



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

MID ULSTER

Renewable Energy – Policy Review

April 2016

Renewable Energy

Purpose: To provide members with an opportunity to consider existing planning policies as they pertain to Renewable energy and to consider the need for alternative policies in light of the forthcoming Local Development Plan.

Content: The paper provides information on:

- (i) The legislative requirements for renewable energy and existing planning policies**
- (ii) Mid Ulster District Council (MUDC) objectives for renewable energy and the linkages between the MUDC objectives for future growth and the Sustainability Appraisal, Regional planning policy and Strategic Planning Policy Statement objectives**
- (iii) Consider existing policies and consider preferred and alternative policy options for renewable energy within the Local Development Plan**

Recommendation: That the Planning Committee notes the findings and considers how this paper shall be used to inform the Preferred Options Paper (POP) and strategic policies in the Local Development Plan (LDP)

1.0 Introduction

1.1 The purpose of this paper is to inform the Planning Committee of current planning policies associated with renewable energy and assess whether or not they are fit for purpose against the Council's objective to provide and encourage the use of energy both as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable lighting and heating for the population and whether the current policies need to be tailored to meet local circumstances through the new Local Development Plan (LDP).

1.2 This paper contains an assessment of how existing planning policies relevant to renewable energy take account of the Regional Development Strategy 2035 (RDS 2035), the Strategic Planning Policy Statement (SPPS), Sustainability Appraisal themes and the MUDC renewable energy objectives through the proposed LDP objectives.

2.0 Context

- 2.1** Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and is a significant provider of jobs and investment across the region. The European Commission's Renewable Energy Directive (2009/28/EC) establishes overall policy for the production and promotion of energy from renewable sources in the EU and specifies national renewable energy targets for each country. The Strategic Energy Framework (DETI 2010) states that Northern Ireland will seek to achieve 40% of electricity consumption from renewable sources by 2020. In line with this, the Northern Ireland Executive in their programme for Government, set a target that by 2015, 20% of all electricity will be generated from renewable sources.
- 2.2** Renewable energy reduces our dependence on imported fossil fuels and brings diversity and security of supply to our energy infrastructure. It also helps Northern Ireland achieve its targets for reducing carbon emissions and reduces environmental damage such as that caused by acid rain. Renewable energy technologies support the wider Northern Ireland economy and also offer new opportunities for additional investment and employment, as well as benefitting our health and well-being, and our quality of life.
- 2.3** The main sources of renewable energy are wind, sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops such as for use in an Anaerobic Digester).

3.0 The Objectives

(a) Regional Development Strategy 2035 (RDS)

- 3.1** The RDS provides an overarching strategic planning framework to facilitate and guide the public and private sectors. It addresses economic, social and environmental issues aimed at achieving sustainable development and social cohesion.
- 3.2** The RDS acknowledges that Northern Ireland needs a robust and sustainable energy infrastructure that should deliver reliable and secure sources of energy to communities and businesses across the Region. It states that new generation or distribution infrastructure must be carefully planned and assessed to avoid adverse environmental effects, particularly on or near protected sites.
- 3.3** Regional Guidance (RG) contained within the RDS is presented under the 3 sustainable development themes of Economy, Society and Environment. There are 12 strands of regional guidance listed. It is considered that the Renewable Energy topic sits within the following 3 of strands of Regional Guidance;

RG 5 Deliver a sustainable and secure energy supply. (Economy).

RG10 Manage our waste sustainably. (Environment)

RG11 Conserve, protect and, where possible, enhance our built heritage and our natural environment (Environment).

(b) Strategic Planning Policy Statement (SPPS)

- 3.4** The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. It was formally adopted in September 2015 and is judged to be in general conformity with the RDS.
- 3.5** Sustainable development is at the heart of the SPPS and the planning system in general. A central challenge in furthering sustainable development is mitigating and adapting to climate change, whilst improving air quality. This includes the need to reduce emissions of greenhouse gases (that contribute to climate change) and to respond to the impacts brought about by climate change. A key pledge of the executive is to 'continue to work towards a reduction of greenhouse gas emissions by at least 35% on 1990 levels by 2025'.
- 3.6** The planning system can help mitigate and adapt to climate change by promoting the use of energy efficient, micro generating and centralised renewable energy systems and requiring the siting design and layout of all new development to limit likely greenhouse gas emissions and minimise resource and energy requirements.
- 3.7** The SPPS suggests several ways that the Planning system can help to mitigate and adapt to climate change. This includes;
- Requiring the siting, design and layout of all new development to limit likely greenhouse gas emissions and minimise resource and energy requirements
 - Making use of opportunities for energy and power sharing, or for decentralised or low carbon sources of heat and power wherever possible.
 - Promoting use of energy efficient, micro-generating and decentralised renewable energy systems.

Renewable energy policies can therefore play a major role in mitigating and adapting to climate change.

- 3.8** The SPPS contains 3 regional strategic objectives for the Renewable Energy subject policy. These 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.

3.9 It should be noted that the DOE is currently undertaking a review of the regional strategic planning policy for renewable energy contained within the SPPS. During the consultation on the draft SPPS, a significant number of representations were received on renewable energy planning policy from the public and elected representatives. As a result of issues raised through this consultation, and through the Environment Committee's Wind Energy Inquiry, the Minister for the Environment, Mark H Durkan, committed to undertake a review of renewable energy policy following publication of the SPPS in final form. This process has now begun following the 'Call for evidence' issued by the Minister on 07/03/2016. Further details on existing SPPS Renewable Energy strategic policy can be found in Appendix Two.

(c) Mid Ulster Council

3.10 Position Paper One Population and Growth¹ presents a potential growth strategy to generate ideas on how planning can best meet the needs of the growing Mid Ulster community and the different groups therein. It outlines how an LDP can assist in addressing identified issues by complementing the community plan and formulating policy and proposals for the area with the aim of truly achieving sustainable development.

3.11 Accordingly, it identified a number of needs and policy goals that will assist in formulating the aim and objectives of the future LDP. Although there is no specific objective related to the 'renewable' energy topic, it is considered that the following objectives are relevant in terms of renewable energy policy;

- The need to provide and encourage use of energy both as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable lighting and heating for the population.
- The need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and wellbeing.
- The need to accommodate investment in power, (water and sewerage infrastructure, and waste management particularly) in the interests of public health.

3.12 The Renewable Energy topic and its implications for land use within Mid Ulster has been discussed in Position Paper 6 Public Utilities (May 2015). As part of that

¹ Position Paper One Population and Growth, September 2014, Mid Ulster

Paper various options were put forward in relation to wind energy development and biomass development in particular. These issues will be explored in further detail as part of this policy review.

(d) Sustainability Appraisal (SA) Objective

3.13 MUDC has a statutory requirement in the formulation of its LDP, to further sustainable development by ensuring that it is subject to a Sustainability Appraisal incorporating a Strategic Environmental Assessment (SA/SEA).

3.14 An SA/SEA is an appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development. It performs a key role in providing a sound evidence base for the plan which will play an important part in demonstrating if a development plan document is sound.

3.15 In developing the Sustainability Appraisal² framework a list of 22 sustainability objectives have been drafted. It is considered that these objectives can provide a methodological yardstick against which the likely significant social, economic and environmental effects of the evolving Mid Ulster Plan can be tested. Those SA objectives which are considered particularly relevant to the renewable energy topic are listed below;

- To reduce contributions to climate change and reduce vulnerability to climate change.
- To improve air quality;
- To minimise the production of waste and use of non-renewables.
- To protect and enhance the character and quality of landscapes and townscapes.
- To protect, conserve and, where appropriate, enhance the historic environment and cultural assets.
- To encourage sustainable economic growth.
- To offer everybody the opportunity for rewarding and satisfying employment
- To improve health and well-being of the population.

3.16 In order to achieve these objectives it is considered that future renewable energy planning policies should aim to;

- Increase the proportion of energy needs being met from renewable resources.
- Reduce emission of greenhouse gases by reducing energy consumption.
- Facilitate reduction in key pollutants the improvement in air quality.
- Reduce the consumption of materials and resources.
- Increase waste recovery and recycling and improve facilities.
- Minimise visual intrusion and protect views.
- Protect listed buildings, and other sites features and areas of historical and cultural value.
- Improve business development, enhance productivity, reduce short term and long term employment and encourage inward investment.

² Appendix II Mid Ulster Sustainability Assessment Incorporating Strategic Environmental Assessment June 2015

(e) Mid Ulster Community Plan

3.17 Section 66 (6) of the Local Government Act (NI) 2014 requires that; *'...in the discharge of its duties under subsection (1) a council must where appropriate have regard to its plan strategy and its local policies plan under sections 8 and 9 of the Planning Act (NI) 2011.* Subsection (1) states that the Council must initiate, maintain, facilitate and participate in community planning for its district.

3.18 Under Section 77 (2), the Local Government Act (NI) also amends The Planning Act (NI) 2011 (as amended) to include the councils Community Plan as one of the 'matters which a council must take account of when preparing a plan strategy' once it is published. This is in addition to the RDS, SPPS and any other policy or advice contained in guidance issued by the Department. In other words, the Local Development Plan must have regard to the Community Plan and vice versa. Full public consultation on the draft Community Plan is due to commence in the summer of 2016.

4.0 Renewable Energy Workshop

4.1 In considering and assessing the policy approach to be taken in Mid Ulster in relation to renewable energy a workshop was held with members and council officers to explore the current planning policy within Planning Policy Statement 18 (PPS18) Renewable Energy and discuss where it may need to be tailored to meet local circumstances.

4.2 There also broad agreement by members that the majority of issues covered by existing policy PPS 18 remain necessary for the management of renewable energy development in our district. However, several concerns were raised, including;

1. Wind Energy in Sensitive landscapes.
2. Wind Energy and residential amenity.
3. Anaerobic Digestion Facilities and residential amenity.

4.3 There was broad agreement that certain landscapes within the district deserved added protection. The potential impact of wind energy development on sensitive landscapes such as the western Lough Neagh shores (RAMSAR and European Designated site) and at Beaghmore Stone Circle, an Area of Significant Archaeological Interest (ASAI), was discussed.

4.4 Policy RE1 was discussed and some concerns were raised regarding the development of anaerobic digestion facilities and whether they really are renewable where people are growing crops to feed them. There was a general consensus amongst the group that points (a)-(e) were necessary although some felt the policy was too permissive. One approach discussed was the idea of splitting the policy in such a way that it would be worded in a more permissive way for passive technology but in the negative for AD. In particular there was discussion on the source of material for AD and the locational requirements of the

policy and how this is measured. There was consensus that this point needed consideration and inclusion in any new policy.

- 4.5 There was also general consensus that the aspect of the policy relating to damage during installation, operation and decommissioning should remain and the need for restoration plans was also important.
- 4.6 The workshop were informed that one of the main policy change between the SPPS and PPS 18 is the replacement of the word '*significant*' with '*appropriate*' in terms of the weight that should be given to how wider environmental, economic and social benefits are assessed. This change was broadly welcomed by members and should be reflected in new operational policy contained within the new Mid Ulster Local Development Plan. With specific regard to wind energy there was broad agreement that point (i)-(vii) within the current policy are necessary. There was discussion on cumulative considerations and the number of single turbines already approved and how close NI is to meeting its renewable targets. It was clear from the discussion that the number of single turbines already built is of concern to some, particularly where they are located in sensitive landscapes.
- 4.7 The discussion then moved on to wind farm development and whether the separation distance within Policy RE1 for wind farms should be applied to all wind development. Consultation in the south of Ireland on a similar issue was considered. There was broad agreement that in order to protect amenity in terms of dominance and overbearing impacts etc. as well as addressing noise that the standard 500m set back distance should apply to single turbines that are commercial. Some felt that the policy needed to be clear on what commercial means and it was felt that NIE guidance on this would assist. Some suggested that those linked to the grid could be considered commercial. Overall it was felt that the approach should indeed be widened to single turbines.
- 4.8 With regard to Policy RE2, which deals with passive solar design and integrated renewable energy technology, there was general consensus by members that the policy was acceptable in its current form.

5.0 Key Differences between current policy PPS 18 and the SPPS.

- 5.1 From the outset, is important to highlight the key differences between existing policy and that espoused in the recently published SPPS. It can be seen that the general thrust of the aim, objectives and policy approach as set out in PPS 18 has been retained within the SPPS.
- 5.2 In the SPPS the Renewable Energy Subject Policy is set out with reference to Regional Strategic Objectives, Regional Strategic Policy and its Implementation. As with PPS 18, the SPPS aims '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' with the additional requirement '*without compromising other environmental assets of acknowledged importance.*'

5.3 PPS 18, sets out planning policy for development that generates energy from renewable resources and requires the submission of a planning application. In addition, the PPS 18 encourages the integration of renewable energy technology and greater application of the principles of Passive Solar Design in the design, siting and layout of new development.

5.4 The renewable energy objectives of the SPPS, listed above under paragraph 3.8 are the same as those contained within PPS 18. The main policy change between the two documents is the replacement of the word '*significant*' with '*appropriate*' in terms of the weight that should be given to how wider environmental, economic and social benefits are assessed in any given planning application

6.0 Consideration and Assessment of Planning Policy Statement (PPS) 18- Renewable Energy.

6.1 The purpose of this section is to;

- Assess the effectiveness of current policy PPS18 Renewable Energy,
- Assess whether or not PPS 18 accords regional strategic objectives laid down under the Renewable Energy topic in SPPS.

6.2 Assessment

In reviewing existing policy PPS 18 to see if it remains fit for purpose in the context of SPPS it is considered that the following questions are pertinent;

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| <p>1. Has PPS 18 facilitated NI in achieving its renewable energy targets?</p> <p>2. Have the benefits of renewable energy been realised without compromising environmental assets of acknowledged importance?</p> |
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6.3 Information gleaned from DOE Renewable Energy stats show that the number of planning applications submitted, and planning approvals granted, for renewable energy development have been on the increase since the introduction of PPS 18 Renewable Energy in August 2009, peaking in 2012(See figure 1 below).

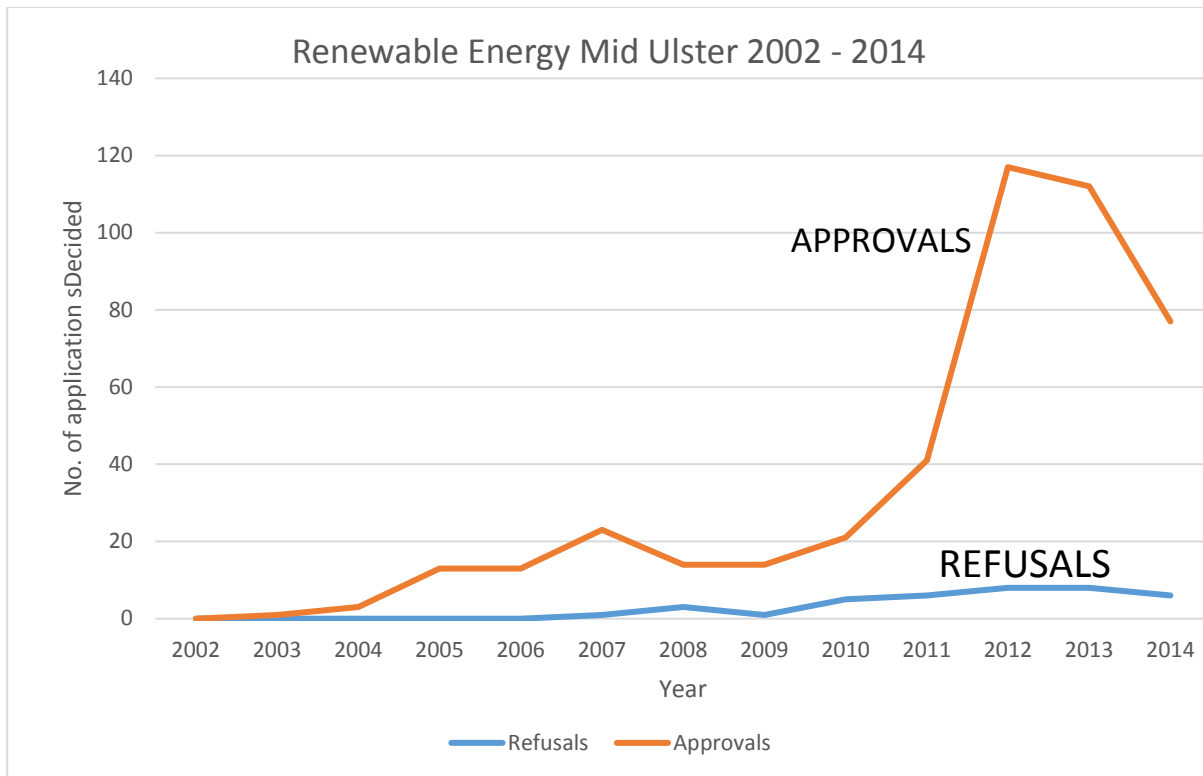


Figure 1 Source:DOE Stats

6.4 Under PPS 18, Northern Ireland has met the Programme for Government target to “Encourage achievement of 20% of electricity consumption from renewable sources by 2015” and is on course to meet the Executive’s Strategic Energy Framework target to achieve 40% of electricity consumption from renewable sources by 2020.

6.5 The latest annual DETI report on performance against these targets shows that for the 12 month period January 2015 to December 2015, 25.4% of total electricity consumption in Northern Ireland was generated from renewable sources located in Northern Ireland. This represents an increase of 6.4 percentage points on the previous 12 month period (January 2014 to December 2014). In December 2015 alone, 38.2% of total electricity consumption in Northern Ireland was generated from renewable sources.

6.6 Although it is acknowledged that the Northern Ireland Renewables Obligation is the main policy mechanism for promoting the generation of electricity from renewable sources, it can also be concluded with some degree of certainty that PPS 18 Renewable energy has performed its role in facilitating renewable energy targets being met.

7.0 Wind energy development

7.1 Unsurprisingly, the main source of renewable energy in Northern Ireland and Mid Ulster is from wind. In 2015, 91% of renewable electricity generated in Northern Ireland came from wind energy. The pie graph below (Figure 1) illustrates the

breakdown in the types of renewable applications received and processed within the Mid Ulster area over a four year period 2010-2014.

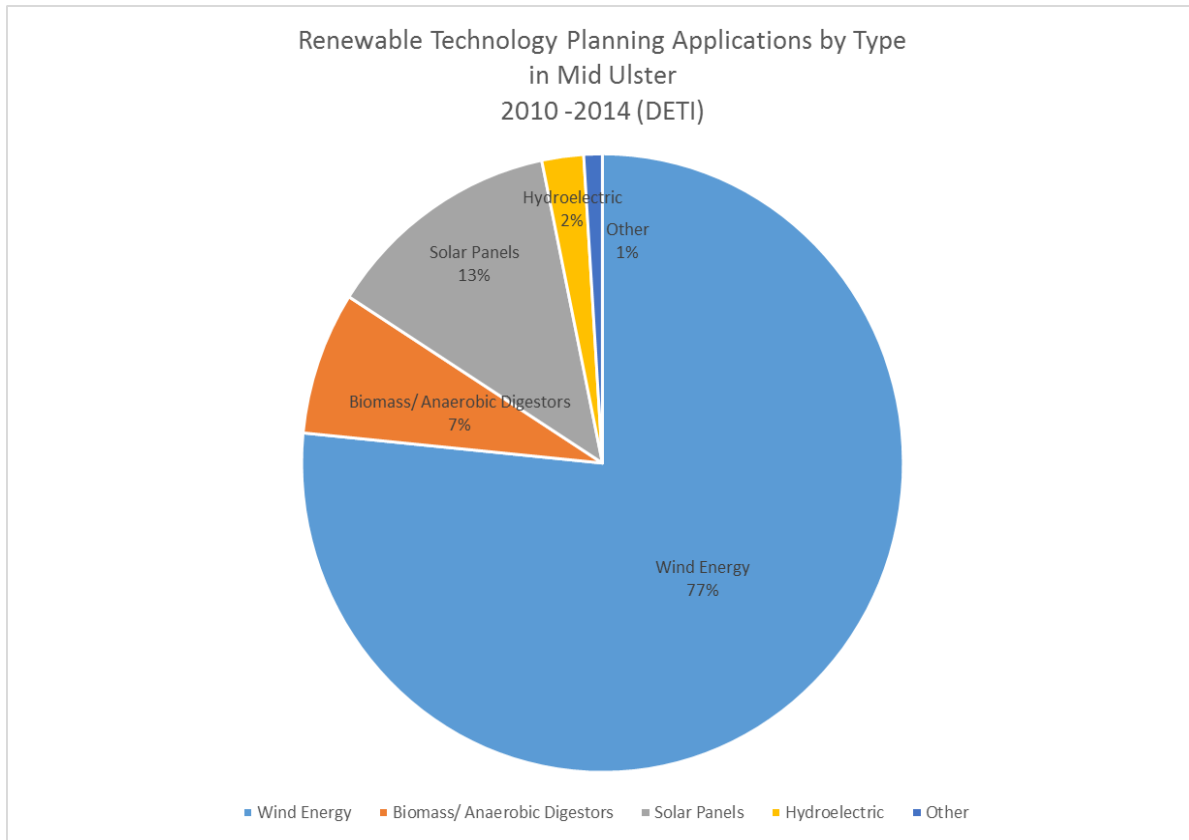


Figure 1 Source: DETI

- 7.2** Given its nature, and its overall contribution to renewable energy generation, wind energy development has the greatest potential for creating adverse impacts on our built, natural and landscape heritage.
- 7.3** The full extent of the built, natural and landscape assets of Mid Ulster Council have been captured as part of the MUDC Environmental Assets Paper (July 2015). The Mid Ulster Landscape Assessment (August 2015) identified those landscapes within our district which are particularly vulnerable to change, including areas such as the Sperrins AONB, Areas of High Scenic Value at Slieve Gallion and West lough Neagh Shores and Areas of High Scenic quality as identified in the NILCA 2000.
- 7.4** The Mid Ulster Development Pressure Analysis (September 2015) focused on the impact of completed and approved wind energy development since the introduction of PPS 18 in August 2009 (See Appendix 3). This assessment looked at the cumulative impact of wind energy development and sought to identify areas within the district where significant development pressure may have occurred and/or where local rural character was under threat of significant change. It also looked at pressures in the context of the environmental designations and landscape character of the district.

- 7.5** It concluded that there was little evidence of significant pressure across the district from wind energy development. Perhaps more importantly, it concluded that there was little evidence that current development pressures are causing undue harm to our most vulnerable landscapes. The findings of this report support the view that PPS18 has been generally effective in facilitating renewable energy development within Mid Ulster without significant detriment to our most sensitive landscapes.
- 7.6** Notwithstanding, the Landscape Assessment does acknowledge that individual wind turbines, (and other high structures) retain the potential to cause demonstrable harm to vulnerable landscapes as stand-alone development. In recognition of this potential damage, it recommends a bespoke policy for the following areas ;
- The Lough Neagh Fringes – for all types of development.
 - The High Sperrins – in respect of high structures only e.g. wind turbines, and telecommunication masts.
 - The escarpments and prominent ridges overlooking Clogher Valley – in respect of high structures only e.g. wind turbines, and telecommunication masts.
- 7.7** When assessing development proposals for renewable energy development, PPS 18 is read in conjunction with the relevant development plans, other planning policy publications, and supplementary planning guidance documents such as ‘Wind Energy Development in Northern Ireland’s Landscapes’ and PPS 18 Best Practice Guidance’.
- 7.8** PPS 2 Natural Heritage, which sets set out the existing planning policies for the protection, conservation and enhancement of our natural heritage, and PPS 6 Historical Built Environment, which sets out policies for the protection and conservation of archaeological remains and features of built heritage, are of particularly relevance. Policies contained within these documents are supported by relevant environmental policies contained within the Magherafelt Plan 2015, The Cookstown Plan 2010 and the Dungannon and South Tyrone Area Plan 2010.
- 7.9** A recent review of PPS 2 concluded that it has been generally effective in protecting and conserving our built heritage. It also suggests that, with some minor adjustments, it can remain fit for purpose in the context of the RDS, SPPS, and key objectives of the Mid Ulster Council and Sustainability Appraisal. The strength of PPS 2, has been tested through the planning appeals process. In particular, there has been some success with regard to wind turbine appeals, including;
- **Joint appeals 2013/A0155 & 2013/A0156** for single wind turbines located within the Sperrins AONB. Both were dismissed due to the lack of information on peat slide risk which would have affected Owenkillew SAC and also due to the lack of information in relation to impact on bats, a European protected species. It is worth noting that both proposals were also deemed contrary to Policy RE 1 criterion (b) of PPS 18 due to the unacceptable adverse visual impact they would have on the landscape and character of the surrounding AONB.

- **Appeal 2014/A0215** for a single wind turbine was dismissed as it was not clearly demonstrated what impact would be caused on to both bats and on a local priority habitat.
- **Appeal 2012/A0186** for 11 wind Turbines, accompanied with an Environmental Statement, was also deemed contrary to policies contained within PPS 2. The appeal failed due to the absence of clearly demonstrated mitigation and/or compensatory measures as the development would have an unacceptable adverse impact on biodiversity and nature conservation. Although significant weight was given to the wider economic, social and environmental benefits of the proposal, this did not outweigh the concerns on natural heritage grounds which were considered determining.
- **Appeal 2013/A0242** for a single wind turbine was dismissed due to the impact of the proposal would have on priority habitat. Similar to appeal 2012/A0186, the identified wider environmental, social, and economic benefits of the development did not override the appellant's failure to adequately address its environmental impacts.

7.10 Whilst it is acknowledged that PPS 2 has been effective to date, the policy review makes several recommendations for change. For example, given the high sensitivity of certain internationally designated areas such as Lough Neagh and Lough Beg, there is concern that that these areas are particularly at risk from inappropriate development. To ensure the integrity of such designated sites are not adversely affected, the introduction of Special Countryside Area has been recommended. This designation would effectively impose a restriction on all types of new development, including renewable energy development.

7.11 The review also recommends the introduction of an 'Area of Constraint' for high structures within the Sperrins AONB, given its distinctive special character and the quality of its landscape heritage and wildlife.

7.12. Similar to PPS2, a review of PPS 6 suggests that it can remain fit for purpose in the context of the recently published SPPS, albeit with some minor amendments and simplifications. One key recommendation of the review is to introduce specific 'Area of constraint' within Areas of Significant Archaeological Interest (ASAI'S). It is considered that this policy is needed to further protect and conserve ASAI's and their settings from inappropriate development, such as wind turbines, that would otherwise detrimentally impact on the value of statutorily protected assets.

7.13 The overall findings and recommendations of the PPS 2 and PPS 6 policy reviews support the view that PPS 18 has been generally effective in facilitating development without compromising environmental assets. It is also noted however that, similar to the Landscape Assessment and Development Pressure Analysis, there is an identified need to withstand wind energy development in certain sensitive landscapes within the district. This restriction would go beyond the 'cautious approach' currently applied to all areas of designated significant value. The inherent characteristics i.e. landscape, natural, built, cultural features of areas such as the Lough Neagh Fringes, the High Sperrins, the Clogher Valley

escarpments and ASAI's e.g. Beaghmore, is such that singular wind turbines, and other high structures, have the potential to give rise to negative effects.

7.14 These concerns were raised at the renewable energy workshop where there was broad agreement from members that a more restrictive policy in terms of wind turbines would be welcomed in these specific areas. The basis and rationale for identifying the extent and scope of these areas would require further detailed consideration, consultation and site surveying. This approach is explored as a potential policy option in the paragraphs below.

8.0 Policy Options for Renewable Energy

8.1 Councils are expected under the Strategic Planning Policy Statement (SPPS), to bring forward a strategy for development of renewable energy which reflects the aim, objectives and policy approach of the SPPS tailored to the specific circumstances of the plan area.

8.2 Having evaluated the information available in respect of renewable energy, and following feedback from the renewable workshop, it is considered that Mid Ulster has two potential policy approaches for dealing with renewable energy development;

Option 1: Adopt a policy approach that is in line with existing planning policy contained within Planning Policy Statement 18 (PPS 18) Renewable Energy and the Best Practice Guidance to PPS18.

Option 2: Adopt a planning policy approach that recognises the value of renewable energy development but provides policy which gives greater weight to environmentally sensitive areas, affords greater protection to neighbouring amenity and has greater regard for the tourism industry. This would essentially result in a stricter policy approach to the existing policy contained within PPS18 but would involve a simplification of the wording where possible to remove those considerations that are material to all development proposals.

8.3 It has been acknowledged above how PPS 18 continues to be effective in the context of SPPS in terms of facilitating development without compromising environmental assets and at the same time helps renewable energy targets being received. The opportunity exists however to consolidate and improve existing policy so that is tailored to the needs of Mid Ulster in relation to environmentally sensitive areas and also issues regarding amenity as discussed at the recent workshop. It is therefore considered Option 2 is the preferred approach for the new LDP. This is explored in more detail in the preceding sections.

9.0 Policy RE 1 Renewable Energy Development.

9.1 Existing Policy RE 1 consists of two parts. Firstly, it provides operational policy for all types of renewable energy development whilst the second part specifically addresses wind energy development only. Given the nature of wind energy development, it is considered that this two tiered approach, whereby additional

criteria apply to wind energy development, should be retained in the forthcoming LDP.

- 9.2** Policy RE 1 begins by stating '*Development that generates energy from renewable resources **will be permitted** provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on...*' followed by 5 criteria listed (a) to (e). The context for the permissive wording of renewable energy policy can be found in the international and national commitments that exist in relation to both greenhouse gas emissions and renewable energy. It is widely accepted that the increased development of renewable energy resources is vital to facilitating the delivery of these commitments. It is therefore considered necessary to retain this permissive policy wording.
- 9.3** Concerns were raised at the renewable energy workshop as to the potential negative effects created by Anaerobic Digestion (AD) plants and how this type of development sits within a permissively worded policy. It was suggested that AD development is distinct from other renewable types of renewable development such as solar, wind or water (hydropower) given its associated infrastructure, specific processing activities and potential for traffic generation. As such, it may require a more restrictive policy wording, particularly in terms of locational requirements and how this is measured.
- 9.4** It is important to note that, unlike other renewable technologies, AD proposals, and biomass developments generally, are regarded as waste treatment facilities. As such, they also fall under the provisions of PPS 11 'Planning and Waste Management' and the waste management subject policy of the SPPS. These documents place additional requirements on AD Plants in relation to locational criteria/proximity principle as well as consideration of environmental/visual/amenity impacts. It is considered that this additional policy requirement provides adequate safeguards to ensure that adverse impacts from such development are kept to a minimum.
- 9.5** Furthermore, given the importance of renewable energy development to achieving the NI Strategic Energy Framework target, a more restrictive approach to AD development and Biomass Development generally may conflict with regional guidance. Along with generating renewable energy, AD plants, also contribute to government targets on greenhouse gas emissions as well as providing a beneficial means of dealing with biomass wastes that would otherwise go to landfill.
- 9.6** Notwithstanding, it is considered that the production of additional supplementary guidance specific to anaerobic digestion would be beneficial to all stakeholders including the developers, planning officers, members, applicants and the general public. This advice would be read in conjunction with existing operational policy and would be a material consideration in all AD applications. There already exists draft guidance on this specific issue and it is considered that it could form the basis of guidance for the new LDP on this issue.
- 9.7** The second paragraph of policy RE 1, which is particularly relevant to biomass development, states the following;

‘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’.

- 9.8** Although this paragraph seeks to deal with the issue of locational requirements for Combined Heat and Power Schemes or Biomass Heating Plants, recent experience has shown that it has the potential to create confusion for all stakeholders involved. It is also noted that that this wording has been avoided entirely in the new SPPS. It is considered however, that clarification on this locational issue can be found elsewhere within the SPPS under both the renewable energy and waste subject policies.
- 9.9** Firstly, paragraph 6.308 of the SPPS , which relates to the waste management topic subject policy, emphasises the need to treat and/or dispose of wastes in reasonable proximity to their point of generation in order to minimise the environmental impact and cost of waste transport. Paragraph 6.313 repeats locational criteria found in PPS 11 Waste Management, including being located in area appropriate to the development; bringing previously developed land, derelict or contaminated land back into productive use, avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area.
- 9.10** Under the renewable energy topic, paragraph 6.225 of the SPPS clarifies that ‘appropriate’ weight should be given to how environmental, social and economic considerations are assessed in all renewable energy applications. What this means is that all renewable energy proposals, including AD/Biomass development, should be supported, unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development. As this direction provides sufficient clarification for renewable energy development, the second paragraph of existing policy RE 1 would be considered unnecessary. This part of the policy can therefore be removed to provide a more simplified approach.
- 9.11** The forthcoming Plan Strategy will contain general criteria against which all proposals will be determined against. It is noted that the 5 criteria that currently need to be met under policy RE 1 could apply to almost any type of development. These are listed as follows;
- (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.
- 9.12** The above issues can be addressed elsewhere in the Plan Strategy under General Criteria for all Development and/or specific policies pertaining to, for example, nature conservation or built heritage interests. It would not be necessary to repeat this criteria under operational policy for renewable energy developments. Removing this element of the current policy RE 1 will therefore avoid unnecessary repetition.

Wind Energy Development

- 10.0** One of the main issues of concern relating to proposals for wind energy developments is the proximity of single wind turbines to dwellings and their associated amenity issues. Current policy, and the SPPS states that ‘ *for **wind farm** development a separation distance of ten times the rotor diameter to an occupied property, with a minimum distance of not less than 500 metres, will generally apply*’.
- 10.1** Currently, the acceptable separation distance for a **single** wind turbine is largely determined by an assessment of the noise and the visual impact, and this will clearly vary on an individual case-by-case basis. The issue of dominance is also a consideration. The landscape impact will depend on topography and landscape context; noise will depend on the turbine details and the ambient noise level; shadow flicker will depend on orientation; and visual impact will depend on topography and any intervening features. Due to the many variables it is difficult to arrive at “one-size-fits-all” fixed distance policy for single wind turbines.
- 10.2** There was general consensus at the renewable workshop however, that applying a 500 metre set back distance to single commercial wind turbines would help address amenity issues such as noise and dominance while at the same time provide greater certainty for all stakeholders involved. It may be argued that this approach may be too restrictive in cases where no amenity issues have been identified for those living within the 500 metres setback distance.
- 10.3** An additional option would therefore be to have some built-in flexibility whereby the existing wind farm criteria is applied to all wind energy development unless the owner(s) of the relevant properties within the stipulated 500m set back distance are supportive of the development. Under these circumstances the owner(s) of the property or properties would have to provide written confirmation (to the satisfaction of Mid Ulster Council) that they are content for the turbine to be less than the minimum 500m setback. For the purposes of this paper, ‘Commercial’ turbines is defined as those where power generated is exported to the national grid.
- 10.4** The Landscape Assessment, Development Pressure Analysis, PPS 2 and PPS6 policy reviews have all highlighted the need to address the landscape and visual impacts of wind energy and high structures in certain sensitive landscapes. This would involve the introduction of a more a more restrictive policy for wind energy development such as an ‘Area of Constraint’. The landscape assessment also refers to the possibility of designating a Special Countryside Area along the Lough Neagh Fringes wherein development will only permitted in exceptional circumstances. Although, these policy designations would be brought forward as part of the overall review of countryside policies, they would also be referenced as part of the overall criteria for wind energy development. It is also considered that the current policy within PPS18 is ambiguous in relation to the approach to wind farm development in AONB’s and indeed may sit at odds with the SPPS which suggests a cautious approach in AONB’s and by tailoring an approach to suit Mid Ulster this can address the issues specific to this district.

- 10.5** Some may argue that the introduction of a more restrictive policy, as suggested above may compromise NI's ability to realise renewable energy targets. However, given the extent of the areas concerned, and the recent rate of approvals for wind energy development therein (See MAP Appendix 3) it is unlikely that a more restrictive policy in these specific areas would significantly hinder progress made to date. This approach recognises the value of wind energy development within the district while at the same time giving adequate protection to its identified environmentally sensitive areas.
- 10.6** Existing policy RE 1 deals with the potential impact of wind energy development on active peatland by way of the following statement '*Any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.*' As this issue will be addressed under the General Principles of the LDP and Natural Heritage Policy its inclusion under the individual renewable energy policy would be considered unnecessary.
- 10.7** The policy review on PPS 2 Natural Heritage advises that active peatland only occurs in the priority habitats of blanket bog and raised Bog and these are currently protected under existing policy NH 5 'Habitats, Species or Features of Natural Heritage Importance' of PPS Natural Heritage and paragraph 6.192 of the SPPS. Furthermore, the precautionary principle contained within this statement is fundamental to the formulation of all policies and plans and in determining planning applications. Paragraph 3.9 of the SPPS states 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.*' It is suggested that this paragraph is removed from future policies on wind energy development to avoid unnecessary repetition.

11.0 Other types of renewable technology

- 11.1** Active solar photovoltaic (PV) technologies generates electricity from daylight. The most common form of device is a solar panel or module typically 0.5 to 1m² in size, dark in colour and having low reflective properties. Although roof mounted is most common, modules can be mounted on sides of buildings, or on free standing support structures on the ground. A number of modules are usually connected together in an array to produce the required output, which can vary from a few square metres to several hundred square metres. In most cases involving dwelling houses, providing the building is not listed or in a conservation area and the installation complies with the relevant constraints, PV will be 'permitted development' and a planning application will not be required. To date, operational planning policy regarding solar power has not raised any particular key issues.
- 11.2** Water flowing from a higher to a lower level drives a turbine which produces mechanical energy. This mechanical energy is usually turned into electrical energy by a generator. There are no large scale hydroelectric schemes in the Mid Ulster District. Hydro developments anticipated will generally small in scale and subject to design, ecological and fisheries considerations being carefully assessed this type of renewable energy development is unlikely to cause significant concern.

11.3 Ground source heat pumps operate by circulating water (or another fluid) through pipes buried in the ground. The water temperature in the pipes is lower than the surrounding ground and so it warms up slightly. This low grade heat is transferred to a heat pump, which raises the temperature to around 50°C. Water source heat pumps operate in a similar way, with the pipes being submerged in water. Air source heat pumps extract heat in the air and use a fan to draw air over coils that extract energy. Air-source heat pumps can be located in the roof space or on the side of a building. They are similar in appearance to air conditioning boxes. To date, existing operational policy has not raised any significant issues with these types of renewable energy developments subject to careful planning consideration including archaeological implications.

12.0 Preferred Option 2 Policy Wording

12.1 It is considered that the policy approach of Option 2 could be worded along the following lines:

All Renewable Energy Development

Proposals for development that generate energy from renewable resources including wind, sun (solar energy), moving water (hydropower), heat extracted from air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops such as for use in an Anaerobic digester) shall accord with the Plan.

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.

Where any project would result in unavoidable damage during its installation, operation or decommissioning, the application shall demonstrate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted.

In relation to developments such as wind farms and solar farms, applicants will be required to provide details on the decommissioning of structures remaining on the site beyond their operational life, including proposals for site restoration to an agreed standard appropriate to its location.

Any relevant supplementary regional guidance or practice notes should be taken into account in assessing renewable energy applications.

Wind Energy Development

Outside of 'Areas of Constraint on Wind Turbines and High Structures' wind energy development shall accord with the Plan providing it will not result in:

- (i) an unacceptable impact on visual amenity or landscape character;
- (ii) a detrimental cumulative impact, taking into account existing permissions and undetermined applications;
- (iii) the creation of a significant risk of landslide or bog burst;
- (iv) any part of the development giving rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- (v) an unacceptable impact on roads, rail or aviation safety;
- (vi) causing significant harm to the safety or amenity of any sensitive receptors(including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
- (vii) unacceptable adverse impacts on the operation of tourism or recreation interests.

A separation distance of 10 times rotor diameter to occupied property, with a minimum distance of not less than 500m, will generally apply to any wind turbine exceeding 15metres to hub height, unless it can be demonstrated to the satisfaction of Mid Ulster Council that the owners of properties within the stipulated separation distance are supportive of the development.

The supplementary planning guidance ‘Wind Energy Development in Northern Ireland’s Landscapes’ and/or any other subsequent guidance or practice notes should be taken into account in assessing all wind turbine proposals.

12.0 Policy RE 2 Passive Solar Design and Integrated Renewable Energy

12.1 Policy RE 2 ‘Integrated Renewable Energy and Passive Solar Design’ encourages the use of renewable energy technologies both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. This would mainly be through the installation of small scale renewable technologies (micro-generation), many of which currently benefit from permitted development rights.

12.2 Policy RE2 also encourages the application of passive solar design principles in new development, to help maximise energy gains. Passive Solar Design (PSD) is an environmentally benign approach to ensure that new buildings capture maximum light and heat from the sun whilst being positioned in the landform to act as a buffer against the worst of the elements. The importance of siting buildings to help reduce energy consumption was highlighted by members at the renewable energy workshop.

12.3 Although there was no opposition from members to the existing policy approach under PPS 18, the opportunity exists to move from what is a policy of encouragement to a policy of requirement. This would involve amending policy so that applicants are required to demonstrate that they have taken account of renewable energy technology (if not already permitted development) and Passive Solar Design (PSD) in the siting, layout and design of their development. This requirement could be restricted to certain types of development, such as large scale urban development projects or public sector development.

12.4 Options for Council in considering Integrated Renewable Energy and Passive Solar Design.

Having evaluated the information available in respect of Integrated Renewable Energy and Passive Solar Design and following feedback from the renewable workshop, it is considered that the options for the council are to;

1. Option 1: Adopt the existing policy approach whereby Integrated Renewable Energy and Passive Solar Design is encouraged in all development.
2. Option 2: Remove the existing policy from the Renewable Energy topic. Devise new policy, that accords with the SPPS, to be included under the list of General Policies that will be contained within the forthcoming plan.

12.5 Option 2 is recommended. As this policy would apply to all types of development, it can be addressed elsewhere in the Plan Strategy under General Policy Principles for all Development. The wording of the policy would need to be more in line with the SPPS's suggestions on how to mitigate and adapt to climate change i.e. 'requiring the siting, design and layout of all new development to limit likely greenhouse gas emissions and minimise resource and energy requirements'.

12.6 It is suggested that the preferred policy option could be worded as follows:

Where appropriate the principles of passive solar design and use of renewable technologies shall be taken into account in the siting, design and layout of all new development.

This policy goes beyond the existing policy of encouragement and puts the onus on the applicant to demonstrate that both passive solar design and renewable energy technologies have been taken into account at the design stage of development.

13.0 Renewable energy, pre-application community engagement and community benefits

13.1 Pre-application discussions (PADs) are considered to be fundamental to 'front loading' the new development management system. Whilst not statutory, PADS help bring about early engagement on projects, more collaborative working, project leadership and community involvement.

13.2 Pre-application consultation with communities is a statutory requirement for all major, including regionally significant, development proposals i.e. those that

exceed the major Development thresholds as sited in The Planning (Development Management) Regulations (Northern Ireland) 2015. In these cases it is the responsibility of the applicant to demonstrate that they have undertaken consultation with the community prior to the submission of a planning application.

13.3 In some circumstances, community benefits may be offered voluntarily by developers to communities likely to be affected by renewable energy development. Community benefits can take a variety of forms including payments to the community; in-kind benefits; and shared ownership arrangements. Whilst Mid Ulster Council is committed to ensuring that local communities benefit from development schemes in their area, such community benefits are not considered material considerations in decision-taking and are distinct from, for example, developer contributions and planning conditions.

13.4 A report commissioned by DETI, DoE and DARD 'Communities and Renewable Energy: A Study 2015)' provides useful guidance tool on this issue including best practice guidelines with reference to successful case studies. It focuses on the relationship between communities and the development of renewable energy; and how communities can engage with developers and participate and/or benefit from renewable energy developments.

14.0 Recommendation

It is recommended that the policy options contained within this Paper together with the preferred options are subjected to the Sustainability Appraisal/Strategic Environmental Assessment, before any final decisions are made on which options will go forward for public consultation in the Preferred Options Paper.