

ANNEX B – Response Pro-forma

Name: EMMA WALKER

Address: 3 Joy Street, Belfast, BT2 8LE

Original Representation Reference Number: MUDPS/150 (for administrative use only)

Please tick the applicable box below.

a) I confirm that I wish for my original representation to be considered as my representation.

b) I confirm that I wish to amend or add to my original representation.

c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.

Signature: [Redacted] *(ON BEHALF OF TURLEY AS AGENT FOR SSE RENEWABLE)*

Date: *22/9/2020*

If you require assistance when completing the above, please contact developmentplan@midulstercouncil.org

Please ensure you return this completed Pro forma (along with any additional documents if you have ticked [b]) above) to Development Plan Team, Planning Department, Mid Ulster District Council, 50 Ballyronan Road, Magherafelt, BT45 6EN, by 5pm on 21st May 2020.

Sinead McEvoy

From: Emma Walker <[REDACTED]>
Sent: 19 April 2019 13:30
To: DevelopmentPlan@midulstercouncil.org
Subject: Draft Plan Strategy - SSE Renewables
Attachments: MUDC DPS Representation Form SSE.PDF; SSE submission to Mid-Ulster dPS - cover letter.pdf; SSE Renewables Representation Mid Ulster Draft Plan Strategy.pdf

Dear Sir/Madam

On behalf of our client SSE Renewables, please find attached representations to the Draft Plan Strategy.

We would be grateful if you could acknowledge receipt by return of email.

Kind regards

Emma

Emma Walker
Associate Director

Turley

Hamilton House
3 Joy Street
Belfast BT2 8LE
T 028 9072 3900
M [REDACTED]
D [REDACTED]

turley.co.uk

[Twitter](#)

[Linkedin](#)

Think of the environment, please do not print unnecessarily

This e-mail is intended for the above named only, is strictly confidential and may also be legally privileged. If you are not the intended recipient please do not read, print, re-transmit, store or act in reliance on it or any attachments. Instead, please notify the sender and then immediately and permanently delete it.

Turley is a trading name of Turley Associates Ltd, registered in England and Wales Registered No 2235387 Registered Office 1 New York Street, Manchester, M1 4HD. Terms and Conditions

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 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	3 rd Floor Millenium House	Hamilton House
Line 2	Great Victoria Street	3 Joy Street
Line 3	Belfast	Belfast
Line 4		
Post Code	BT2 8LE	BT2 8LE
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address	<input type="text"/>	<input type="text"/>

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?

- (i) Paragraph
- (ii) Objective
- (iii) Growth Strategy/
Spatial Planning Framework SPF 6
- (iv) Policy RNW 1; HE 1; HE 2; HE 3; SCA 1; NH 6 & TOHS 1
- (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.

Refer to enclosed report

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:

Refer to enclosed report

(If not submitting online and additional space is required, please continue on a separate sheet)

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.

Refer to enclosed report

(If not submitting online and additional space is required, please continue on a separate sheet)

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

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:



Mid Ulster District Council Planning Service
Ballyronan Road
Magherafelt
BT45 6EN

19 April 2019

Via email to: DevelopmentPlan@midulstercouncil.org

Re: SSE response to Mid-Ulster Local Development Plan 2030 - Draft Plan Strategy

To whom it may concern,

SSE welcomes the publication of the Mid-Ulster Local Development Plan 2030, Draft Plan Strategy (dPS). The development of draft plan strategies is an essential part of ensuring sustainable development in Northern Ireland.

As a leading developer of renewable generation in Northern Ireland, we believe the sustainable use of natural resources such as wind can deliver value for customers through reduced wholesale electricity costs and support economic growth in Northern Ireland's economy. SSE has invested over half a billion pounds in the development of Northern Ireland's energy future and has contributed over £1.5 million in funding to communities close to our windfarms, including almost £500,000 in scholarship funding for students. SSE remains committed to continued investment in electricity infrastructure in Northern Ireland. With an outstanding application for a significant renewables development in the planning process, SSE welcomes the opportunity to submit our comments on the dPS.

The Intergovernmental Panel on Climate Change's (IPCC) special report in October 2018 highlights the threats posed by climate change and the need to continue efforts at a global, national and local level to decarbonise society. Sustainable development and a greater shift towards renewable energy will need to form a key part of the response to climate change. We welcome the Council's acknowledgement of the importance of renewables in creating jobs and prosperity, whilst enhancing the environment and improving infrastructure. Developing our renewable energy sources is vital to increase energy security and help combat climate change.

SSE engaged Turley Sustainability to review and assess the Sustainability Appraisal (SA) and the soundness of the dPS in line with the principles with which the plan is required to adhere to. SSE is concerned that the proposed approach to wind energy development within certain landscape designations is not supported by national policy or guidance. There are also several policies within the dPS that we believe do not pass the soundness test, our reasoning is set out in the response document.

Our concerns include:

- The approach to wind energy development outlined in the dPS is unduly restrictive and is inconsistent with the prevailing policy in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement (PPS) 18 on renewable energy.
- Insufficient evidence is provided to support the position that significant adverse landscape impacts will occur in the long term from the continuation of existing national wind energy policy.
- The proposed restrictive wind energy policy would be likely to hinder progress on renewable energy development in Northern Ireland and reverse positive trends experienced to date as noted by Mid Ulster.
- Insufficient evidence is provided on the alleged harmful effects of wind turbines and high structures on Areas of Significant Archaeological Interest.
- Proposals have been made drawing on evidence from a landscape character assessment which is out of date.
- The proposed Areas of Constraint on Wind Turbines and High Structures conflicts with prevailing policy within the SPPS and has been informed by insufficient and flawed evidence.

SSE available to discuss our submission further as required.

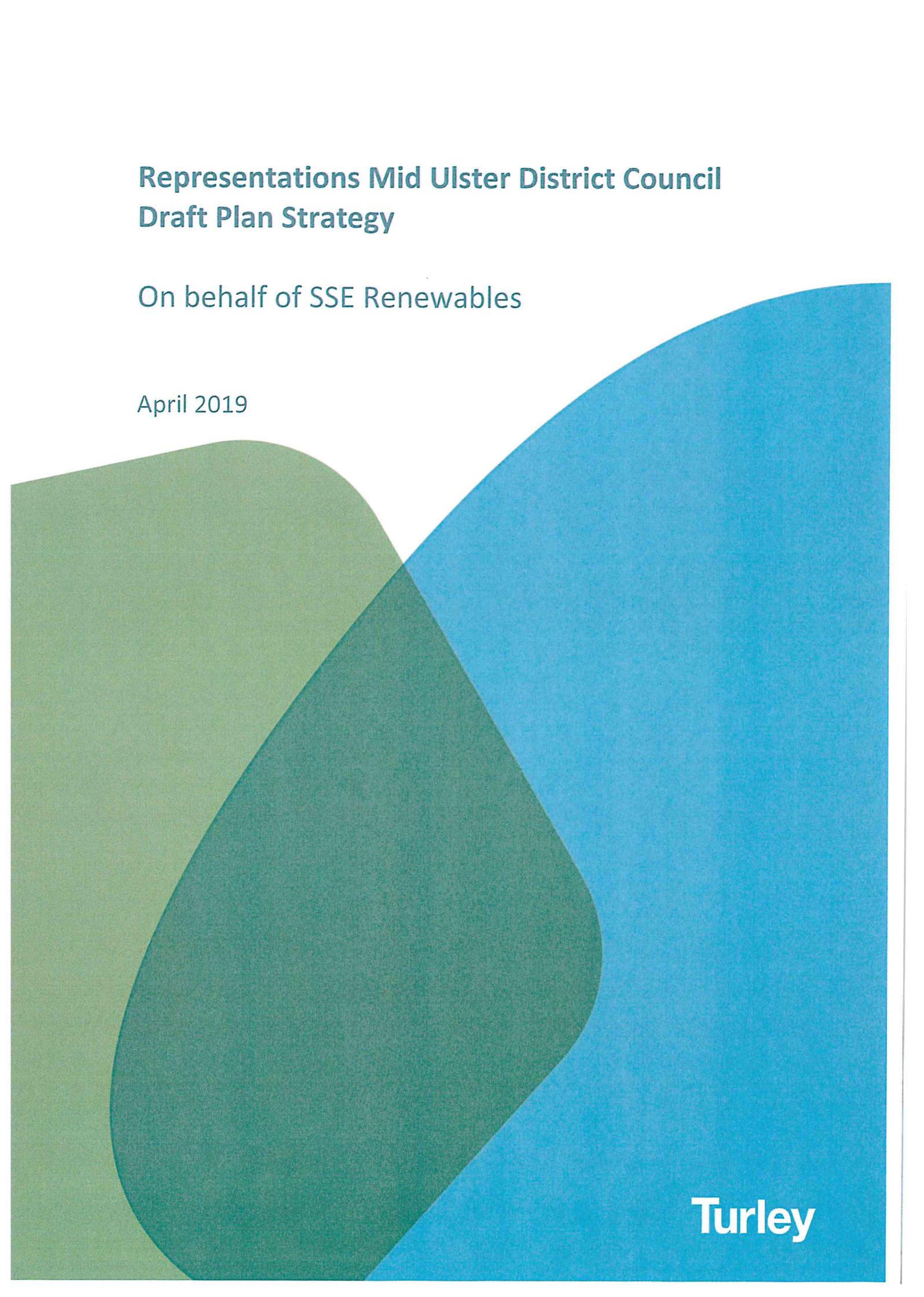


Kind regards,
Marian Troy
Head of Corporate Affairs, SSE Ireland

Representations Mid Ulster District Council Draft Plan Strategy

On behalf of SSE Renewables

April 2019



Turley

Contents

Executive Summary	i
1. Introduction	1
2. Legislative Compliance	2
3. Sustainability Appraisal/Strategic Environmental Assessment	4
4. Growth Strategy and Spatial Planning Framework	13
5. Renewable Energy	14
6. Environmental Policies	16
7. Natural Heritage	18
8. Telecommunications, Overhead Cables, High Structures and Other Public Utilities	20

Emma Walker

Client

SSE Renewables

Our reference

SSEB3010

April 2019

Executive Summary

1. This representation is submitted on behalf of SSE Renewables in response to the Mid Ulster District Council draft Plan Strategy (dPS).
2. SSE is Northern Ireland’s largest renewable generator and the second biggest utility on the island of Ireland. Since 2008, SSE Renewables have invested over half a billion pounds in the development of Northern Ireland’s energy future and have contributed over £1 million in funding to communities close to our windfarms, including more than £350,000 on scholarship funding for students. SSE Renewables remain committed to continued investment in electricity infrastructure in Northern Ireland.
3. The development of draft plan strategies are an essential part of ensuring the sustainable local economic development of Northern Ireland. As an operator of existing renewable developments within the Council area and with an outstanding application for a significant renewables development in the planning process, SSE Renewables welcome the opportunity to submit our comments on the draft plan strategy.
4. The Intergovernmental Panel on Climate Change’s (IPCC) special report in October 2018 highlights the threats posed by climate change and the need to continue efforts at a global, national and local level to decarbonise society. Sustainable development and a greater shift towards renewable energy will need to form a key part of the response to climate change. SSE Renewables hope that the final Mid-Ulster Plan Strategy will include policies that enable the Council area to continue to play a crucial role in Northern Ireland’s efforts to decarbonise.
5. In summary, SSE Renewables has significant concerns regarding Draft Policies RNW 1, HE 1, HE 2, HE 3, SCA 1, NH 6 and TOHS1 and the accompanying SA process.
6. SSE Renewables is concerned that the dPS is unsound as the legal compliance tests have not been met. Furthermore, the Sustainability Assessment (SA) provided in support of the dPS is flawed. The table below summarises our comments on the SA.

Schedule of SA Comments

Comment	Cross ref.
The proposed sterilisation of wind energy development within certain landscape designations is not supported by national policy or guidance.	Section 3, Paragraph 3.21 to 3.48
The proposed divergence from existing national policy is not justified or supported by a robust evidence base.	Section 3, Paragraph 3.21 to 3.48
The position that significant adverse landscape impacts will occur in the long term from the continuation of existing national wind energy policy is not justified or supported by a robust evidence base.	Section 3, Paragraph 3.21 to 3.48
The proposed restrictive wind energy policy would be likely to hinder progress on renewable energy development in Northern	Section 3, Paragraph

Ireland and reverse positive trends experienced to date as noted by Mid Ulster.	3.21 to 3.48
Failure to consult on the SA Scoping Report prior to the development and publication of the POP and SA Interim Report.	Section 3, Paragraph 3.11 to 3.16
Failure to include the reasonable alternative of not introducing AoC's within the SA process.	Section 3, Paragraph 3.21 to 3.48
No evidence to support the assertion that wind energy development is likely to adversely affect local tourism.	Section 3, Paragraph 3.49 to 3.51
Failure to recognise the key role of the Draft Plan Strategy in helping to drive CO2 reductions in Mid Ulster as part of Northern Ireland's carbon budgets.	Section 3, Paragraph 3.17 to 3.20
Failure to assess alternatives sufficiently and to the same extent at the preferred option.	Section 3, Paragraph 3.21 to 3.48

7. Taken together, these flaws mean that soundness test P3 cannot be met.
8. In the absence of further work in respect of the identified flaws, the development plan document (DPD) must not be allowed to progress.
9. The following table summarises the draft policies which are unsound, for the reasons specified.

Schedule of Key Draft Policy Comments

Policy	Comment	Cross ref.
Draft Policy RNW 1	The Council is proposing to introduce a requirement for a 500m separation distance to residential properties. This approach is unduly restrictive and is inconsistent with and in conflict with the prevailing policy in the SPPS and PPS 18. Furthermore the policy is in conflict with the Council's own position paper on renewable energy. This draft policy fails soundness test CE2, CE4 and C3.	Section 5, Paragraph 5.1 to 5.14
Draft Policy HE 1	The council is proposing that development which would adversely impact on ASAI will conflict with the development plan. The Council fails to identify the particular features of the ASAI to be protected and fails to provide evidence of the alleged harmful effects of wind turbines and high structures on ASAI's.	Section 6, Paragraph 6.1 to 6.9

This policy therefore fails soundness tests CE2 and CE3.		
Draft Policy HE 2	<p>The council is proposing that development which would adversely impact on ASAI will conflict with the development plan.</p> <p>The Council fails to identify the particular features of the ASAI to be protected and fails to provide evidence of the alleged harmful effects of wind turbines and high structures on ASAs.</p>	Section 6, Paragraph 6.1 to 6.9
This policy therefore fails soundness tests CE2 and CE3.		
Draft Policy HE 3	<p>The council is proposing that development which would adversely impact on ASAI will conflict with the development plan.</p> <p>The Council fails to identify the particular features of the ASAI to be protected and fails to provide evidence of the alleged harmful effects of wind turbines and high structures on ASAs.</p>	Section 6, Paragraph 6.1 to 6.9
This policy therefore fails soundness tests CE2 and CE3.		
Draft Policy SCA 1	<p>The Council is establishing a presumption against all forms of development with the SCA.</p> <p>The extent of the SCA has been identified based on a desktop assessment and flawed landscape character assessments which are also out of date.</p>	Section 7, Paragraph 7.1 to 7.5
This policy fails against soundness test CE2		
Draft Policy NH 6	<p>The draft policy cross refers to draft renewable energy policies which are considered unsound.</p> <p>Supporting text sets out that account will be taken of landscape character assessments produced as part of the Development Plan process which we consider to be flawed.</p>	Section 7, Paragraph 7.6 to 7.9
Therefore this policy fails soundness test CE2.		
Draft Policy TOHS 1	<p>It is unclear what is meant by the use of the term 'Regionally Important' within the policy wording. The proposed ACWTHS conflicts with prevailing policy within the SPPS and has been informed by insufficient and flawed evidence.</p>	Section 8, Paragraph 8.1 to 8.24
The draft policy fails to meet soundness test C3, CE2 and CE3.		

1. Introduction

- 1.1 This representation is submitted on behalf of SSE Renewables in response to the Mid Ulster District Council Draft Plan Strategy (dPS). SSE Renewables operate existing renewable energy assets within the Council area and has submitted an application for a future wind energy development. SSE Renewables welcome the opportunity to submit comments on the draft Plan Strategy (dPS).
- 1.2 We welcome the Council's acknowledgement of the importance of renewables in creating jobs and prosperity, whilst enhancing the environment and improving infrastructure. Developing our renewable energy sources is vital to increase energy security and help combat climate change.
- 1.3 This response has been structured to reflect the template provided by the Council. In line with the Council's procedures, each representation is set out on a separate page within each of the Chapter headings with the policy clearly identified.
- 1.4 The structure of the submission is as follows:
 - Section 2: Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests;
 - Section 3: Details our representations on the Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA);
 - Section 4: Growth Strategy and Spatial Planning Framework
 - Section 5: Details our representations on Renewable Energy;
 - Section 6: Details our representations on Tourism;
 - Section 7: Details our representations on Environmental Policies;
 - Section 8: Details our representations on Natural Heritage; and
 - Section 9: Details our representations on Telecommunications/Overhead Cables, High Structures & Other Public Utilities.

2. Legislative Compliance

- 2.1 In preparing their Draft Plan Strategy (dPS), Mid Ulster District Council ('the Council') is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').
- 2.2 This section identifies issues in the compliance of the dPS with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

- 2.1 The Act stipulates that the Plan Strategy should be prepared in accordance with the Council's timetable, as approved by the Department for Infrastructure ('DfI') and in accordance with the Council's Statement of Community Involvement.
- 2.2 The Council's Timetable, as approved and published on the Council's website is dated November 2018. We note that the Council has published the dPS within the broad timeframe set out in the timetable (i.e. Spring 2019). However, we would highlight that the timetable shows that this timeframe will include:
- An 8 week statutory public consultation period; and
 - An 8 week statutory consultation on counter representations.
- 2.3 The Council will need to monitor the commencement of the counter representations stage of consultation to ensure that it is commenced and completed within the Spring 2019 timeframe. Should the Council foresee a delay in this timeframe a revision to the timetable will be needed.
- 2.4 In preparing a Plan Strategy, the Council must take account of:
- "the regional development strategy;
 - The council's current community plan;
 - Any policy or advice contained in guidance issued by the Department;
 - Such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant."
- 2.5 This representation identifies specific instances where, in particular, policy issued by the Department has not been taken in to account.
- 2.6 The Act also requires that the Council:
- "(a) carry out an appraisal of the sustainability of the plan strategy; and*
- (b) prepare a report of the findings of the appraisal."*

- 2.7 We have identified significant flaws with the Council’s Sustainability Assessment and identify them in this representation in Chapter 3.

The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

- 2.8 Regulation 15 relates to the preparation of the dPS. Regulation 15 identifies a schedule of the information that should be made available alongside the publication of the dPS. This includes:

“such documents as in the opinion of the council are relevant to the preparation of the local development plan.”

- 2.9 Insufficient supporting evidence is available to support a number of the proposed policies in the dPS and therefore this requirement is not met. We identify the specific concerns within the remainder of this representation.

3. Sustainability Appraisal/Strategic Environmental Assessment

3.1 These representations to the Mid Ulster District Council Local Development Plan Draft Plan Strategy have been prepared by Turley Sustainability. They relate to the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) process undertaken in support of the each LDP preparation stage.

3.2 DPP Note 04 (para 3.1) states *“the purpose of SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of plans and programmes such as local development plans.”*

3.3 The following Mid Ulster District Council documents have been reviewed:

- Position Paper 3; Employment and Economic Development; February 2015;
- Position Paper 6; Public Utilities; May 2015;
- Position Paper; Development Pressure Analysis; September 2015;
- Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA); Scoping Report; June 2016;
- Local Development Plan 2030; Preferred Options Paper; November 2016;
- Sustainability Appraisal (Incorporating Strategic Environmental Assessment); Interim Report; November 2016;
- Sustainability Appraisal incorporating Strategic Environmental Assessment Report (Environmental Report) of Local Development Plan 2030 – Draft Plan Strategy; February 2019; and
- Local Development Plan 2030 – Draft Plan Strategy; February 2019.

3.4 The following SA / SEA guidance is also relevant Northern Ireland given the close similarity in SA / SEA process across UK administrations:

- A Practical Guide to the SEA Directive; Practical guidance on applying European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”; Office of the Deputy Prime Minister (ODPM), September 2005;
- SEA and SA; Planning Practice Guidance (PPG); Ministry of Housing, Communities & Local Government (HCLG); February 2015;
- Strategic Environmental Assessment: Improving the effectiveness and efficiency of SEA/SA for land use plans; RTPI; January 2018; and

- SEA & Climate Change: Guidance for Practitioners; Environment Agency; 2011.

The Importance of Renewable Energy to Northern Ireland

- 3.5 The central role of renewable energy in the delivery of sustainable development is recognised by national policy. Para 6.214 of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development⁽¹⁾ explains Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards sustainable development as well as being a significant provider of jobs and investment across the region.
- 3.6 Para 2.3 of the Mid Ulster Employment and Economic Development paper recognises renewable energy provides jobs and opportunities in rural areas when appropriately integrated within a settlement or rural landscape. Indeed, a 2017 analysis by NIRIG 'Onshore wind: Economic benefits in Northern Ireland'⁽²⁾ estimated that onshore wind had created 500 jobs and £32 million in gross value added (GVA) in the Northern Irish economy in 2014.
- 3.7 Planning Policy Statement 18 (PPS18) Renewable Energy⁽³⁾ explains how greater use of renewable energy will also reduce dependence on imported fossil fuels, bring diversity and security of supply to our infrastructure, and help Northern Ireland achieve its targets for reducing carbon emissions.
- 3.8 Position Paper 6 Public Utilities recognises (para 10.6) the substantial contribution of onshore wind energy to Northern Ireland, with 92% of Northern Ireland's renewable energy generated by this technology during 2014.
- 3.9 SSE Renewables agrees with the SA Scoping Report in terms of the "...need to provide and encourage use of renewable 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" as a key contributor to Local Development Plan Objective (b) 'Creating jobs and promoting prosperity' as well as the role of "reducing contributions... to climate change" and "need to accommodate investment in power" in Objective (c) 'Enhancing the environment and improving infrastructure'.

Concerns relating to the SA process

- 3.10 The following sections set out the concerns of SSE Renewables in relation to the SA process undertaken as part of the emerging Draft Plan Strategy.

Publication of the SA Scoping report with the Preferred Options Paper (POP) and Interim SA report

- 3.11 Para 6.2 and Figure 1 of the DPP SA/SEA guidance sets out the key stages of the LDP process and how the SA/SEA process should interact with it. Para 6.2 states, whilst

⁽¹⁾ https://www.planningni.gov.uk/index/policy/spps_28_september_2015-3.pdf

⁽²⁾ <http://149.255.57.18/~nirigweb/wp-content/uploads/2017/03/Onshore-Wind-Economic-Benefits-NI.pdf>

⁽³⁾ https://www.planningni.gov.uk/index/policy/planning_statements_and_supplementary_planning_guidance/planning_policy_statement_18_renewable_energy.pdf

there are clear linkages at various stages of both processes, preparation of the LDP and SA should be an 'iterative process' whereby findings at each stage are taken into account to inform subsequent stages of the plan.

- 3.12 Figure 1 of the DPP guidance clearly links the SA Scoping Report with production of the POP but states that Stage A(1) SA Scoping Report should be prepared, issued for consultation and (subject to consultee comments) amended prior to the assessment of alternatives within the POP.
- 3.13 Paras 8.1 to 8.3 of the SA Scoping Report confirm that consultation has been undertaken with the Natural Environment Division (NED) and Historic Environmental Division (HED), however no records are provided of comments received. It would also appear that the SA Scoping Report was not issued for public consultation prior to the production of the POP and SA Interim Report.
- 3.14 SSE Renewables consider the need to receive and assess statutory and non-statutory consultee comments on the SA Scoping Report prior to the assessment of alternatives within the POP to be a fundamental requirement of the guidance and iterative process.
- 3.15 It is best practice for wider stakeholders including members of the public within the plan area to have opportunity to comment on the SA Scoping Report. Para 3.5 of the ODPM's 2005 SEA guidance states *"the Directive refers only to consultation with the Consultation Bodies and with the public. Responsible Authorities will however normally consult a range of other bodies in the course of preparing their plans and programmes (e.g. Local Authorities, Regional Development Agencies and Primary Care Trusts) and information from these may be useful in SEA."*
- 3.16 SSE Renewables considers the SA Scoping Report should have been submitted for consultation prior to the development and publication of the POP and supporting SA Interim Report.

Carbon Emissions Reduction

- 3.17 Regarding impacts from the emerging Local Development Plan on 'climatic factors' (Table 2 p35), the SA Scoping Report states *"the increasing number of houses and other development, along with the increasing car ownership, will result in production of greater levels of CO₂... this will make the effect of the plan on climate significantly negative in the long-term. The protection of peatland and woodland can serve to check CO₂ emissions."*
- 3.18 The long-term increase in CO₂ emissions predicted to result from the LDP conflicts with the fair contribution to the UK's fifth carbon budget required of Northern Ireland by which emission reductions of at least 35% against 1990 levels will be needed by 2030, and fails to recognise opportunities for the central role of sustainable energy generation (including wind) in delivering the transition to a low carbon economy.
- 3.19 Key findings of the Committee on Climate Change February 2019 report 'Reducing emissions in Northern Ireland'⁽⁴⁾ include for example that existing policies are not sufficient to deliver this reduction; that excellent opportunities exist to close this gap

⁽⁴⁾ <https://www.theccc.org.uk/wp-content/uploads/2019/02/Reducing-emissions-in-Northern-Ireland-CCC.pdf>

and go beyond 35%, and; that meeting the cost-effective path to decarbonisation in Northern Ireland will require action across all sectors including ensuring a route to market for new low-cost renewables including onshore wind.

- 3.20 SSE Renewables considers the Draft Plan Strategy fails to recognise its responsibility to support CO₂ emissions reduction in pursuit of Northern Ireland and UK carbon budgets, as well as the central role of onshore wind in this process.

Proposed Policy Approach

- 3.21 The policy approach proposed by the Mid Ulster SA Report in relation to wind energy development are discussed in the following sections.

Environmental Protection

- 3.22 Para 5.49 of the SA Report explains that the POP identified three options for the strategic approach to Environmental Protection:
- (1) Each case **determined on its merits** - developer led approach;
 - (2) Constraints Approach - Plan led; and
 - (3) Presumption in favour of sustainable development - Plan led with scope for developer led schemes.
- 3.23 Para 5.50 goes on to state the Council considered there to be no discernible difference between Options 2 and 3 which as a result are combined to form a single option for the purposes of the SA. Therefore, the following two options subject to the SA are as follows:
- (1) Adopt existing policy approach i.e. all applications **considered on their merits** against criterion based policies, taking account of existing international, national and local environmental designations; and
 - (2) Adopt existing approach with introduction of spatial constraints i.e. each case is assessed on its merits, but with introduction of new spatial designations such as, Special Countryside Areas, Areas of Constraint on Wind Turbines and High Structures and Areas of Constraint on Mineral Development.
- 3.24 Under the preferred approach, Special Countryside Areas (SCA's) would be designated as 'most exceptional' landscapes to protect them from 'inappropriate development'. These would complement Areas of Constraint (AoC) in other environmentally sensitive areas to control specific types of development namely wind turbines and other high structures.
- 3.25 Environmental Protection Option 1 (retain existing policy approach) is not found to result in adverse effects on any SA objective, with a minor positive effect identified for object 12 (landscape). No justification or supporting evidence for rejecting option 1 on landscape grounds is provided, despite it clearly relating to wind energy and performing positively against this SA objective.

- 3.26 SA guidance and associated case law requires SA Reports to document the choice of preferred alternatives and explain why other reasonable alternatives are rejected and also requires that alternatives are considered to the same extent as the preferred option. This failure is considered to be a flaw in the applied SA process.

Telecommunications, Overhead Cables, High Structures and Other Utilities

- 3.27 The focus of the policy text is telecommunications and overhead cables, with a single reference to wind energy in the final sentence which sets out the preferred Option 2 (Adoption of Policy TOHS 1 – Outside of Areas of Constraint on Wind Turbines and High Structures). Reference is made within the SA matrix to PPS 10 (Telecoms) and 11 (Waste Management), but not to PPS 18 (Renewable Energy), for example.
- 3.28 It is therefore unclear whether the minor adverse effect (not significant) from retaining existing policy (Option 1) identified by the SA includes wind energy development, and how this conclusion is derived. No explanation is provided for example on the inconsistency between the adverse landscape effect reported from retaining existing policy for this issue, compared with the positive landscape effect reported for retaining existing policy for environmental protection as a whole given both refer explicitly to wind energy development.

Areas of Constraint on Wind Turbines and High Structures

- 3.29 The SA Report explains the Preferred Option Paper (POP) proposed Areas of Constraint on Wind Turbines and High Structures (AoC's) and associated designations under the topics of 'Renewable Energy' and 'Telecommunications, Overhead Cables and High Structures'. Following publication of the POP, three AoC's are proposed: the Sperrins, Slieve Beagh and Brougher Mountain.
- 3.30 Each of these three AoC's are subject to SA, however the SA fails to include a reasonable alternative to this policy approach, being retention of existing policy and not introducing AoC's. This failure to include the reasonable alternative of retaining existing policy in the SA proposing the introduction of AoC's is a further significant flaw in the SA given the importance of alternatives in informing the SA process and resulting policy positions.

Renewable Energy

- 3.31 The SA Report considers three policy options for dealing with renewable energy, as follows;
- (1) Adopt the current policy approach i.e. PPS 18 Renewable Energy;
 - (2) Reconfigure existing policy contained within PPS 18 and the SPPS and include the following;
 - Introduction of Areas of Constraint on Wind Turbines and High Structures; and
 - A minimum separation distance of 500 metres for all wind energy development.
 - (3) Reconfigure existing policy contained within PPS 18 and the SPPS and include the following;

- Introduction of Areas of Constraint on Wind Turbines and High Structures; and
 - Policy provision for energy storage and the 'reuse, refurbishment, repair and repowering of turbines'.
- 3.32 Option 3 is identified as the preferred approach to protect Mid Ulster's most important landscapes and assets. This option effectively seeks to sterilise wind energy development within these designations, thereby preventing the assessment of all proposals on a case by case basis (including wider environmental, social and economic factors) as required by the SPPS.
- 3.33 The preferred option therefore conflicts with national policy and guidance including the SPPS and Wind Energy Development in Northern Ireland's Landscapes: Supplementary Planning Guidance (2010)⁽⁵⁾. Both documents provide that, whilst a cautious approach is needed, with judicious design and site selection wind energy development can be accommodated within sensitive landscapes.
- 3.34 SPPS para 6.228 states *"In decision-taking, the planning authority must carefully consider all development proposals for renewable energy development... Consideration of all renewable energy proposals will take account of their contribution to the wider environmental benefits arising from a clean, secure energy supply; reductions in greenhouse gases and other polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources."*
- 3.35 The SA Report states in relation to renewable energy Option 1 (retain existing policy) *"there are no landscapes into which a wind turbine/farm will not introduce a new and distinctive feature into the landscape"*. However SPPS states (para 6.229) *"the factors to be considered on a **case by case basis** will depend on the scale of the development and its local context"* and (para 6.230) *"It will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by **their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape**. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation"*.
- 3.36 The position of the SPPS is expanded by 'Wind Energy Development in Northern Ireland's Landscapes; Supplementary Planning Guidance (2010)', which states (section 1.1) *"... it is important to note the purpose and scope of the guidance...is intended to provide broad, strategic guidance in relation to the landscape and visual impacts of wind energy development. Every development proposal is unique, and there remains a need for detailed consideration of the landscape and visual impacts of individual applications **on a case by case basis**, as well as for consideration of other issues referred to in PPS18 and other regional policy."*

⁽⁵⁾ https://www.planningni.gov.uk/index/policy/planning_statements_and_supplementary_planning_guidance/spg_other/wind_energy_development_in_northern_irelands_landscapes_spg_for_pps18-2.pdf

- 3.37 The position is further corroborated by the 3rd October 2016 Appeal Decision Notice for Mullaghturk Wind Farm where the Commissioner states (para 25) "... it is important to recognise that there is **no embargo on wind energy development within AONBs**".
- 3.38 Preferred Options 3 therefore contradicts national policy set out by SPPS in relation to wind energy development by seeking to sterilise wind energy development within certain designated areas rather than assessing them on a case by case basis. RTPI 2018 SA/SEA guidance states (p12) in relation to the assessment of alternative options that "*going against Government policy is generally not 'reasonable'*". The Quality Assurance Checklist of the ODPM's SA/SEA guide (p84) requires any inconsistencies between alternatives and relevant plans, programmes or policies to be identified and explained.
- 3.39 SSE Renewables therefore considers the conflict between preferred Option 3 and national wind energy policy means it is not a reasonable alternative to the rejected Option 1 (retain existing policy). Combined with a lack of explanation on this inconsistency and the reasons for rejecting Option 1, the SA process carried out to date is considered flawed.
- 3.40 The POP explains "**Option 1 Adopt current policy would adopt a policy approach in line with current policy... it is envisaged this approach will not fit with the approach that Mid Ulster wishes to take in relation to protection of sensitive landscapes.**" SSE Renewables considers a robust evidence base should underpin the divergence from existing national wind energy policy that is proposed by the Draft Plan Strategy, rather than simply the wishes of the Council.

Significant Adverse Landscape Impacts from Retention of Existing Wind Energy Policy

- 3.41 The rejected renewable energy Option 1 (retain existing wind energy policy) is for the first time in the SA process found by the SA Report to result in significant adverse effects on SA Objective 12 (landscape). Para 5.633 states "*The SEA/SA appraisal... highlights that if current policy continues, there is potential for significant impacts on SA/SEA objective 12... in the long term.*"
- 3.42 However the Development Pressure Analysis Position Paper concludes (para 4.6) that whilst wind energy approvals have increased since the introduction of PPS 18 in 2008, "*... to a large extent, those landscapes identified as being particularly vulnerable have not experienced significant development pressure from wind energy development*". Indeed the analysis "*... shows little evidence of significant pressure across the district, suggesting PPS18 has been generally effective in maintaining rural character*" and that, if PPS18 (or similar policies) are retained over the plan period, "*no conflict with local plan strategic objectives are anticipated*".
- 3.43 The SA Interim Report itself recognises that potential negative effects of Option 1 on landscape character "*... could be mitigated through the considered application of policy to achieve the sensitive siting of renewable energy development*".
- 3.44 No evidence is provided in support of the SA Report conclusion in respect of renewable energy, that "*continuation of current policy is likely [to] increase the risks of cumulative impacts on the Mid Ulster's most sensitive landscapes in the longer term*", especially

given the need to consider potential cumulative effects is a key requirement of existing policy.

- 3.45 SSE Renewables is concerned that the conclusion of significant adverse landscape impacts from the retention of existing wind energy planning policy contradicts the Development Pressure Analysis and earlier stages of the SA process and is not supported by evidence or therefore justified.
- 3.46 Further, the Environment Agency's SEA & Climate Change guidance (2011) states *"climate change is a synergistic impact that can only be dealt with through multiple actions. Principles for identifying appropriate mitigation and adaptation measures include... Keep options open and flexible... and avoid decisions that will make it more difficult to manage climate risks in the future."*
- 3.47 These principles would be best supported by adopting policy that, in accordance with national policy and related case law, does not seek to sterilise wind energy development within certain areas but instead considers proposals on a case by case basis when assessing the ability of the landscape (and other environmental assets) to accommodate them.
- 3.48 SSE Renewables consider this approach represents a reasonable and policy-compliant alternative that should be considered by the Local Plan Strategy and associated SA.

Tourism

- 3.49 The Utilities Position Statement Paper introduces Mid Ulster's proposals to develop a more restrictive policy for wind energy development *"... having regard to concerns relating to impacts on AONBs and sensitive landscapes, bio-diversity and tourism."* Reference is made to a single letter of concern submitted by The Sperrins Forum, a group aiming to promote recreation and tourism activities within the Sperrin AONB.
- 3.50 Although focused on Scotland, the October 2017 research report by BIGGAR Economics 'Wind Farms and Tourism Trends in Scotland'⁽⁶⁾ concludes that, overall, *"published national statistics on employment in sustainable tourism demonstrates that there is no relationship between the development of onshore wind farms and tourism employment at the level of the Scottish economy, at local authority level nor in the areas immediately surrounding wind farm development."*
- 3.51 The SA Report itself finds, in relation to environmental protection and also energy, no difference in effect on SA objective 20 (economic performance) from retaining existing policy (e.g. PPS18) or implementing a more restrictive policy.

Summary of Representations

- 3.52 SSE Renewables' representation can be summarised as follows:
- The proposed sterilisation of wind energy development within certain landscape designations is not supported by national policy or guidance;

⁽⁶⁾ <https://biggareconomics.co.uk/wp-content/uploads/2017/11/Wind-Farms-and-Tourism-Trends-in-Scotland-Oct17.pdf>

- The proposed divergence from existing national policy is not justified or supported by a robust evidence base;
- The position that significant adverse landscape impacts will occur in the long term from the continuation of existing national wind energy policy is not justified or supported by a robust evidence base;
- The proposed restrictive wind energy policy would be likely to hinder progress on renewable energy development in Northern Ireland and reverse positive trends experienced to date as noted by Mid Ulster;
- Failure to consult on the SA Scoping Report prior to the development and publication of the POP and SA Interim Report;
- Failure to include the reasonable alternative of not introducing AoC's within the SA process.
- No evidence to support the assertion that wind energy development is likely to adversely affect local tourism;
- Failure to recognise the key role of the Draft Plan Strategy in helping to drive CO₂ reductions in Mid Ulster as part of Northern Ireland's carbon budgets and
- Failure to assess alternatives sufficiently and to the same extent as the preferred option.

3.53 For these reasons the SSE Renewables is concerned the SA process underpinning the draft Plan Strategy is flawed and therefore unsound in relation to wind energy development.

4. 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.

4.1 Paragraph 4.34 of the dPS states that:

“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 approached in the countryside exceeds 40% of the Districts HGI this will trigger the need to change policy at the Plan review.”

4.2 Based on a HGI of 11,000 new homes as proposed at Paragraph 4.15 of the dPS, 40% would equate to 4,400 new homes that could be approved within the open countryside. We note that in response to a similar approach to housing in the countryside proposed in the recently published Fermanagh & Omagh District dPS, the Department for Infrastructure raised concerns that the council could be in conflict with the sustainable development principles set out in the SPPS.

4.3 SSE Renewables considers that the Council has failed to consider the environmental effects of such a high number of dwellings within the countryside, particularly in relation to landscape and visual impact. We note that policies proposed within the dPS will seek to prohibit the development of wind turbines and other forms of economic development within large parts of the district because of landscape sensitivities, however residential development may occur across wider parts of the District. What assessment of the visual impact of this scale of residential development across the countryside has taken place?

Recommendation

4.4 It is recommended that further work is undertaken to consider the implications of the SPF, particularly in relation to impact on the landscape. We also recommend that comments made by DfI in representations to the Fermanagh & Omagh dPS are considered in light of the approach proposed by Mid Ulster.

5. Renewable Energy

Draft Policy RNW 1 – Renewable Energy

- 5.1 Draft Policy RNW 1 set out that outside of SCAs development for the generation of energy from renewable sources will accord with the development plan. However, the same policy then goes on to contradict the opening line to set out that wind energy development will only accord with the development plan outside of SCAs and ACWTHS. This approach is inconsistent within the draft policy but is also inconsistent with the support for renewable energy proposals set out in the SPPS.
- 5.2 As such the draft policy fails soundness test CE2 and C3.
- 5.3 Draft Policy RNW 1 cross refers to the proposed SCA's and ACWTHS'. We refer the Council to our comment on Draft Policy SCA 1 and TOHS 1 in Section 7 and 8 of this representation and confirm our position that the proposed approach is unsound.
- 5.4 Draft Policy RNW 1 goes on to set out that:
- “For windfarm development, a separation distance of 10 times rotor diameter or 4 times the tip height (whichever is the greater) an occupied property will apply, with a minimum separation distance of 500m between the windfarm and occupied property being required.”*
- 5.5 We note that this will introduce a more restrictive policy wording than that which is currently endorsed within PPS 18 and the SPPS. The current policy wording in PPS18 and the SPPS states⁷:
- “For windfarm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.”*
- 5.6 The use of the word 'required' within the draft policy does not allow for flexibility to the approach and does not reflect the wording or tone of Policy RE1 of PPS18 and the SPPS. As such the draft policy fails soundness test CE4 and C3.
- 5.7 Most concerning to SSE Renewables is that the approach being proposed by the Council will sterilise wind energy development across the district. This is most clearly demonstrated within Appendix 3 of Renewable Energy position paper where the Council has plotted the extent of the proposed ACWTHS and the impact of the proposed 500m buffer which clearly shows that the vast majority of the District will be sterilised.
- 5.8 Whilst the Council acknowledges this in the same technical report it states that the current Government targets have been met and refers to the example of Milton Keynes supplementary planning guidance where the inability of a council area to meet a national renewable target was not a reason to quash the adoption of an SPD.

⁷ PPS18 Policy RE1 & SPPS Paragraph 6.227

5.9 We would highlight that the consideration of policy within an SPD cannot be compared to policy that is considered with the dPS.

5.10 More specifically, the Renewable Energy position paper sets out that it is the Council's preferred option to include reference to separation distances within the supporting text to the draft policy rather than within the draft policy wording. The paper states that:

"We recognise that in some cases it may be appropriate to vary this threshold as a consequence of site specific circumstances such as orientations of views, land cover or topography and where it can be demonstrated through evidence that there will not be any unacceptable impacts on residential amenity. Variation of the threshold will also be acceptable where local residents are supportive of the proposal. This will be a key features of the policy because it is important that turbine development will still be facilitated within the district in order to promote sustainability and to enable use to contribute to the regional renewable energy targets."

5.11 It is concerning then to see that the separation distance is set out as a 'required' element within the draft policy wording. This does not reflect the flexible approach that appears to be endorsed within the supporting information. As such the draft policy fails soundness test CE2 and CE4.

5.12 Finally we note that draft Policy RNW1 sets out that:

"The supplementary planning guidance for 'Wind Energy Development in Northern Ireland's Landscapes' will be taken in to account in assessing all wind turbine proposals."

5.13 This wording is too restrictive and should be revised to state:

"The supplementary planning guidance for 'Wind Energy Development in Northern Ireland's Landscapes' or other more up to date publication/s will be taken in to account in assessing all wind turbine proposals."

Recommendation

5.14 It is recommended that the wording of the policy is revised to be consistent with the approach endorsed in the SPPS and PPS18. In relation to separation distances a more flexible approach should be introduced to better reflect the approach set out in the SPPS and to support the flexible approach that is identified within the Renewable Energy position paper.

6. Environmental Policies

Draft Policy HE 1 – Beaghmore Stone Circles – Area of Significant Archaeological Interest; Draft Policy HE 2 – Creggandevosky – Area of Significant Archaeological Interest; Draft Policy HE 3 – Tullahogue– Area of Significant Archaeological Interest

- 6.1 The Council is proposing to have three policies within the Plan Strategy relating specifically to Areas of Significant Archaeological Interest (ASAI) within the district. Draft Policy HE 1, HE 2 and HE 3 set out that development which would adversely impact on the distinctive heritage values and landscape of the particular ASAI will conflict with the development plan.
- 6.2 The policies fail to identify the specific values and landscape merits of the ASAs and there is limited information in the justification and amplification text. As such it is unclear against what baseline development proposals will be considered and therefore the policy fails soundness test CE3.
- 6.3 The draft policies go on to specifically identify masts, pylons, wind turbines and large scale development as being the type of development that would have adversely impact on the distinctive qualities of the archaeological remains and the historic landscapes.
- 6.4 The use of the word ‘would’ within the proposed policy wording suggests that there is evidence that any of these forms of development will result in an adverse impact. There is no evidence of this provided within the Council’s assessment of Landscape Capacity or the methodology for the establishment of Areas of Constraint on Wind Turbines and High Structures. There is no allowance within the proposed policy wording for mitigation measures that may change the potential impact of wind turbine development or specific siting and design measures that may reduce impacts.
- 6.5 As set out in Section 8, reliance upon NICA 2000 and a flawed LCAR is unsound. The draft policies therefore fail soundness test CE2.
- 6.6 The supporting justification texts for draft policy HE 1 sets out that:

“The landscape of this ASAI has been shaped by traditional farming activity, but is characterised by open, distant vistas with a distinct absence of modern development.

The landscape of this ASAI is sensitive to change which would adversely affect those distinctive qualities outlined above. The erection of masts, pylons, turbines and other large scale development, including larger agricultural sheds, or quarrying and mining activities, within this distinctive landscape would adversely impact the historic landscape character and the contribution it makes to setting, experience and significance of the stone circles and heritage values of archaeological remains within the ASAI.”

- 6.7 The approach proposed by the Council is based on their opinion that the visual appearance of a turbine or other high structure is adverse. Furthermore sensitivity to change does not correlate directly with no capacity for development or adverse impacts and as previously stated it is our view that the Council assessment of landscape capacity within the LCAR is flawed.

Recommendation

- 6.8 It is recommended that future work is carried out by the Council to provide justification for the strong statement that wind turbines would have an adverse impact on the ASAI.
- 6.9 In any event the wording of the policy should be revised to 'could have' as this would make allowance for mitigation measures and more detailed site assessments carried out as part of the planning application process.

7. Natural Heritage

Draft Policy SCA 1 – Special Countryside Areas

- 7.1 Policy SCA1 of the dPS proposes Special Countryside Areas. There will be a presumption against all new development within these areas in order to protect their unique quality.
- 7.2 The supporting text goes to set out that these areas have been proposed to protect the wild and unspoilt nature of these unique landscapes from inappropriate development. SSE Renewables considers that the reliance upon the landscape character assessment in NICLA 2000 to inform the SCA's is flawed. It is noted that the Council has undertaken a review of the LCAs within the District which are included within the NICLA 2000, however as set out in Section 9 of this representation, is SSE Renewables' view that the LCAR is flawed. The LCAR as published has failed to have regard to, or adequately address weaknesses identified by GM Design Associates and as such cannot be relied upon as robust evidence to justify the designation of a SCA in the district or the proposed extent of such areas.
- 7.3 It is clear the boundary for the extent of the proposed SCA's has been defined based upon a desktop assessment and landforms and features identified within NICLA 2000. It is disappointing that the Council has not completed a robust detailed assessment of the localised character areas. This is despite the Council's own acknowledgement of the strategic nature of the assessment included within the NICLA2000.
- 7.4 To rely upon out of date and strategic evidence which is not bespoke to the context of the location is flawed. Furthermore the Council's assessment of such data is flawed. For these reasons the draft policy fails against soundness test CE2.

Recommendation

- 7.5 It is recommended that the proposed SCA is reviewed in light of more update to and robust evidence that the Council should prepare.

Draft Policy NH 6 – Areas of Outstanding Natural Beauty

- 7.6 The draft policy sets out that development will be required to be sensitive to the character and landscape quality of the AONB. It goes on to refer to the assessment of proposals for renewable proposals and draft Policy RNW 1.
- 7.7 We have identified a number of weaknesses in draft policy RNW 1 and the soundness tests that it currently fails to meet. Until such times as those comments can be addressed the cross reference within draft Policy NH6 renders this policy also unsound.
- 7.8 Furthermore, the justification and amplification text for draft Policy NH 6 sets out that account will be taken of landscape character assessments produced as part of the Development Plan process when considering proposals within the AONB. As set out in Section 4 and 5 of this representation the landscape evidence provided by the Council in support of the dPS is not considered to be robust. Therefore this fails soundness test CE2.

Recommendation

- 7.9 The Council should undertake a robust assessment of the AONB and further local level assessments of the landscape character to provide a baseline against which development proposals can be assessed.

8. Telecommunications, Overhead Cables, High Structures and Other Public Utilities

Draft Policy TOHS 1 – Outside of Areas of Constraint on Wind Turbines and High Structures

- 8.1 The Council is proposing to introduce a new designation in the form of ‘An Area of Constraint on Wind Turbines and High Structures’ (ACWTHS). Within these areas, the development of wind turbine and high structures over 15m will not be permitted, with the exception of essential electricity transmission equipment or telecommunications apparatus.
- 8.2 The policy goes on to state that higher structures, in excess of 25m in height, will only be considered if it is demonstrated that the proposal is of regional importance. It is unclear how the Council proposes to define ‘regional importance’ and clarification should be provided on this point so that there is a consistent approach to the policy interpretation. If it is intended that ‘regional importance’ relates to those development which would fall within Section 26 of the Planning Act (Northern Ireland) 2011 then this should be clarified in policy or the supporting text. We would however, set out that a project may not fall within the scope of Section 26, but could still be of regional importance. For example the delivery of renewable energy developments in the form of wind turbines is regionally important as it will contribute towards the regional target for renewable energy.
- 8.3 Without clarification on what is meant by regional importance the policy fails to meet soundness test CE3.
- 8.4 The proposed ACWTHS have been informed by a number of technical papers prepared by the Council and these have been published alongside the dPS. They comprise:
- Background Evidence Paper High Sperrins and Clogher Valley Areas of Constraint on Wind Turbines and High Structures;
 - Landscape Character Assessment Review; and
 - Review and Audit of Mid Ulster Landscape Character Review.
- 8.5 The purpose of these documents is to provide the background, rationale and methodology for the designation of Areas of Constraint on Wind Turbines and High Structures within the Mid Ulster District. In setting the background the technical papers state that:
- “The Regional Development Strategy (RDS) requires the protection of designated areas of countryside from inappropriate development.”*
- 8.6 We note that the RDS does not define ‘inappropriate development’. Paragraph 2.4 of the Council paper then quotes the SPPS , stating that:

“Depending upon a council’s objectives and local circumstances, it may also be appropriate to include additional strategic policies and proposals, zonings and designations specific to issues pertaining to the plan area, provided they are of a strategic nature.”

- 8.7 Renewable energy policy within the SPPS does not make any provisions for the introduction of an area of constraint on wind turbines. Instead the SPPS, paragraph 6.223, advocates a ‘cautious approach’ to renewable developments within designated landscapes. This does not endorse the creation of an additional designation to restrict turbine development. Had the SPPS sought to identify such areas, it would have identified so, as it has done in the case of areas of constraint on mineral developments.
- 8.8 For this reason the proposal to introduce an area of constraint in this case conflicts with the SPPS and therefore fails soundness test C3.
- 8.9 The Council’s position paper on Renewable Energy sets out that the average turbine height in the district is 50m. Based on this and the vast extent of the proposed ACWTHS, the majority of wind turbine proposals in the future would be in conflict with the draft policy. As such the policy is in conflict with the Council’s own objectives to:
- Encourage energy efficiencies and promote use of renewable energy; and
 - To accommodate investment in power, water and sewerage infrastructure and waste management particularly in the interests of public health.
- 8.10 For this reason the policy fails soundness test CE1.
- 8.11 The Council identifies that ACWTHS’ have been defined using landscape features and landforms that have been identified within the Northern Ireland Landscape Character Assessment, 2000 (NICLA 2000). To be reliant upon evidence dating from 2000 cannot be robust as the character may have changed during the time since 2000. This approach is unsound as it fails soundness test CE3.
- 8.12 Following feedback received in response to the POP that the reliance on NICLA 2000 was unsound, the Council undertook a review of the Landscape Assessment. The report entitled ‘Landscape Character Assessment Review’ (LCAR) is not dated but it is noted that photographs within the assessment are dated Late 2017 and early 2018. Following completion of the LCAR, the Council then instructed an external review of their report. This was undertaken by GM Design Associates.
- 8.13 Following an initial review of the LCAR the consultants identified a number of weaknesses in the Council’s assessment, which were first reported to the Council in August 2018. Then, following the completion of the review of the LCAR a final list of weaknesses were set out by GM Design Associates⁸, as set out below:
- *“No reference to specific planning policy statements, for instance PPS21 Development in the Countryside. PPS21 sets out the policies for managing*

⁸ Review and Audit of Mid Ulster District Council Landscape Character Assessment Review for Local Development Plan Preparation, 16 October 2018 (GM Design Associates)

development in the countryside with an emphasis on protecting the landscape. It identifies the four interrelated strands of the Countryside Assessment, including the Landscape Assessment.

- *A lack of reference to the Corine Database and associated document 'Land Cover of the UK' within each LCA review, despite it being identified as a source of data to inform the review of the LCA's.*
- *Limited reference to SPG Wind Energy Development in NI's Landscape document (2010), particularly within Table 2. The SPG provides detailed information on the key landscape and visual characteristics and values of each LCA. The SPG also provides guidance on the sensitivity and ideal siting of wind energy development within each LCA.*
- *Lack of review of LCA information on 'Landscape Condition and Sensitivity to change', Principles for Landscape Management and Principles for Accommodating New Development' contained within NICKA 2000.*
- *Conservation Areas, Areas of Townscape Character, Areas of Archaeological Potential, Archaeological Sites/Monuments, Local Landscape Character Areas and Historic Parks, Gardens & Demesnes have not been identified as 'Key features' of the LCA's. These features play an integral role in many landscapes and any change to these could significantly affect the character and integrity of the landscape.*
- *Limited use of visual information (photos) throughout the review with only 4 photos used in the assessment of the LCA's."*

8.14 As a result of the weaknesses identified, the consultant team made a number of suggested improvements that would result in a more comprehensive and sound document. These are set out at Page 28 of the consultant report⁹ and are identified below:

- *"PPS21 Sustainable Development in the Countryside should be considered and reviewed as a relevant planning policy document relating to the protection of our landscapes.*
- *Increased reference and utilisation of the Corine Database and associated 'Landcover of the UK' for each LCA is suggested.*
- *It is suggested that an increased emphasis should be placed on the Landscape Condition of each LCA and its Sensitivity to Change.*
- *The report would benefit from additional photos, increasing the readers' visual appreciation of each LCA.*

⁹Review and Audit of Mid Ulster District Council Landscape Character Assessment Review for Local Development Plan Preparation, 16 October 2018 (GM Design Associates)

- *Conservation Areas, Areas of Townscape Character, Areas of Archaeological Potential, Archaeological Sites/Monuments, Local Landscape Character Areas and Historic Parks, Gardens and Demesnes should be considered as 'Key Features' of the LCA's.*
- *It should be considered whether existing policy controls are being implemented effectively regarding various development types throughout the District including new residential developments, extensions to agricultural developments and single turbine applications."*

8.15 The Council has failed to demonstrate that these recommendations have been adequately addressed for the following reasons:

- As noted previously, the Landscape Character Assessment Review as published in support of the dPS is not dated. As such it is unclear if the published version post-dates the recommendations made above. We note that the photos contained within the report pre-date the recommendations by GM Design and therefore it is unclear where they were included in response to recommendations.
- We note that the LCAR as published does include one paragraph on PPS21 however this is a light touch approach and does not provide a detailed planning context for the assessment.
- In relation to the recommendation to increase the use of Corine data, it is noted that the LCAR as published refers only to Corine in one small section with one Corine land use map for the District provided as an appendix. Previous versions of the LCA are not available and therefore it is unclear whether this is an improved approach.
- IN relation to the recommendation to use more photographs within the LCAR to provide the reader with a better understanding of landscape character we note that 2 photographs per LCA are provided. However, these pre-date the recommendations and therefore it is unclear whether they were included in response to the recommendations. Furthermore, it is considered that 2 photos per LCA is insufficient and cannot provide a real appreciation of the character of an LCA.
- Finally, whilst Table 2 of the published LCAR does include a suggested policy response it fails to meet the required improvement suggested by GM Design Associates. The final recommendation by GM Design Associates sets out that the Council should consider whether existing policy control is being implemented effectively. This should include a review of how existing policy has been implemented and the impact that approvals and completed developments have had on the landscape. This is not the same as an opinion by the Council on whether additional policy control is required. The information provided at Table 2 or the remainder of the LCAR, does not demonstrate that the Council has considered the effectiveness of existing policy implementation.

- 8.16 Based on the observations above we consider that the LCAR is flawed and therefore draft Policy TOHS 1 fails soundness test CE2 as the evidence on which the extent of the proposed areas of constraint have been defined is flawed.
- 8.17 It is also concerning to note that within the methodology for the LCAR, it is set out that the Council has then considered the landscape capacity of the LCA based on a desk top visual assessment which relied upon natural features to inform the boundaries of the ACWTHS. This approach would conflict with the SPPS, where it states that:
- “the ability of the landscape to absorb development depend on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys and vegetation.”*
- 8.18 The Council has been unable to assess landscape capacity taking account of the bespoke elements of individual proposals and therefore the conclusions reached within the assessment cannot be robustly upheld and the policy which it informs fails soundness test CE2.
- 8.19 Despite the Council’s methodology and proposed assessment of landscape character and landscape capacity the technical reports clearly set out that the proposed areas of constraint have been primarily informed by prominent ridges and key views that have been identified in the NICLA 2000. This would suggest that the council has continued to rely upon information dated from 2000 which does not take account of the current landscape position, despite concerns being raised in response to the POP. As such the draft policy and designation fails to take account of up to date information and fails soundness test P2 and CE2.
- 8.20 In preparing this draft policy the Council has considered that all high structures in excess of 15m are inappropriate forms of development within a designate ACWTHS, yet no evidence is provided within the dPS or supporting papers to demonstrate that this is the case. On this basis the draft policy would fail soundness test CE2.
- 8.21 Outside of a proposed ACWTHS taller structures are not an inappropriate form of development and the wording of draft Policy TOHS 1 suggests that taller structures of regional importance are also not inappropriate.
- 8.22 The Council has assumed that the appearance of high structures and turbines within an ACWTHS is inappropriate due to landscape capacity, however in relation to wind turbine development specifically, the SPPS sets out that:
- “it will not necessarily be the case that the extent of visual impact or visibility of windfarm development will give rise to negative effects; windfarm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape.”*
- 8.23 The view taken by the Council is therefore in conflict with the SPPS and would fail soundness test C3.

Recommendation

- 8.24 It is recommended that the Council removes any areas of constraint proposed for wind turbines and high structures as this approach conflicts with the SPPS in that it fails to support a diverse range of renewable energy developments as is promoted in the SPPS. The approach also fails to take account of site specific character, development proposals and mitigation measures that may be included within proposals.

Turley Office
Hamilton House
3 Joy Street
Belfast
BT2 8LE

T 028 9072 3900

Turley