out above, would provide all the various tests relating to flooding, built and natural heritage, roads matters etc.

Page 114

Telecommunications, Overhead Cables and High Structures

The RSPB welcomes the linked-up and co-ordinated approach to addressing strategic infrastructure issues in the district; this should assist in achieving sustainable forms of development in this regard.

Inappropriately located power lines for example can pose a risk to not only the area's scenery, but the ability to sustainably restore for example our wetland landscape for nature and for tourism and recreational economic benefit.

If landscapes are to be targeted for the growing tourism market (e.g wetlands), then power lines need to be avoided in the first place. In this regard, opportunities should be explored to work with the utility regulator and others to bury lines where this is feasible.

Also, as part of the integrated approach which the LDP is seeking to advocate, early dialogue with Transport NI could lead to a co-ordinated effort in areas where new roads are proposed, aligning power lines alongside any road schemes to help transform the area and its natural heritage / tourism potential for the future. Such co-ordinated approaches would be necessary to make this (and similar) natural landscapes the world wide brand it could be alongside the Seamus Heaney HomePlace.

Page115

Policy Approach Options

The RSPB suggests that the spatial approach to wind turbines within this policy option should ideally be undertaken at a Northern Ireland level, and have regard to a more comprehensive list of criteria beyond landscape and visual impact. Please refer to our Response to the DoE's Call for Evidence: Strategic Planning Policy for Renewable Energy Development for further justification (document is included in email submission as a separate document).

Page 116

Renewable Energy

Climate change is one of the most pressing challenges facing our society. With the appropriate policies in place, the planning system can help deliver the necessary levels of renewable generation needed for the country to meet its targets on reducing carbon emissions.

Delivering renewable energy infrastructure at the scale required to reduce our emissions and meet our commitments, whilst remaining sensitive to environmental considerations, is a significant challenge. To achieve this, the planning system in Northern Ireland needs to be more than a consent procedure for development; it should also provide a robust and proactive framework enabling sensitive deployment.

The RSPB is very supportive of wind farm and other renewable energy developments, provided they are sustainable, and not located in areas damaging to wildlife - we have a long track record of working positively with developers to ensure that these proceed in a sustainable way.

Strategic planning has a key role to play in enabling the renewable energy industry, particularly onshore wind, to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes. Doing so will involve the collection of a robust evidence base not only of potential to generate energy, but also of the social and environmental factors that need to be considered.

Please refer to our Response to the DoE's Call for Evidence: Strategic Planning Policy for Renewable Energy Development, from May 2016 which outlines our case for a strategic and spatial approach to wind energy development across the whole of Northern Ireland. Please also refer to the recently

published RSPB's 2050 Energy Vision Report¹⁴. In 2008, the UK Government set a target to achieve an 80% reduction in greenhouse gas emissions (relative to 1990 levels) by 2050.

Achieving this will involve significant expansion of low-carbon, renewable energy technologies. Some of these will require large areas of land or sea for their deployment and may have negative impacts on wildlife,

It is important to understand where these technologies can be located with lowest risk for sensitive species and habitats, and to design energy policy so that the UK can meet emissions targets while having minimum impact on biodiversity.

The Energy Futures project was established in order to explore these complex issues and better understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details.

Page 118

Suggested Policy Wording

Policy RNW1 – All Renewable Energy Development

It is recommended that the wording in paragraph 6.224 of the SPPS be transferred across into the wording of Policy RNW 1 as follows:

Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations:

- public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality or quantity; and,
- public access to the countryside.

¹⁴ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

It is considered that the current line within Policy RNW 1 of ‘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’ is supplementary to the various criteria set out above, and is not considered to be an adequate substitute to prevent adverse impact. Both PPS 18 and the SPPS contained both paragraphs; it is recommended that the Mid Ulster LDP does similar.

This gives greater clarification to planners, developers and the public as to what they should expect in this situation. All stakeholders would benefit from greater transparency.

Furthermore, there need to be an explicit expression within Policy RNW 1 that any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.

While the RSPB does not object to the principle of an Area of Constraint on Wind Turbines, it is of the opinion that this should be carried out at a Northern Ireland level - please refer to our Response to the DoE’s Call for Evidence: Strategic Planning Policy for Renewable Energy development as noted above.

Furthermore, if such areas of constraint are to be truly meaningful, their scope must be extended to include sensitive nature features, as environmental capacity is more than a visual assessment, and includes habitats and species – many of which are located outwith designated areas. Areas of constraint should also have their nature designations listed.

It should also be noted that it is the presence of wind turbines *per se* as opposed to turbines in excess of 15m height which causes issues of disturbance to particular bird species. The height of turbines is also relevant with regards to the potential for collision risk.

It is recommended that the areas of constraint be revisited to include reference to the above comments.

Bio-Energy

Further consideration should be given to bio-energy, in instances where management of the natural landscape could contribute to fuelling this energy. This is possible due to findings from DECC in England (in partnership with RSPB) and ongoing research by AFBI in Hillsborough (in partnership with RSPB and

others), where in both cases, the energy content of rushes that are mown and removed from wetlands can be entered into the bio-energy market. The ability to do this is already being trialled in Northern Ireland through specialist machinery use at places like the wet grassland shores of Lough Beg, and Lough Neagh.

Page 120

Transportation

The transportation of people and goods has a crucial role to play in fostering economic prosperity and social integration. However, it also accounts for 21% of the total greenhouse gas emissions for the UK, with cars alone accounting for 12%¹⁵. Planning can make a significant contribution to reducing these emissions through decision-making on the location, scale, mix and character of development. In particular, new development should be located so as to enable and support the use of public transport provision and reduce dependence on the private motor vehicle.

Walking and cycling should be promoted, while targeting new walking and cycling routes. For example, a river walk on the west bank of the Lower Bann River from Newferry to Portglenone should be considered a priority. This facility could create a sustainable product for visitors to the Lough Beg landscape, which would sit alongside the successful running of the Seamus Heaney HomeGround in Bellaghy.

In addition, consideration should be given to the afteruse plans for the Newferry Peat Extraction site along the Lower Bann River, where wetlands can be created and a network of paths developed to fulfil this need. A wetland here with access should be designed with Seamus Heaney and the HomeGround in mind - see comments above.

The RSPB appreciates the difficulty of reconciling the need for some development in rural areas with an ability to serve that development with good public transport provision. However, any development that is likely to generate 'significant movement' and that cannot be served adequately by public transport provision should be refused. The wider implications of climate change dictate that local development cannot be allowed where it compromises the objective of minimising carbon emissions associated with new development.

¹⁵ Greenhouse gas emissions by Transport Mode, Department for Transport 2008

The protection of disused transport corridors running through Mid Ulster for future public access is welcomed.

Page 124+

Settlements

Any settlement should be developed with sustainable land use in mind. Consideration should be given to creating constructed wetlands and SuDS in areas where these will improve water quality by treating sewage effluent of multiple homes. The benefits of this include better long term water quality in Lough Neagh, where the landscape can help attract visitors, and from where many of the District's community receive their drinking water.

An example of where caution should be exercised includes:

- Creagh, Clady & Ballynease (close to the Lough Beg landscape which is subject to landscape-scale conservation planning)
- Ballymaguigan (close to the Lough Neagh landscape which is subject to landscape-scale conservation planning)
- Curran and Tamlaght (close to lowland peatland sites along Bann Valley)

Re-consider the use of publically owned land which is located behind Mid Ulster Hospital in Magherafelt. This lies alongside a stretch of old disused railway line and beside two famine burial grounds, and would make an excellent location within the town for green space, to develop walking routes (see earlier comments on walking and cycling in the infrastructure section above). Also adds value to the Health and Nature approach whereby Health Trusts are encouraged to use nature to prevent mental and physical illnesses.

The management of the landscape of SW Lough Neagh should be linked to what a well managed landscape can do economically for a place like Coalisland. This equally applies to the Maghera and Carntogher area – the success of the Carntogher model should be used to strengthen approach towards Coalisland.

Linking leisure to the creation of sustainable low impact access to the landscapes around the following key areas would help develop holistic planning that puts the nature and landscapes centre stage:

- Bellaghy & Castledawson (Lough Beg/Lower Bann area)
- Ballyronan - Ardboe (west Lough Neagh area)
- Brockagh - Tamnamore (SW Lough Neagh area)

For further information contact:

Michelle Hill MRTPI

Conservation Team Leader (Planning)

RSPB Northern Ireland

E-mail:



Call for Evidence: Strategic planning policy for Renewable Energy development

A response from the RSPB, 06 May 2016

Introduction

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. Working to protect birds and their habitats through direct land management, education and policy advocacy, the RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

The RSPB is unusual amongst UK NGOs because we engage with individual applications for renewable and other energy infrastructure across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Our professional planning and conservation staff are regularly involved with individual project proposals and we comment on numerous individual proposals for wind farms and single turbines in Northern Ireland each year. This gives us an almost unique perspective into the implications of new policy for development on the ground. In Northern Ireland we show our commitment to promoting good planning through involvement with developers and the public on proposed development from wind farms to housing.

The RSPB's focus is on internationally and nationally designated sites and protected species or habitats that may be vulnerable to development even where these occur outside designated sites. Of particular concern are areas designated as Special Areas for Conservation (SACs) under European Habitats Directive¹ and Special Protection Areas (SPAs) under the European Birds Directive². Both are afforded protection under the Conservation (Natural habitats etc) Regulations (NI) 1995.

Species such as Hen harriers, Whooper swans, and Greenland white-fronted geese (which are Annex 1 of the European Birds Directive) have been shown to be vulnerable to wind farm development. Some breeding wader

¹ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

² Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) – shortened version The Birds Directive 2009 (codified version)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:020:0007:0025:EN:PDF>



species of conservation concern in Ireland such as curlew³ and snipe⁴ have also been recorded in published research⁵ as vulnerable to disturbance from turbines (Curlew are Schedule 1 in The Wildlife (NI) Order (as amended) 1985). As such, these species would be of particular concern to the RSPB.

We would also seek to prevent the loss or damage of active blanket bog, a priority habitat under the Habitats Directive.

The RSPB believes that climate change is the most serious long-term threat to wildlife. We strongly support the Northern Ireland targets⁶ to obtain 40% of electricity from renewables and to cut greenhouse gas emissions by 20% against 1990 levels by 2020. (The PfG contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025.)

Climate change is one of the most pressing challenges facing our society. With the appropriate policies in place, the planning system can help deliver the necessary levels of renewable generation needed for the country to meet its targets on reducing carbon emissions.

Delivering renewable energy infrastructure at the scale required to reduce our emissions and meet our commitments, whilst remaining sensitive to environmental considerations, is a significant challenge. To achieve this, the planning system in Northern Ireland needs to be more than a consent procedure for development; it should also provide a robust and proactive framework enabling sensitive deployment.

The RSPB is very supportive of wind farm and other renewable energy developments, provided they are sustainable, and not located in areas damaging to wildlife - we have a long track record of working positively with developers to ensure that these proceed in a sustainable way.

The RSPB therefore welcomes the Department of Environment's call for evidence.

³ Red listed species - Colhoun K and Cummins S (2013) 'Birds of Conservation Concern in Ireland 2014-2109'. *Irish Birds* 9:523-544

⁴ Amber listed species - Colhoun K and Cummins S (2013) 'Birds of Conservation Concern in Ireland 2014-2109'. *Irish Birds* 9:523-544

⁵ Pearce-Higgins, J. W et al. (2009): The distribution of breeding birds around upland wind farms: Effects of wind farms on upland breeding birds. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins, J.W et al. (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394).

⁶ http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf

RSPB welcomes the fact that any subsequent review of the SPPS will be the subject of Strategic Environmental Assessment (SEA). Any such review must be set within the SPPS's overarching context of 'The Purpose of Planning', 'Furthering Sustainable Development, and the Core Planning Principles'.

Our response to the following questions is outlined below:

- 1. How should the Northern Ireland planning system best facilitate sustainable renewable energy development in appropriate locations without compromising our natural and built environment, and other assets of acknowledged importance?**
- 2. How can strategic planning policy best assist with addressing potential amenity issues that may arise as a result of facilitating all types of renewable energy development (e.g. wind, solar, water (hydropower), geothermal energy, biomass)?**

A Sustainable Renewable Energy System for People and Wildlife

RSPB is calling for an energy system in the UK that is low carbon and works for people and wildlife. A continued reliance on fossil fuels will drive us towards dangerous levels of climate change, and this one of the greatest long-term threats to wildlife and habitats.

While some progress has been made in the decarbonisation of our energy supply, much however remains to be done. Even to attain our existing renewables and emissions targets⁷ a huge shift in where we source our energy from will be required. An increasing proportion of energy will need to be sourced from renewable and low carbon technologies, as well as reducing our overall energy demands. However, the meeting of such targets should not be at the expense of our biodiversity. As such there is a need for sustainable renewable energy to be the cornerstone of our energy systems. To put it simply, there is no either/or choice between cutting emissions and protecting wildlife – we have an obligation to do both if we are to leave a planet which is able to support people and the ecosystems upon which we and other species depend⁸.

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years⁹, poorly sited, designed or managed energy infrastructure can seriously harm wildlife – adding to the pressure already caused by climate change.

⁷ http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf

⁸ BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

⁹ State of Nature Partnership (2013) State of Nature report http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf



However, conflicts between renewable energy and wildlife need not pose a challenge to meeting energy and emissions targets, if Government puts in place the right safeguards.

The RSPB is currently conducting a major project which looks at how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats, so that our climate change targets are delivered in harmony with nature. It uses DECC's 2050 Pathways Calculator and innovative mapping techniques¹⁰ to assess the deployment potential for a range of renewable energy technologies. The results of this project are expected to be published in a peer-reviewed journal in Summer 2016 but the RSPB is happy to discuss its conclusions pre-publication.

The evidence from the project shows that with careful planning (see section below for further details), it is possible to meet the UK's climate targets and interim carbon budgets up to 2027 using high levels of renewable energy, without having negative impacts on nature. However, massive strides in demand reduction and energy efficiency are important, both to ensure that the energy system is affordable in the future, and to avoid significant ecological impacts meaning that investment in these is critical. Investment in well-sited onshore wind and solar, energy storage and smart grid networks as well as new technologies such as floating wind turbines will all also be necessary.

To overcome the challenges posed as we meet our carbon budgets and transition to a low carbon economy in harmony with nature, the RSPB has developed the following set of recommendations.

1. Set the ambition: 100% low carbon energy by 2050
2. Develop roadmaps for decarbonisation in harmony with nature
3. Eliminate energy waste
4. Plan for nature
5. Improve the evidence base
6. Promote low carbon, low ecological impact innovation
7. Transform low carbon heat and transport
8. Make economic incentives work for nature and the climate
9. Ensure bioenergy supplies are sustainable
10. Build the grid network.

The RSPB would be happy to provide further details on these recommendations on request.

¹⁰ RSPB has developed a mapping methodology to support strategic planning at national and local levels. The methodology employed in this Report can be easily be replicated at the finer scale. See Summary Report for methodology outline, more details are available within the Technical Report (publication due Summer 2016).

Need for Strategic/Spatial Planning

As indicated above, if we are to meet the targets without causing significant harm to biodiversity, and taking account of other restrictions on development, there will be an increased need to plan strategically and identify areas which are and are not suitable for sustainable renewable energy development. With the right strategy and planning safeguards, and with co-operation between developers and conservationists, renewable targets can be achieved without significant detrimental effects on our biodiversity.

A comprehensive and structured approach, identifying areas that are more or less suitable for deployment, would offer a valuable steer to developers. It would also help build public support, reduce risks for all stakeholders, from financiers to conservation groups. This would in turn speed up the consenting process, reducing the risk of contentious and unsuitable projects coming to the application stage. Notably, examination of the latest DOE planning statistics on renewable energy proposals¹¹ indicates a decreasing approval rate, increasing number of withdrawals, and a decline in total number of renewable energy applications submitted (this is explored further below). With regard to the latter, the DOE 2015-16 Statistics Report¹² notes that such declines could possibly be linked to government funding reductions and grid capacity issues.

It is not only the RSPB's current renewable energy project (as discussed previously, with further details to follow upon publication) which advocates *inter alia* the development of a roadmap for decarbonisation in harmony with nature. Recent publications including 'Meeting Europe's Renewable Energy Targets in Harmony with Nature (2011)¹³ sets out a number of comparable principles for renewable deployment:

1. Renewables must be low carbon
2. A strategic approach to deployment is needed
3. Harm to birds and biodiversity must be avoided
4. Europe's most important sites for wildlife must be protected

It is recommended that the DOE also examine this report further as part of its call for evidence.

With ambitious targets for renewable energy, developing plans of where these developments can best be accommodated is integral to the successful roll-out of renewable energy technologies.

¹¹<https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

<https://www.doeni.gov.uk/publications/northern-ireland-planning-renewable-energy-monthly-statistics-april-2015>

¹² Ibid.

¹³ BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

Integrated Planning and Assessment

Strategic spatial planning must be informed by a robust and appropriate assessment process to ensure that delivery of our renewable energy network is in harmony with nature. In this regard, a report prepared by Birdlife International on behalf of the Bern Convention¹⁴ (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

While it is acknowledged that this Report relates to wind energy development, the general principles of its vital elements are however readily transferrable to other renewable energies, for example:

- *Strategic planning of the wind energy industry and the use of best practice protocols for individual project site selection, to avoid or minimise conflicts with nature conservation interests ;*
- *Robust Environmental Impact Assessment, including baseline studies, impact assessment and post construction monitoring; and*
- *Integrated, inclusive and iterative project development taking full account of potential interactions with nature conservation through the entire project development process' (Page 5).*

The report also sets out a number of recommendations, and again while written with regards to the effects of wind farms on birds, they are again largely transferrable to other sustainable renewable energy technologies. It is recommended that the DOE should also review the contents of this report in full as part of its call for evidence. The report clearly states that implementation of the following recommendations would '*facilitate the smooth further development of the wind energy industry in Europe, whilst ensuring the protection of our internationally important bird populations.*' The recommendations can be summarised as follows:

1. Need for coordinated and targeted strategic research on the impacts of wind farms on birds, and the efficacy of mitigation measures so as to inform future project development and decision-making, and reduce uncertainties over wind energy impacts.
 - As part of this, regulator requirement for developers to carry out comparable pre, during and post construction monitoring.
 - Governments and industry partnership working to provide a single web-based resource for this information to inform future research and project development.

¹⁴<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2515528&SecMode=1&DocId=2012800&Usage=2>

- In light of increasing interest of wind energy projects in upland forests, further research is required to identify the effects of these on forest habitats and sensitive forest bird species.
2. Strategic Planning and associated Strategic Environmental Assessment is a key tool for governments to reduce potential conflicts between protected bird populations and wind energy development. Effective use of spatial zoning and site policy criteria can mediate between biodiversity and wind energy interests and ensure that targets are met in both spheres.
 - Sensitivity mapping should be used by the regulators and industry to inform locational decisions for wind energy development
 3. Environmental Impact Assessment is the key process to enable informed and transparent decision-making. Regulators need to ensure that all potentially damaging projects undergo EIA, that EIAs are scoped properly and undertaken by professionally competent ecologists. Inadequate EIA needs to be challenged by regulators who have suitably qualified staff to understand and critically assess these documents.
 - Cumulative impact assessment continues to be generally poorly addressed in wind energy EIAs in Europe. Regulators should ensure EIAs assess this adequately, and work with academics and industry to support further work to facilitate the development of workable assessment methodologies.
 4. Precautionary approach used by regulators in decision-making when there is significant uncertainty as to the impacts of a wind energy proposal on sensitive bird populations. Adaptive management in post-construction monitoring and mitigation should not be used to justify consent of development in unsuitable locations where key bird populations may be put at risk.
 - Need for proper implementation of the tests of Article 6 of the Habitats Directive, where wind energy development is likely to have a significant effect on a Natura 2000 site. National governments and the European Commission should act to ensure training and oversight is provided to address this.
 5. Developers should seek to apply an integrated planning approach to project development. A collaborative, open and transparent approach, adopted very early in project development with all

relevant stakeholders, has been shown to improve project outcomes, and to reduce costs, delays and uncertainties.

6. Innovative mitigation measures such as increased cut-in speeds and radar-based on-demand shut-down systems should be investigated for inclusion in project proposals when relevant. However, further research is needed into these and other mitigation measures to prove their efficacy.
7. The Standing Committee of the Bern Convention and other relevant Conventions should encourage co-operation between Contracting Parties on migration routes to evaluate cumulative impacts and safeguard key corridors and stop-over sites.

Notably, we urged the Department in the consultation exercises of both the Draft SPPS, and Draft PPS 18 to provide guidance on 'cumulative impact'. For example, in Scotland, cumulative impact on birds is considered within Natural Heritage Zones (NHZs) for which data on bird populations are available from Scottish Natural Heritage (SNH). The RSPB currently requests that developers provide an assessment of the cumulative impact on protected species such as hen harrier by considering local, regional and national impacts on the population, but this is problematic where there are insufficient data to run population models for those species. To date this has not occurred. The recommendations contained within the Birdlife International Report detailed above, underscore this requirement.

In general terms, the RSPB strongly contends that the recommendations of this Report should be reflected in any revision to the existing planning policy and guidance in order to ensure it remains fit for purpose.

Learning by Example

A number of the references cited in this response provide illustrations of a positive approach to spatial planning. In this context, the RSPB is disappointed that the Environment Committee of the NI Assembly during its recent inquiry into Wind Energy¹⁵ came to the following conclusion with regards to a spatial approach to onshore wind:

'18. The Committee considered whether a strategic approach that advocated zoning, or the identification of most appropriate locations for wind turbines, would be effective. However, it was agreed that it was now too late for introducing zoning in Northern Ireland as some areas, notably West Tyrone, had already

¹⁵ <http://www.niassembly.gov.uk/assembly-business/committees/environment/reports/report-on-the-committees-inquiry-into-wind-energy/>



reached saturation point in terms of the number of wind developments either operational or planned for the region’.

While it is accepted that a considerable number of proposals have already been approved, it is not too late to seek to redress the matter – for example, if the bungalow blitz which occurred in our countryside during the 1970’s had not been stemmed and regulated by policy, then the proliferation of single houses in the countryside would be significantly greater than it is today. While the legacy of those ‘early days’ lives in on in our rural landscape, imagine what our countryside would look like today without the introduction of strategic spatial policy and guidance for houses in the countryside?

RSPB therefore considers the out of time argument to be both unsustainable and weak. Using the most recently published renewable energy application data¹⁶ it is worth noting that there were 532 live renewable energy applications, mainly comprising 426 single wind turbines, 31 wind farms and 31 solar farms’ at the end of December 2015 . Within this context, it is worth exploring the approach adopted to renewable energy planning in other jurisdictions:

Wales

Within the context of Planning Policy Wales (PPW), seven Strategic Search Areas (SSAs) have been established on the basis of substantial empirical research. While these areas are considered to be the most appropriate locations for large scale (over 25 MW) wind farm development, it further establishes that Natura 2000 sites and Sites of Special Scientific Interest (SSSIs) as ‘absolute constraints’. (Please refer to Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005) and its annexes for further details¹⁷).

Notably, PPW acknowledges that not only should an integrated approach be adopted towards planning renewable and low carbon energy development, a similar approach should be adopted for the additional electricity grid network infrastructure to support SSAs. TAN 8 illustrates the geographical extent of each of the seven SSAs and provides details of the various characteristics which are all displayed in each of the SSAs (Paragraph 29).

With regards to onshore wind in other areas, TAN 8 notes that *‘most areas outside SSAs should remain free of large wind power schemes’* (paragraph 2.13). More importantly, TAN 8 states that *‘local planning authorities may wish to consider the cumulative impacts of small schemes in areas outside the SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes or the SSAs. In these*

¹⁶ <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

¹⁷ <http://gov.wales/topics/planning/policy/tans/tan8/?lang=en>

areas, there is a balance to be struck between the desirability of renewable energy and landscape protection. While that balance should not result in severe restriction on the development of wind power capacity, **there is a case for avoiding a situation where wind turbines are spread across the whole of the County** (our emphasis). As a result, the Assembly Government would support local planning authorities in introducing local policies in their development plans that restrict almost all wind energy developments, larger than 5MW, to within SSAs and urban/industrial brownfield sites. It is acceptable in such circumstances that planning permission for developments over 5MW outside SSAs and urban/industrial brownfield sites may be refused'. (Paragraph 2.13).

Scotland

Current planning policy in the form of the Scottish Planning Policy¹⁸ (SPP) requires planning authorities to set out a spatial framework which identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities following the approach set out in Table 1 of the SPP (refer to paragraph 161 onwards of the SPP for details). The document published in June 2014 places a ban on wind farms in national parks and national scenic areas and wild land was added as a constraint.

It is also worth noting that RSPB Scotland is a partner in the Scottish Government led *GP Wind* project¹⁹, which seeks to reconcile renewable energy objectives with wider environmental objectives. It has highlighted existing good practice in Scotland and across Europe, barriers to deployment, and lessons that should be learnt. The project has developed a set of good practice guidelines which can be used to facilitate sustainable growth in the renewables sector in support of the 2020 targets. This is a useful reference tool for the DOE in moving forward.

The Northern Ireland Context

Need for a strategic and integrated approach

As previously stated, the RSPB is very supportive of wind farm, and other sustainable renewable energy developments, but this must not be at the expense of wildlife and our most special places. To this end there is an overriding need to have a strategic and integrated approach to renewable energy deployment in Northern Ireland.

While it is acknowledged that a detailed wind mapping exercise²⁰ was commissioned by the Department of Enterprise Trade and Investment (DETI) in 2003 to help identify areas of particular potential, and although a useful

¹⁸ <http://www.gov.scot/Resource/0045/00453827.pdf>

¹⁹ <http://www.project-gpwind.eu/>

²⁰ <http://www.actionrenewables.co.uk/resources/windmap/> This map was derived from the windmapping project and has predicted mean wind speed and power in many locations within the range of 8 to 10.5 metres per second which is regarded as sufficient to support economical wind energy projects.

tool, it alone cannot generate the strategic framework necessary to create a comprehensive and structured approach to on-shore wind development. Indeed, this is recognised in the Report ‘Positive Planning for Onshore Wind – expanding onshore wind energy capacity while conserving nature’ (Bowyer *et al* 2009)²¹ as follows: ‘*Land use planning is an essential mechanism for integrating the pressures for development with broader societal concerns. Planning is, however, only one element of a wide-ranging policy chain that needs to function effectively to deliver both nature conservation and a step change in renewable energy development*’.

Against this background, the absence of any coordinated or strategic approach to the siting of on-shore wind turbines in Northern Ireland is evidenced by both the Northern Ireland single turbine map²² and wind farm map²³ which have been prepared by DOE depicting the spread of single turbines and wind farms from April 2002 to March 2015. In this context, it becomes apparent that Northern Ireland is well on its journey to the situation resisted by Welsh Planning Guidance ‘*where wind turbines are spread across the whole of the Country*’ (Paragraph 2.13 of TAN 8).

The need for such an approach is further apparent when set within the context of the recent statistics available from the following DOE publications: Northern Ireland planning renewable energy monthly statistics - April 2015 and Northern Ireland Planning Statistics 2015/16 Combined Second & Third Quarterly Bulletins (July – December 2015: Provisional Figures)²⁴. In this regard, the statistics are relevant:

1. At the end of December 2015, there were 532 live renewable energy applications, mainly comprising 426 single wind turbines, 31 wind farms and 31 solar farms
2. The overall Northern Ireland approval rate for renewable energy was 72.9% in Q3, a decrease of 12.5 percentage points over the quarter and a fall of 3.0 percentage points on the same period last year
3. The overall Northern Ireland approval rate in quarter 3 for all planning applications was 93.3%
4. Table 7.1 of Northern Ireland planning renewable energy monthly statistics - April 2015 shows a general downward trend in approvals, a general rising trend in the number of applications withdrawn, and a downward trend in the number of renewable energy applications submitted²⁵

At a time when Northern Ireland should be looking towards meeting its emission reduction and renewable energy targets, it is considered significant that these latest statistics are depicting a scenario of piecemeal development,

²¹ https://www.rspb.org.uk/Images/Positive%20Planning%20for%20Onshore%20Wind_tcm9-213280.pdf

²² <https://www.doeni.gov.uk/sites/default/files/publications/doe/single-wind-turbines-map-march-2015.pdf>

²³ <https://www.doeni.gov.uk/sites/default/files/publications/doe/wind-farms-map-march-2015.pdf>

²⁴ <https://www.doeni.gov.uk/publications/northern-ireland-planning-renewable-energy-monthly-statistics-april-2015> and

<https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

²⁵ Bulletin states decline in number of applications is possibly linked to government funding reductions and grid capacity issues

increased uncertainty in the consenting regime process with a situation of reduced application numbers (possibly linked to government funding reductions and grid capacity issues²⁶), a lower approval rate and a higher number of withdrawals.

Moving forward, this should not result in a situation where every application for renewable energy is approved. On the contrary, the need to have the right development in the right place at the right time based on a robust evidence base of potential to generate energy, alongside consideration of other social and environmental factors remains paramount. While strategic planning has a key role to play in enabling the renewable energy industry to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes, the absence of a stable incentive regime, as demonstrated by the latest set of planning statistics²⁷ can undermine any such benefits.

In this context, the publication Meeting Europe's Renewable Energy Targets in Harmony with Nature²⁸ recognises *'the right policy frameworks for renewable-particularly strategic planning and adequate, stable incentive regimes – will enable rapid and sustainable deployment while safeguarding the natural environment for generations to come'*. Northern Ireland unfortunately has neither of these elements – this is of concern. The planning system alone cannot be responsible for the delivery of Northern Ireland's emissions and greenhouse targets.

Looking ahead, it is therefore imperative that there is greater cross-departmental working to ensure that one government department is not countering the work of another in order to restore confidence to this sector.

To this end we would support the introduction of a similar approach to that adopted in Wales, where *"the most appropriate scale at which to identify areas for large scale on shore wind energy development is at an all-Wales level"* Paragraph 12.8.13, Planning Policy Wales (PPW) Edition 5 (2012)²⁹.

The DOE should also refer to the report *'Towards a Land Strategy for Northern Ireland'*³⁰ which presents proposals and recommendations, and aims to progress the planning, development and implementation of a Land Strategy for Northern Ireland by 2020. It sets out the following vision *'for land and landscapes to be managed for the benefit of people's wellbeing and prosperity, reflecting the views of communities, groups and individuals, striving for environmental excellence, and making best use of its multi-functionality'*. While not designating land uses to particular sites, it does however seek to ensure that local and regional public policy and decision-making contribute to the strategic needs of Northern Ireland.

²⁶ <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

²⁷ <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

²⁸ BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

²⁹ <http://wales.gov.uk/topics/planning/policy/ppw/?lang=en>

³⁰ http://www.nienvironmentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI_2015-Main-Report.pdf

Implications of the Review of Public Administration (RPA) and Planning Reform

While the geography and climate of an area will determine its likely capacity to generate renewable energy, these elements however, have no regard to administrative boundaries such as local government districts. There will therefore be a need for local councils to use up to date and appropriate evidence and to work collaboratively in order to gather evidence on a sub-regional basis wherever possible (consistent with PPW, Section 12.9). In England for example, the Department of Energy and Climate Change (DECC) in 2010 funded nine regional energy capacity studies³¹ to help local authorities and local communities in England identify and maximise opportunities for the deployment of renewable and local carbon energy technologies in their areas.

If we are to meet our on-shore renewable targets in a truly sustainable way, there is an urgent need for similar strategic capacity assessments to be undertaken, particularly given the fact that we have now moved to a two-tier planning system under the Review of Public Administration, where the crossing of administrative boundaries by on-shore proposals could potentially be a greater issue for example, bird populations (and individuals) do not respect borders and as a consequence cumulative impacts are unlikely to either.

Strategic policy should require local authorities to work together to ensure that policies are put in place that deliver sustainable renewable energy in accordance with this evidence base. Collecting a robust evidence base of capacity must be done in conjunction with the collection of evidence for other key planning objectives, so as to enable a coordinated approach to spatial policies.

Need for Regional / Sub-regional Spatial Capacity Data

As noted above, in the absence of either an all Northern Ireland or sub-regional spatial capacity data, it is worth noting one of the five key actions which were identified in the DETI Draft Onshore Renewable Electricity Action Plan 2011 – 2020 (October 2011)³² as follows:

Action 1 states that there was the need for capacity studies and data gaps to be addressed. The Plan stated *'in order to identify the overall level of development that could be accommodated in existing areas of development and other areas, more detailed 'capacity studies' should be undertaken at a regional level/area specific level. These studies are essential for providing more specific guidance on where future developments should be located and to feed into the ongoing monitoring of potential significant adverse effects'* (Page 25).

³¹ <https://www.gov.uk/government/news/decc-publishes-methodology-for-renewable-and-low-carbon-capacity-assessment>

³² <http://www.nigridenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>

Such an approach is consistent with the findings of Birdlife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature – Summary Report³³. This report identifies *'eight areas where policy makers must help to enable a renewable revolution in harmony with nature, of which one is to "introduce strategic spatial planning for renewables...maps indicating where the most sensitive habitats and species are located are a valuable planning too; for identifying broad zones where renewable development is most appropriate'* (Section 3, Page 11).

With regards to the recommendations for national and EU policy makers within the main report³⁴, and Northern Ireland in particular, the following is recommended:

1. Support development of bird sensitivity maps and targeted habitat restoration for Northern Ireland; and,
2. Develop a spatial plan for all renewables on and offshore in Northern Ireland, and include spatial planning for renewables in Local Development Plans (Page27).

Need for Continued Investment

Continuing investment in research into the environmental impacts of renewable technologies will be critical, particularly to ensure that the cumulative impacts are monitored in order to know when the thresholds of impacts on species/habitats may be reached. Government must take a lead role in ensuring that post construction monitoring is carried out and critical research is delivered, thereby delivering a nationally coordinated and consistent approach which will assist the industry as a whole.

PPS18 - Best Practice Guidance

With regards to the narrative contained within Paragraph 1.3.7 of the PPS 18 Best Practice Guidance, and further to our comments made in respect of the draft SPPS consultation on the matter, the RSPB would reiterate that it does not agree that cows are necessarily a good indicator that wild animals are not affected by renewable energy development. There is, for example, good peer-reviewed scientific evidence³⁵ that wild birds can be disturbed by, and avoid, wind turbines. This reiterates our comments in respect of the same statement contained within the draft PPS 18 documentation.

³³ <http://www.birdlife.org/europe/pdfs/RenewableSummaryreportfinal.pdf>

³⁴ http://www.rspb.org.uk/Images/Renewable_energy_report_tcm9-297887.pdf

³⁵ Pearce-Higgins, J. W et al. (2009): The distribution of breeding birds around upland wind farms: Effects of wind farms on upland breeding birds. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins, J.W et al. (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394).

Furthermore the same paragraph goes on to state *'beyond designated sites and peatland habitats the impact of a wind farm on local nature conservation interests should be minimal'* and while this may generally be the case, this statement needs to be qualified that assessment of impacts on wildlife and habitats need to be undertaken to quantify the risk, for example wild bird collision, displacement and disturbance risks all need to be quantified.

Decommissioning and Reinstatement

Within this context, Paragraph 1.3.87 of the PPS 18 Best Practice Guidance states *'developers should demonstrate that funding to implement decommissioning will be available when required'*. The RSPB, however is of the opinion that this wording is not sufficiently strong, and as such would reiterate our previous comments made in respect of the Draft PPS18 and SPPS consultation responses. In this regard, we have suggested the following revised wording *'The planning authority should ensure that sufficient finances to support decommissioning activities are set aside by the developer until the decommissioning date, through a bond or similar. This is already done for offshore wind farm developers who have to prove that decommissioning will take place (e.g. financial guarantees). Conditions of consent outlining decommissioning requirements would allow this to be enforced onshore'*.

Reconciling National Priorities with Local Interests

Stakeholder Engagement

The RSPB believes that an integrated planning process which facilitates co-operation and joint-working between the various stakeholders is key to ensuring the successful delivery of sustainable renewable energy development in Northern Ireland. Wind turbines for example, can impact on the amenity value of local wildlife and features valued by local communities. Local support is essential for the successful roll out of onshore wind, and other low carbon renewable sources. The RSPB recommends early and proactive engagement with stakeholders as an important way of increasing public acceptability of such projects.

With specific regard to the current approach to deploying onshore wind energy, it is market-led in terms of technology choice and locations for new developments. As a consequence, the deployment of onshore wind in Northern Ireland has remained ad hoc and uncoordinated, and is determined by individual planning decisions. This has led to conflicts over individual developments that could otherwise have been avoided. As previously detailed, the RSPB recommends a more structured and spatially explicit approach to the planning and deployment of onshore wind, and other low carbon renewable technologies that distinguishes the potential areas where development should be prioritised or avoided. This approach not only offers clarity to developers, but it also supports the early engagement of stakeholders and creates a clear framework for debate between various



interests, without which discussions can be divisive and dominated by responses to individual planning applications. Gaining support from local communities at this stage can be valuable in reducing the scale of opposition to individual projects further down the line.

In this regard, the RSPB welcomes the recent community consultation requirements which have come about as a result of the recent reform in planning. For major or regionally significant development proposals, applicants must now submit a pre-application community consultation report together with their planning application which provides details of the local community consultation undertaken, and how comments received from the community have been responded to indicating whether any changes or mitigation measures have been included.

Community Benefits

The RSPB believes that large renewable energy developments should offer community benefits. However, the provision of community benefits should be considered more strategically than at present. Community benefits should also encompass biodiversity benefits, for example through habitat restoration or enhancement, both to meet biodiversity targets and for the ecosystem services that such habitats provide to the local and regional communities. In this context, a formula of £/MW/year specifically for biodiversity-related community benefit for on-shore wind is suggested.

In our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DOE about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act)³⁶ process by both planners and developers.

We also previously advocated that there should be guidance on when a planning agreement is likely to be required, as opposed to when an agreement could be used to facilitate a developer offer. Where a developer offer proceeds entirely outside the planning process, there needs to be security that the offer will result in tangible community benefits and not 'greenwash' or superficial unsustainable community projects. There is a danger, particularly in areas where there are many wind farms or other projects, that there will be no strategic overview of planning agreements or developer offers, such that small piecemeal projects will proceed and the opportunity for larger scale benefits or environmental enhancement through cooperation between developers and communities

³⁶ <http://www.legislation.gov.uk/nia/2011/25/section/76>



will be missed. Reliance on developer offers may also mean that less scrupulous developers will not offer or deliver, leading to inequality between receiving communities.

The RSPB's experience of Community Benefit Schemes in Scotland has led RSPB Scotland to question whether it is perhaps a missed opportunity that community benefit schemes typically only benefit a small locality. RSPB Scotland believes that the current ad-hoc nature of community benefit schemes has been a missed opportunity to deliver benefits to the wider natural environment, as such RSPB Scotland believe that there is a need to review this approach to ensure that all of Scotland's communities benefit from the renewables revolution.

RSPB Response to DECC's Call for Evidence in Onshore Wind – Part A Community Engagement and Benefits (November 2012)

The RSPB, in preparing its response to the DECC's call for evidence spoke to a number of its Local Groups in GB to collect their views as members of the public and local communities. The following comments are based on those discussions in 2012:

The general perspective was one of concern and lack of confidence in developers, planners and the Government more generally to be transparent and to act in their best interest when it comes to wind farm developments. For example, our Local Groups felt that developers were following the letter of the law in regard to community engagement but not necessarily the spirit of it, by, for example, arranging consultation meetings for school holidays when many people would be unable to attend.

An RSPB local group also mentioned that a parish council had been approached by a developer and offered community benefits in exchange for a letter of support.

DOE Planning and the Local Authorities must avoid situations where community benefit is seen to be used essentially as an enticement to secure planning permission. If a wind farm application, for example, is consented for sound planning reasons, the community should be eligible for any community benefits agreed, regardless of whether they supported the application or not.

A transparent and nationally-agreed protocol on how and when discussions about community benefit should take place could help to support a more strategic approach to delivering community benefits at a greater scale and which could have more effective and longer term positive impacts.

Summary of Recommendations

1. A more structured, strategic and spatially explicit approach should be taken to the planning and deployment of renewable energy proposals avoiding our most important areas for wildlife (Natura 2000 sites, ASSIs etc - similar to the Strategic Search Areas in Planning Policy Wales).
2. Include spatial planning for renewables at the finer scale in local development plans.
3. Continuance of the precautionary approach used by regulators in decision-making when there is significant uncertainty as to the impacts of a wind energy proposal on sensitive bird populations.
4. Continued need for investment into the environmental impacts of renewable technologies, and Governmental role in ensuring delivery of post construction monitoring and critical research.
5. Reinforce the need for full and proper scoping at strategic planning SEA, EIA and project levels.
6. Need for consideration of cumulative effects on birds and other wildlife.
7. Need for regional and sub-regional strategic capacity assessments.
8. Need for sensitivity mapping to indicate where our most sensitive habitats and species are located.
9. Need for local councils to work collaboratively and use up to date evidence to gather evidence on a sub-regional basis.
10. All developers should ensure early and proactive engagement with stakeholders.
11. Determining authority to ensure developers set aside sufficient financial requirements to support decommission activities, this needs to be strengthened through a bond or similar.
12. A transparent and nationally-agreed protocol should be developed that sets out how and when discussions about community benefit should take place.
13. Community benefits should encompass biodiversity benefits – e.g. through habitat restoration or enhancement.
14. Development of a formula of £/MW/year specifically for biodiversity-related community benefit for on-shore wind.
15. Strategic consideration of community benefits required.
16. Need for the recommendations of the following publications to be incorporated into the SSPS review:
 - (i) 2013 Birdlife International Report 'Wind Farms and Birds: An updated analysis of the effects of wind farms on birds, and best practice guidance on integrated planning and impact assessment' for the Bern Convention
 - (ii) BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature
 - (iii) RSPB current major project examining how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats (due for publication Summer 2016)



- (iv) Positive Planning for Onshore Wind – expanding onshore wind energy capacity while conserving nature (Bowyer *et al* 2009)

For further information contact:

Michelle Hill MRTPI, Senior Conservation Officer (Planning)

RSPB Northern Ireland

Northern Ireland Headquarters

Belvoir Park Forest, Belfast, BT8 7QT

E-mail



Telephone





Call for Evidence: Strategic planning policy for Development in the Countryside

A response from the RSPB, 06 May 2016

Introduction

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. Working to protect birds and their habitats through direct land management, education and policy advocacy, the RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate. In Northern Ireland we show our commitment to promoting good planning through involvement with developers and the public on proposed development from wind farms to housing.

The RSPB also works closely with the farming community. Our vision is for sustainable systems of farming that produce adequate supplies of safe, healthy food; protect the natural resources of soil, air and water that farming depends on; help to protect and enhance wildlife and habitats; provide jobs in rural areas and contribute to a diverse rural economy.

The RSPB therefore welcomes the Department of Environment's call for evidence.

RSPB welcomes the fact that any subsequent review of the SPPS will be the subject of Strategic Environmental Assessment (SEA). Any such review must be set within the SPPS's overarching context of 'The Purpose of Planning', 'Furthering Sustainable Development, and the Core Planning Principles'.



Our response to the following question is outlined below:

How should strategic planning policy assist with achieving sustainable development to support a vibrant rural community, without compromising our natural and built environment, and other assets of acknowledged importance?

Long Term Vision

There is opportunity within this review for the DOE to provide a broad and long-term vision of what sustainable development in rural Northern Ireland means for spatial planning, and how spatial planning could proactively help deliver sustainable development in the countryside.

Protection of Biodiversity

This policy section of the SPPS helps Northern Ireland to achieve compliance with the Birds and Habitats Directives. *The Habitats Directive* ensures protection for Natura 2000 sites, but also requires Member States to encourage the management of landscape features of importance for flora and fauna, including linear features (rivers, field boundaries) and ‘stepping stones’ of value to wildlife such as ponds or small woods (Article 3 and Article 10). This requirement is implemented in Northern Ireland through the Conservation (Natural Habitats etc) Regulations (NI) 1995. *The Birds Directive* requires that Member States take measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all Annex 1 species, including both designating sites but also management of biotopes outside those sites.

Targets for such habitats are provided in the *Northern Ireland Biodiversity Strategy* (NIBS)¹, though have still been omitted as a relevant policy driver in the policy context section.

These are relevant because uncontrolled development in the countryside leads to a gradual loss and fragmentation of remaining habitats, and adverse effects on river systems, water bodies, wetlands and other habitats that support Annex 1 species.

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years², the DOE must consider what more the planning system can do to deliver for biodiversity. It is clear

¹ <https://www.doeni.gov.uk/sites/default/files/publications/doe/natural-policy-biodiversity-strategy-to-2020-2015.pdf>



that it is no longer adequate to continue with an overall aim of 'no net loss' to biodiversity, even if enhancement is sought wherever possible. The planning system cannot solve biodiversity loss on its own, but it does play a critical role in biodiversity protection, enhancement and restoration which contributes to the achievement of sustainable development. As well as mitigating and compensating for unavoidable impacts on biodiversity, as a matter of course planning policy should seek opportunities to deliver enhancement and restoration. To put it another way, planning should deliver an overall net gain in biodiversity. This should be adopted as a general policy principle.

Development within Environmental Limits

There is a need for this section of the SPPS to re-affirm its view that sustainable development within the countryside must fully recognise the concept of environmental limits and the precautionary principle. This will require the Regional Strategic Policy (RSP) to be rebalanced against the Regional Strategic Objectives (RSO). While the RSO includes the conservation of the landscape and natural resource of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution, the RSPs which flow from this objective concentrate on the visual character and capacity to accommodate – this is much too narrow of an interpretation. It is about the local environmental context's ability to accommodate including for example sewage disposal and drainage, habitat destruction/fragmentation, effects on watercourses/bodies, and the cumulative impacts of such. In this regard, the cumulative effects of one-off sporadic development extends far beyond the rural amenity and landscape character as currently cited within the RSP (paragraph 6.69). This issue should be addressed in this strategic policy review, and DOE should monitor cumulative effects across all council areas in order to obtain a whole country perspective, which is necessary to inform strategic policy.

In addition to the environmental assets appraisal to be carried out as part of the Local Development Plan process, it is recommended that a similar 'constraints' exercise is undertaken to identify potential environmental hotspots where development is unlikely to proceed – for example, areas where there is no capacity for further non-mains sewerage in order to comply with the Water Framework Directive, or where mains sewerage is at capacity.

As the SPPS currently stands, the RSPB remains concerned about the adoption of a positive approach to new development in the countryside in the absence of the precautionary principle. This approach could undermine the plan-led system, and the ability of local authorities to determine applications in accordance with the development plan and all other material considerations (Article 6.3 of the Planning Act (Northern Ireland) 2011). It is difficult to reconcile a plan-making process that has gone through a Strategic Environmental Assessment (SEA), before

² State of Nature Partnership (2013) State of Nature report http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf



allocating sites strategically and often sequentially to ensure sustainable patterns of development - with the positive approach as it is currently worded.

Ecosystem Services

RSPB welcomes the recognition of ecosystem services within the current SPPS. However, recognition alone is not sufficient to secure protection for future generations.

The last year has seen major floods causing havoc through parts of the UK, many of which could be prevented through correct management of our uplands. Peatlands naturally store water and release slowly over time. This provides flood alleviation in its more natural form. Inappropriate development in our uplands, particularly forestry, can degrade peat and prevent it from delivering this vital service. In addition to this, other human benefits include the storage of carbon peat provides and the natural water filtration within water catchment areas. In this context, the RSPB has been involved with a Sustainable Catchment Area Management Plan in The Garron Plateau (Antrim Hills) as an example of blanket bog restoration and management in Northern Ireland³.

RSOs and RSP must provide for adequate protection of these services, which underscore their ability to positively contribute to our economy and health and well-being. New development is only one of the ways to secure a sustainable and vibrant rural community, and it must not be at the expense of the area's ecosystem services. This should be incorporated within the policy review.

Useful sources of information include:

- Defra Ecosystem Services⁴ — Government website providing general information about the ecosystems approach and ecosystem services, including ecosystem services valuation.
- The Economics of Ecosystems and Biodiversity (TEEB)⁵ — A global initiative highlighting the economic benefits of biodiversity, the global costs of ecosystem degradation and biodiversity loss. Through its various publications TEEB is driving forward the awareness of ecosystem services, and provides decision makers with an accessible means of considering ecosystem services identification and valuation.

³ http://www.climateinthernireland.org.uk/cmsfiles/ClimateNI_RSPBFINAL.pdf
https://www.rspb.org.uk/Images/Blanket_Bog_sm_tcm9-335643.pdf

⁴ [Defra Ecosystem Services](#)

⁵ <http://www.teebweb.org/>

- UK National Ecosystem Assessment (UK NEA⁶) — The report forms the first analysis of the benefits the UK's environment provides, both to people and the economy, and commonly forms the basis of much of the ecosystem services thinking underway in the UK at present.

RSPB would be pleased to provide further information on the values of ecosystem services upon request.

Health and Well-being

Nature plays a key role in a proactively preventing both physical and mental health problem. Research into this has been underway since 2004. The RSPB commissioned Dr William Bird to write 'Can Green Space and Biodiversity Increase Levels of Physical Activity'⁷. This highlighted that local access to safe natural green space can help individuals sustain levels of physical activity which ultimately benefits their physical and mental health.

In 2007, again for RSPB, Dr Bird correlated the link between nature and mental health⁸. His 'Psycho - Physiological Stress Recovery Theory' suggested that simple views or exposure to nature can reduce stress and reduce blood pressure, muscle tension and pulse rate. Dr Bird concluded that 'contact with the natural environment may offer considerable mental health benefits and have a positive effect on communities. The natural environment has a quantifiable impact on health and provides a service in terms of maintaining and sustaining a healthy population.

The SPPS's RSOs and RSP must therefore have regard to the contribution the countryside makes to our health and well-being when considering new development.

Reduce, Reuse and Recycle – Government Targets

Strategic Planning Policy for development in the countryside should aim to have the effect of reducing new development in the countryside, thereby reducing impacts on the environment from habitat fragmentation, water pollution, transport carbon emissions and so on. To this end, sustainable development in the countryside must factor in Government targets for reductions in carbon emissions, both from transport and the production of new

⁶ [UK National Ecosystem Assessment \(UK NEA\)](#)

⁷ Bird, W. (2004) Can Green Space and Biodiversity Increase Levels of Physical Activity. Sandy. RSPB.

⁸ Bird, W. (2007) Natural Thinking. Sandy. RSPB



construction materials. Concentrating rural housing growth⁹ around existing public transport and utility infrastructure, and re-using or restoring existing buildings would help combat these issues.

A Land Strategy for Northern Ireland

The DOE should also refer to the report ‘Towards a Land Strategy for Northern Ireland’¹⁰ which presents proposals and recommendations, and aims to progress the planning, development and implementation of a Land Strategy for Northern Ireland by 2020. It sets out the following vision ‘for land and landscapes to be managed for the benefit of people’s wellbeing and prosperity, reflecting the views of communities, groups and individuals, striving for environmental excellence, and making best use of its multi-functionality’. While not designating land uses to particular sites, it does however seek to ensure that local and regional public policy and decision-making contribute to the strategic needs of Northern Ireland.

For further information contact:

Michelle Hill MRTPI, Senior Conservation Officer (Planning)

RSPB Northern Ireland

Northern Ireland Headquarters

Belvoir Park Forest, Belfast, BT8 7QT

E-mail:



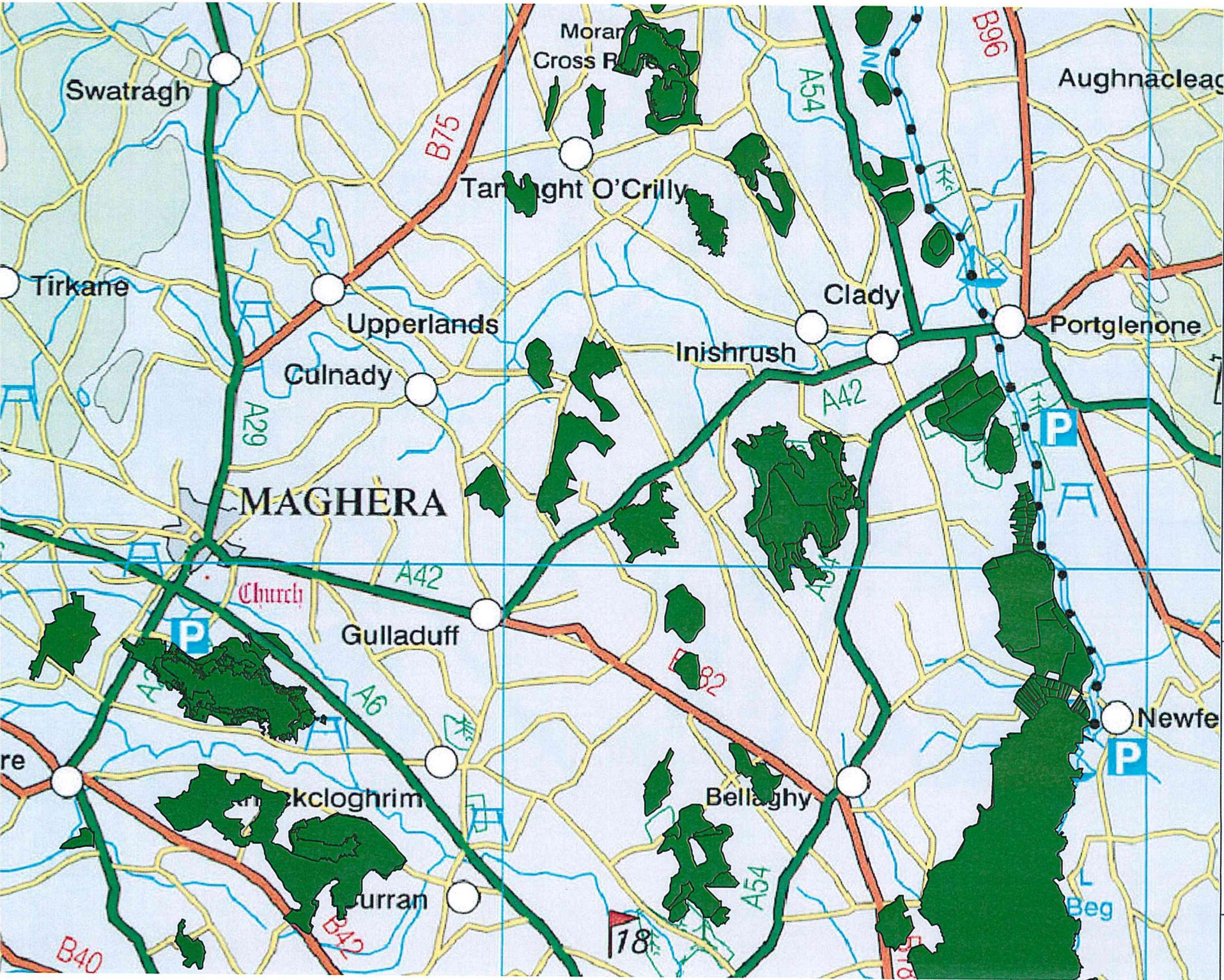
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⁹ Based on a need assessment

¹⁰ http://www.nienvironmentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI_2015-Main-Report.pdf

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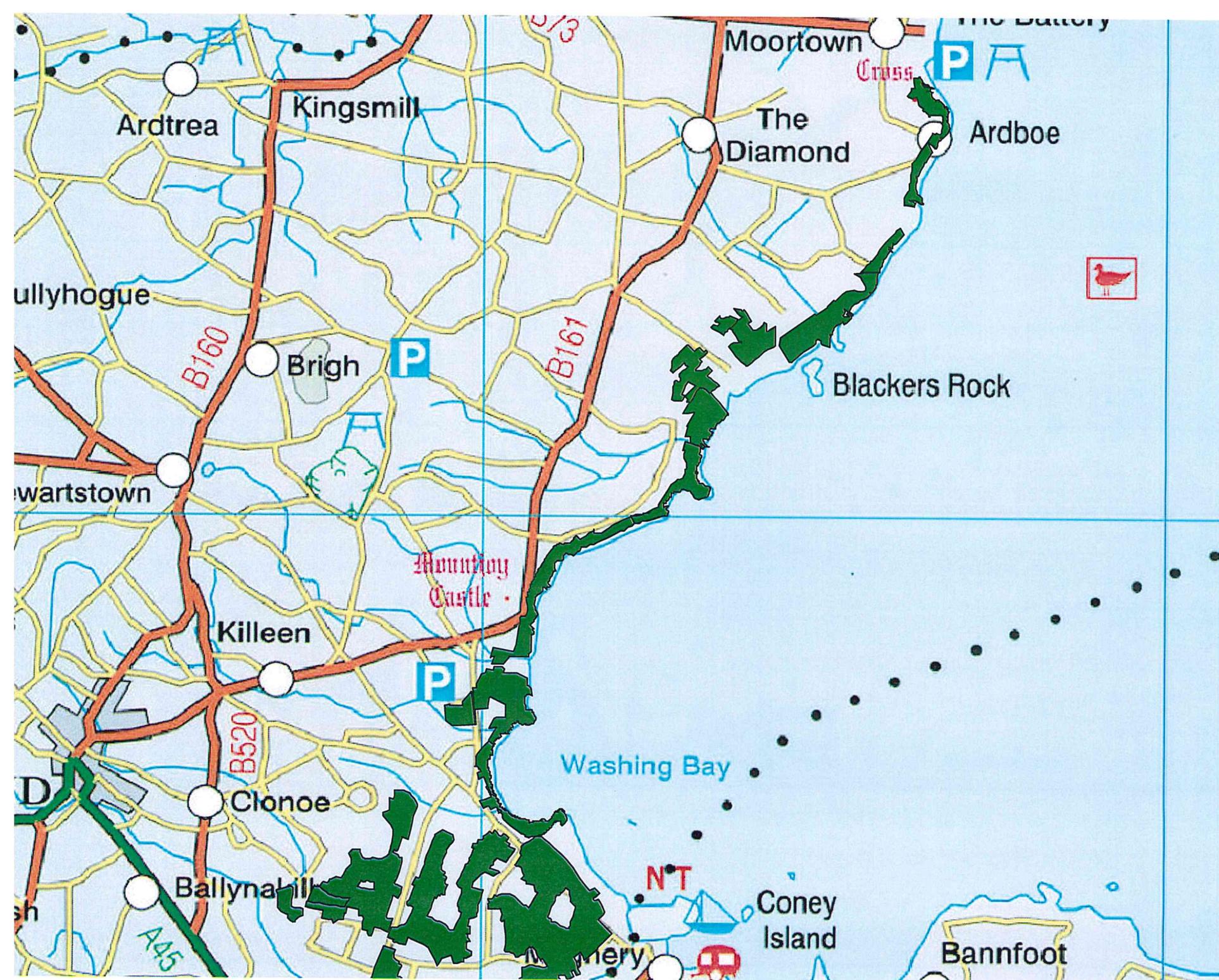


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