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| Title of Report: | Public Consultation Draft: Department for Infrastructure Review of Regional Strategic Planning Policy on Renewable and Low Carbon Energy |
| Committee Report Submitted To: | PLANNING COMMITTEE |
| Date of Meeting: | 28th June 2023 |
| For Decision or For Information | FOR DECISION |

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| Linkage to Council Strategy (2021-25) | |
| Strategic Theme | Cohesive Leadership |
| Outcome | Our elected members work collaboratively and make decisions on an evidence led basis and in line with its policies. |
| Lead Officer | Principal Planning Officer |

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| Budgetary Considerations: | Not applicable. |
| Cost of Proposal | |
| Included in Current Year Estimates | |
| Capital/Revenue | |
| Code | |
| Staffing Costs | |

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| Screening Requirements | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. Not applicable. | | |
| Section 75 Screening | Screening Completed: | Yes/No | Date: |
| | EQIA Required and Completed: | Yes/No | Date: |
| Rural Needs Assessment (RNA) | Screening Completed | Yes/No | Date: |
| | RNA Required and Completed: | Yes/No | Date: |
| Data Protection Impact Assessment (DPIA) | Screening Completed: | Yes/No | Date: |
| | DPIA Required and Completed: | Yes/No | Date: |

1.0 Purpose of Report

- 1.1 To present the Public Consultation Draft on the Department for Infrastructure's (DfI's) Review of Regional Strategic Planning Policy on Renewable and Low Carbon Energy.

2.0 Background

2.1 The background to the current public consultation is set out below:

Strategic Planning Policy Statement (2015)

2.2 The Strategic Planning Policy Statement for Northern Ireland – ‘Planning for Sustainable Development’ (SPPS) was published by the former Department of the Environment (DOE) in September 2015. It contains regional planning policy on renewable energy development. The provisions of the SPPS must be taken into account in the preparation of Local Development Plans (LDPs) and are also material to all decisions on individual planning applications and planning appeals. The SPPS is available to view at:

<https://www.infrastructure-ni.gov.uk/publications/strategic-planning-policy-statement>

Call for Evidence (2016)

2.3 On 7th March 2016, DfI announced ‘Calls for Evidence’ to help inform the scope of a proposed focused review of strategic planning policy for Renewable Energy development (as well as strategic planning policy for Development in the Countryside). The call closed on 6th May 2016. An Emerging Issues Paper and Consultant’s Report are available to view at:

<https://www.infrastructure-ni.gov.uk/publications/review-strategic-planning-policy-renewable-and-low-carbon-energy>

Stakeholder Engagement (2021)

2.4 On 21st April 2021 the former Minister for Infrastructure announced her decision to review the strategic planning policy on Renewable and Low Carbon Energy. This was followed by a targeted pre-public 8-week consultation engagement exercise with key stakeholders, where an ‘Issues Paper’ was distributed on 15th December 2021. However, the Department welcomed comments from anyone, until 11th February 2022. The paper can be viewed online at: <https://www.infrastructure-ni.gov.uk/consultations/review-strategic-planning-policy-renewable-and-low-carbon-energy-issues-paper>

Public Consultation Draft (2023)

2.5 The current consultation phase opened on 6th April 2023 and closes at 5pm on 30th June 2023. The Council’s Head of Planning wrote to DfI on 3rd May 2023 to advise that, due to local governance arrangements, it will not be possible to submit the Council’s substantive reply before the closing date. DfI’s response (dated 12th May 2023) acknowledged this and requested the Council to submit an interim response within the consultation period, with any further comments to be submitted before 5pm on Friday 7th July 2023.

- 2.6 The draft policy consultation and all associated documents can be viewed online at: <https://www.infrastructure-ni.gov.uk/consultations/draft-renewable-and-low-carbon-energy>

3.0 Detail

- 3.1 On its website, DfI has stated that *“The aim of this review is to ensure that strategic planning policy on renewable and low carbon energy development remains fit for purpose and up to date to inform decision-making in relation to development proposals for this subject area. It is also intended to inform the Local Development Plan (LDP) process and enable plan-makers to bring forward appropriate local policy approaches, all within the framework of regional strategic planning policy and the wider contemporary context for energy and climate change.”*
- 3.2 It also states that *“The information gathered will be considered by the Department and will help inform the revised regional strategic planning policy on renewable and low carbon energy in its final form.”*

Proposed New/Amended Policy Wording

- 3.3 The text, highlighted blue in the consultation draft at Appendix 1, shows the proposed new/amended SPPS policy wording.
- 3.4 In summary, the policy wording is expanded to include “low carbon” energy and includes more potential sources of both this and renewable energy. It highlights emerging technologies, including battery energy storage systems (BESS) and the SPPS aim of maximising a wide range of technologies at various scales.
- 3.5 A range of new and emerging strategies are referenced including the Northern Ireland Energy Strategy “Path Net Zero Energy”, the Climate Change (Northern Ireland) Act 2022, and the Northern Ireland Climate Action Plan. A number of new regional objectives have been added which include contributing to the transition to a low carbon economy, securing a mix of energy provision, and enabling offshore proposals to be appropriately connected onshore.
- 3.6 In addition, the proposed policy sets out details on what councils must do (both in plan-making and decision-taking) to positively facilitate Northern Ireland’s full potential for renewable and low carbon energy.

Policy Status

- 3.7 DfI has advised that no material weight should be applied to this public consultation draft. However, when issued in its final form, the revised policy will supersede the existing provisions of the SPPS’s ‘Renewable Energy’ subject policy (pages 90 – 93 refer) and will take precedence over the provisions of extant Planning Policy Statement 18: ‘Renewable Energy’ (PPS 18) which continues to be retained under transitional arrangements of the SPPS, whilst councils bring forward their Plan Strategies.

3.8 Any relevant supplementary and best practice guidance, such as 'Best Practice Guidance to PPS 18', will continue to apply unless and until it is replaced by the Department.

4.0 Council Response

4.1 Appendix 2 details the Council's interim response to the four questions set out at page 13 of the public consultation document. These comments have been submitted to Dfl through their online survey portal.

5.0 Financial Implications

5.1 The proposed policy sets out, at paragraph 1.9, a requirement for councils to undertake an assessment of their area's full potential, and bring forward spatial policies in their LDP which identify the most appropriate areas for renewable energy development, including wind farms. The robust evidence base required to justify and deliver these areas would include a designation study/sensitivity analysis. The consultant who carried out the Council's Landscape Study indicated that such a study, for this Borough, could potentially cost in the region of £100k.

6.0 Other Implications

6.1 Given the Council's procurement process and the time taken to complete such a designation study/sensitivity analysis, (discussed at 5.1 above) this could potentially impact/delay the LDP preparation by approximately 6 months.

7.0 Recommendation

7.1 **IT IS RECOMMENDED** that Members note the contents of the attached report and advise if there are any further comments to be added to the Council's interim response.

Appendices

Appendix 1: Public Consultation Draft: Proposed new/amended policy wording.
Appendix 2: Council's interim response to Dfl.

Appendix 2: Council's Interim Response

| DfI Consultation Question | Council Response |
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| <p>Q1: Do you agree, that overall, the revised policy will help to ensure that the planning system can play its part in supporting wider efforts of government in addressing climate change and decarbonising the energy sector? If not, please explain how the draft policy can be improved.</p> | <ul style="list-style-type: none"> • There is a need to define “low carbon energy”, not just the main sources, and indicate if it includes nuclear. • Paragraph 1.6: How is this regional target to be taken into consideration at council level? It suggests a permissive approach should be applied in the hope that it delivers on the objective. To deliver a strategic target Central Government would need to take the lead and identify areas for renewables at a regional level, having full consideration of environmental impacts, including those on sensitive landscapes and bird migratory routes. • Paragraph 1.7, bullet point two: How can individual councils ensure the energy mix is appropriate at the Northern Ireland level? • Paragraph 1.14: the policy is silent on the weight to be given to aim and targets - “take full account” does not prescribe a weighting. The weighting is required to assist with assessment e.g. “significant weight”. • Reference to “solar farms” at paragraph 1.17 is welcomed as it addresses a policy lacuna. It assists in identifying if proposals are acceptable. However, regarding the last sentence of this paragraph, should this be addressed through PD rights, not through policy? • Paragraph 1.22: The lack of strategic direction on wind turbines and the permissive approach to single wind turbines could undermine the aims and objectives of the NI Energy Strategy. Many landscapes are already degraded by single wind turbines which could threaten the potential for larger and more productive energy farms. • Reference at paragraph 1.22 to “avoiding areas close to key vantage points from roads...” is prudent to strike an appropriate balance between |

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| | <p>facilitating renewable development and landscape character/visual amenity.</p> <ul style="list-style-type: none"> • IROPI test for active peatland areas is removed at paragraph 1.26. This will allow more opportunity for development in areas with active peat rather the current prohibitive IROPI test. |
| <p>Q2: Do you agree that the new provisions for a spatial approach through LDPs will assist in providing certainty and clarity to planning authorities, communities and developers alike by providing a presumption in favour of development in areas identified in LDPs? If not, please explain how the draft policy can be improved.</p> | <ul style="list-style-type: none"> • Paragraph 1.11 states that a “cautious approach” will apply in designated landscapes e.g. AONB. The Policy implicitly applies a three-tier designation comprising: 1. Designated landscapes 2. Areas outside Designated landscapes and “most appropriate areas” and 3. “Most appropriate areas”. This creates unnecessary complexity. Propose instead to have two tiers comprising: 1. Designated landscapes (using existing designations) and; 2. Areas outside designated landscapes. • This simple two-tier approach would provide certainty and clarity. Furthermore, it is likely to avoid difficulties in establishing the evidence base to draw a distinction between “most appropriate areas” and areas outside designated landscapes and “most appropriate areas”. • Paragraph 1.8, first sentence: To take such a permissive approach without a strategic spatial plan will result in inappropriate development in our most sensitive landscapes. The industry will seek to site on the most productive landscapes rather than the most appropriate and they will be supported in doing so by a permissive strategic policy. • Paragraph 1.8, second sentence: Is there an evidence base to support this assumption? The idea that individual councils, acting independently from one another, can deliver on the objectives of the Northern Ireland Energy Strategy should be evidence based. • Paragraph 1.9: This is not realistic. The evidence base required to deliver these areas would require a designation study/sensitivity analysis, at a |

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| | <p>huge cost to each of the 11 local councils. A national sensitivity analysis, building on the existing guidance would be a more robust and cost effective method. This should be carried out at a province-wide level by Central Government as part of the Energy Strategy Action Plan.</p> <ul style="list-style-type: none"> • Paragraph 1.10: This will only cause confusion. Identifying and protecting the most sensitive landscapes, whilst supporting a permissive approach elsewhere is a much clearer approach. • Paragraph 1.11: "A cautious approach" may be at odds and/or weaker than any affected Council's proposed LDP approach. |
| <p>Q3: Do you agree with the draft revised policy approach to provide a presumption in favour of re-powering, extending and expanding solar and wind farm developments, where appropriate? If not, please explain how the draft policy can be improved.</p> | <ul style="list-style-type: none"> • A presumption in favour of life extension and repowering is welcomed as it addresses a lacuna in current policy. • Welcome the caveat in the second sentence of paragraph 1.19 relating to "unless the impacts identified (including cumulative impacts) are unacceptable and cannot be mitigated", i.e. a balanced approach. • Clarification is required that the comment at paragraph 1.19 that "areas identified as appropriate for wind farm are expected to be suitable for use in perpetuity" refers <i>only</i> to those spatial areas designated as per paragraph 1.9. |
| <p>Q4: Do you consider that the draft revised policy provides an appropriate regional strategic planning policy framework for plan-making and decision-taking for all forms of renewable and low carbon energy development? If not, please explain how the draft policy can be improved.</p> | <ul style="list-style-type: none"> • Paragraph 1.13: reference is made to considering development against criteria including 'integration'. Some qualification should be required here when applying policy to wind energy development, which by its nature, does not readily integrate. • Paragraph 1.15: reference to developers "should protect" biodiversity is aspirational rather than directive. • Paragraph 1.16: no reference is made as to why the separation distance is necessary e.g. safety, noise or both. Clarification is required here to |

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| | <p>prevent ambiguity. It would be appropriate for the Policy to specify separation distance for wind turbines <50m.</p> <ul style="list-style-type: none">• Paragraph 1.18: requirements for AD plants to be of a “size and scale appropriate to the location...” Clarification is required as to whether this is a visual amenity test or one pertaining to the proposal being of a scale commensurate to the farm operations.• Paragraph 1.22: “Wind Energy Development in NI Landscapes” needs to be reviewed to reflect the impact of existing turbines and to advise on the landscapes continued capacity to absorb further development.• Paragraph 1.23: clarification is required as to whether reference to “nearby properties” applies to <i>all</i> property regardless of its planning status e.g. occupied, abandoned, approved, replacement candidate etc.• The reference to ‘BESS’ at paragraph 1.24 is welcomed as it addresses a policy lacuna.• Paragraph 1.28: reference to what is a reasonable “design life” for the purpose of a lifespan condition would be helpful and to what technologies this should apply e.g. windfarms only or all projects.• Paragraph 1.30: suggests pre-application community consultation applies to all proposals (not just “major” classified). The requirement that developers “should” engage is not imperative and is unlikely to occur unless mandatory. |
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Revised Regional Strategic Planning Policy

Renewable and Low Carbon Energy

Public Consultation Draft



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

April 2023

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Public Consultation: Give us your views

You are invited to give your views on this (draft) revised regional strategic planning policy on renewable and low carbon energy by using the weblink below:

www.infrastructure-ni.gov.uk/consultations/draft-renewable-and-low-carbon-energy All

responses to this public consultation exercise should be made electronically.

The draft policy consultation is accompanied by an Environmental Report, Non-Technical Summary and Section 75 Equality of Opportunity Screening Analysis Form. These are available to view or download from the abovementioned web link. You may wish to reference these supplementary documents when responding to the Department with your views on the draft revised policy.

The consultation period will end at 5pm on 30th June 2023. The Department will not accept any comments received after this deadline.

The information gathered will be considered by the Department and will help inform the revised regional strategic planning policy on renewable and low carbon energy in its final form.

No material weight should be applied to this public consultation draft revised policy document. However, when issued in its final form, the revised policy will supersede the existing provisions of the SPPS's Renewable Energy subject policy, published in September 2015 (pages 90 – 93 refer) and will take precedence over the provisions of extant Planning Policy Statement 18: 'Renewable Energy' (PPS 18) which continues to be retained under transitional arrangements of the SPPS, whilst councils bring forward their Plan Strategies.

Any relevant supplementary and best practice guidance, such as Best Practice Guidance to PPS 18, will continue to apply unless and until it is replaced by the Department.

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Introduction

The aim of this review is to ensure that strategic planning policy on renewable and low carbon energy development remains fit for purpose and up to date to inform decision-making in relation to development proposals for this subject area. It is also intended to inform the Local Development Plan (LDP) process and enable planmakers to bring forward appropriate local policy approaches, all within the framework of regional strategic planning policy and the wider contemporary context for energy and climate change. This includes Northern Ireland's Energy Strategy, published on 16 December 2021 (which references this review) and the Climate Change Act

(Northern Ireland) 2022 which received royal assent on 6 June 2022. The Energy Strategy established a renewable electricity consumption target of 70% by 2030 that was then increased to 80% by 2030 by the Climate Change (Northern Ireland) Act 2022.

Work is ongoing across government to develop Northern Ireland's first Climate Action Plan and there are a range of strategies under preparation that will support it, which may have implications for the planning system. These include the draft Green Growth Strategy for Northern Ireland, the draft Environment Strategy for Northern Ireland, the draft Northern Ireland Peatland Strategy 2021-2040, and the draft Nature Recovery Strategy for Northern Ireland.

Renewable energy targets

The planning system has already made a positive contribution to meeting and exceeding previous renewable energy strategy targets with 51% of electricity consumed being generated from indigenous renewable sources to date.¹

Since the reform of the planning system and the transfer of planning powers to local government on 1 April 2015, to the end of September 2022, 837 renewable energy planning applications were approved, including:

¹ <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/Issue-26-Electricity-Consumption-and-Renewable-Generation-in-Northern-Ireland-January-2022-to-December-2022.pdf>

- 32 wind farms
- 583 single wind turbines
- 32 hydroelectric plants
- 93 applications for solar panels
- 76 biomass/anaerobic digesters
- 21 other (includes, Landfill Gases, Waste Incineration and Heat Pumps)

The planning system also provides for some small-scale renewables to be developed without the requirement to submit a planning application – specific types and scale of development set out in legislation² benefit from permitted development rights. The Department has recently concluded a consultation on amendments to permitted development rights for the installation of domestic microgeneration equipment which involves proposed changes to the nature and scale of permitted development rights for the installation, alteration, or replacement of heat pumps (air source and ground or water) to align with modern standards and requirements.

Going forward, the planning system will continue to play its part to support the achievement of the new, more ambitious, target in the Climate Change Act (Northern Ireland) 2022, which requires that *“The Department for the Economy must ensure that at least 80% of electricity consumption is from renewable sources by 2030”*. In doing so it is important that there continues to be a balance between facilitating renewable and low carbon energy development and other important interests of acknowledged importance, such as the assessment of potential environmental and amenity impacts of development and the protection of important habitats and landscapes.

As well as recognising that regional strategic planning policy must remain up-to-date and fit-for-purpose, the Department is also aware of the need to improve the process for plan-making and the determination of planning applications, including for renewable and low carbon energy development. Therefore, separately, but related, the Department is taking forward a Planning Improvement Programme, aimed at

² The Planning (General Permitted Development) Order (Northern Ireland) 2015 refers.

creating an efficient, effective, and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.

Whilst this policy review will result in revisions to the Strategic Planning Policy Statement (SPPS), changes to extant planning legislation (including permitted development rights) or regional planning guidance on renewable and low carbon energy are outside the scope of this exercise. It is also important to note that this review of regional strategic planning policy will not involve any amendment to existing statutory environmental requirements with which renewable and low carbon energy developments must comply.

The Department would welcome comments on the following section (paragraphs 1.1 – 1.30) which is proposed to replace the current subject policy on renewable energy in the SPPS (pages 90-93).

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Renewable and Low Carbon Energy

- 1.1. Northern Ireland has significant renewable energy resources and a vibrant renewable **and low carbon energy** industry that **continues to** make an important contribution towards **furthering** sustainable development and as a significant provider of jobs and investment across the region.

- 1.2. Northern Ireland's Energy Strategy 'Path to Net Zero Energy' recognises that Northern Ireland must take advantage of our natural resources to generate clean energy. It sets out a target to "Meet at least 70% of electricity consumption from a diverse mix of renewable sources by 2030". It recognises that to achieve this objective "A renewable electricity consumption target of at least 70% likely means that we will need to double our renewable generating capacity in order to meet new demands from heating our homes and powering our vehicles". Energy accounts for almost 60% of Northern Ireland's greenhouse gas (GHG) emissions. The Energy Strategy sets out a pathway for energy to 2030 that will mobilise the skills, technologies and behaviours needed to take us towards our vision of net zero carbon and affordable energy by 2050.
- 1.3. Whilst the Energy Strategy established a renewable electricity consumption target of 70% by 2030 this was then increased to 80% by 2030 by the Climate Change (Northern Ireland) Act 2022. The Act places a duty on departments to ensure that the net emissions account for the year 2050 is at least 100% lower than the baseline and to ensure that the net emissions account for carbon dioxide for the year 2050 is at least 100% lower than the baseline for carbon dioxide.
- 1.4. As supported by the Energy Strategy and the Regional Development Strategy 2035 (RDS) renewable and low carbon energy development here reduces our dependence on imported fossil fuels and brings diversity and security of supply to our energy infrastructure.
- 1.5. Whilst the technology in this policy area continues to emerge and advance, the main sources of renewable and low carbon energy are wind, sun (solar photovoltaic / thermal energy), moving water (hydropower), heat extracted from the air, ground, and water (including geothermal energy), biomass (wood, biodegradable waste, and energy crops such as for use in an Anaerobic Digester). In addition to developments which generate renewable energy from these sources there are also current and emerging technologies that can help maximise the transition to net zero carbon emissions, such as battery energy storage systems (BESS).

1.6. The aim of the SPPS is to maximise sustainable renewable and low carbon energy from a wide range of technologies, at various scales, in appropriate locations within the built and natural environment, without compromising other environmental assets of acknowledged importance. Full account should be taken of the target to generate 80% of electricity consumption from renewable sources by 2030, as well as prevailing environmental legislation and relevant strategies which will support Northern Ireland's Climate Action Plan.

Regional Strategic Objectives

1.7. The regional strategic objectives for renewable and low carbon energy are to:

- ensure that sustainable renewable and low carbon energy development is facilitated at appropriate locations to maximise renewable energy that contributes to the transition to a low carbon economy;
- secure an appropriate mix of energy provision as indicated in the Energy Strategy and supporting documents, which maximises benefits to our economy and communities;
- ensure that the environmental, landscape, visual, safety and amenity impacts associated with or arising from renewable and low carbon energy development are adequately addressed;
- ensure adequate protection of the region's built, natural and cultural heritage features;
- facilitate the integration of renewable and low carbon energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design; and
- enable energy from offshore renewable and low carbon energy development proposals to be appropriately connected to onshore networks.

Regional Strategic Policy

1.8. In the context of the aim and objectives above, planning authorities must positively facilitate Northern Ireland's full potential for renewable and low

carbon energy development (electricity and heat). Councils must set out policies and proposals in their LDPs to maximise the plan area's contribution to achieving the renewable energy targets. The preparation of local policy criteria to support a diverse range of technologies at different scales will further assist in the appropriate deployment of such development. This should include the factors to be taken into account in decision-making such as locational criteria, technology specific criteria, the integration of micro-generation and passive solar design, and opportunities for heat networks, where appropriate.

1.9. Having undertaken an assessment of their area's full potential, councils must bring forward spatial policies in their LDP which identify the most appropriate areas for renewable energy development, including wind farms. A presumption in favour of such development will apply in identified areas. Local policies should contain the detailed locational criteria to be considered at the planning application stage.

1.10. Whilst councils will have identified areas most appropriate for renewable and low carbon energy development this does not mean that remaining areas cannot facilitate any such development. Outside of identified areas (and until areas are identified) some landscapes may be able to accommodate renewable and low carbon energy development more easily than others.

1.11. It is recognised that there are landscapes across Northern Ireland where their intrinsic value should be protected against inappropriate renewable and low carbon energy development. A cautious approach for renewable and low carbon energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, World Heritage Sites and their wider settings, including the Giant's Causeway and Causeway Coast World Heritage Site. Visually dominant development proposals should be avoided in such sensitive landscapes as it may be difficult to accommodate developments and their associated infrastructure, without detriment to the region's cultural and natural heritage assets.

1.12. All renewable and low carbon energy development and associated buildings and supporting infrastructure³ will be permitted where the proposal will not result in an unacceptable adverse impact (alone or in combination with other developments) on the following planning considerations, which cannot otherwise be mitigated:

- public safety, human health, or residential amenity (communities and individuals);
- visual amenity and landscape character, including cumulative impact;
- biodiversity, nature conservation, archaeological or built heritage interests;
- local natural resources, such as air quality, water quality or quantity;
- the capacity of and effects on the transportation network; and,
- impacts on tourism, recreation, and public access to the countryside.

1.13. For all proposals, the factors to be considered on a case-by-case basis will depend on the type and scale of the development and its local context. Proposals will also be assessed in accordance with normal planning criteria, including such considerations as: access arrangements; road safety; design; integration; odour; noise; shadow flicker; glint and glare; separation distance; cumulative impact; communications interference; and the inter-relationship between these considerations. All proposals should take account of the local environment and, as appropriate, design any access, fences, gates and planting accordingly. Ancillary infrastructure and associated works such as service roads, earthing cabling, ground remodelling etc. also require careful consideration in the determination of any renewable and low carbon energy development proposals⁴.

³ Planning applications should include matters such as the power generation / capacity associated with the proposal, e.g. megawatts (MW/MWh).

⁴ This is to ensure that all aspects of the proposed development are properly considered through the planning application process including appropriate identification and consideration of any likely significant effects assessed for the 'whole project' for the purposes of Environmental Impact Assessment (EIA).

- 1.14. In plan-making and decision-taking, planning authorities must take full account of the above-mentioned aim and targets, the regional strategic objectives and policy provisions, local circumstances, and the wider environmental, economic, and social benefits of renewable and low carbon energy development to local communities and to everyone in Northern Ireland.
- 1.15. Climate change is also having an adverse impact on nature and biodiversity. Within their project, developers should protect and, where feasible, seek to enhance biodiversity which could contribute to strengthening existing nature networks and restoring degraded habitats.
- 1.16. For wind farm development⁵ a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply. This will also apply to any wind turbine development with a rotor diameter of 50m or greater.
- 1.17. Planning authorities should encourage and support the use of previously developed land (of low ecological value) for solar farms in countryside locations. Solar farms which are well planned and well screened can have an acceptable visual impact if located sensitively in the local landscape. Poorly designed schemes which will have a negative impact on the landscape should not be supported. Favourable consideration should be given to large scale rooftop solar power where there are no unacceptable impacts, including glint and glare.
- 1.18. Well designed and appropriately located anaerobic digestion (AD) plants can make a positive contribution to optimising the potential for renewable and low carbon energy and should be located as close to the waste source as possible. Farm AD plants should be designed and sited to integrate and cluster with the existing group of farm buildings and be of a size and scale appropriate to the location in which it is proposed. Proposals must be carefully considered to ensure that any potential adverse impacts related to the size and scale of the development are compatible to the location in which it is proposed. As well as

⁵ Defined as development comprising more than 2 turbines.

existing statutory environmental requirements and the normal planning considerations, impacts on the transportation network will be important.

1.19. Whilst advancements and changes in technology may mean schemes are not like for like, life extension and re-powering of existing development has the potential to continue to maintain or enhance installed renewable energy generation, where appropriate. Therefore, a presumption in favour of proposals to re-power, expand and extend the life of existing solar and wind farms applies unless the impacts identified (including cumulative impacts) are unacceptable and cannot be mitigated. Approvals for renewable and low carbon energy development proposals may be time-limited. However, areas identified as appropriate for wind farms are expected to be suitable for use in perpetuity.

1.20. Co-location of renewable and low carbon technologies and supporting infrastructure has potential benefits and should be facilitated, where appropriate.

1.21. In plan-making and decision-taking planning authorities should encourage the use of micro-generation energy and the retrofitting of renewable and low carbon energy technologies.

1.22. The ability of the landscape to accommodate 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. The siting and cumulative landscape and visual impact of all renewable and low carbon energy developments (including approved development) is of great importance and must be carefully considered. The cumulative impact will increase, for example, as the number of wind turbines and/or solar farms in an area increases and local amenity deserves particular attention. Landscape and visual impact assessments will assist in the consideration of cumulative impact. Considerations will include the impact on the character and quality of the landscape, its sensitivity, and the level to which the proposed development will become a significant or dominant characteristic of the landscape. For large scale developments, developers should seek to avoid valued designated landscapes

and areas close to key vantage points from roads, viewpoints, and settlements. The relevant aspects of the supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' and other relevant practice notes should be taken into account in assessing all wind turbine proposals.

1.23. ETSU-R-97 remains the UK standard methodology for the assessment of noise from wind energy development and it, along with 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise' prepared by the Institute of Acoustics, should be taken into account by decisionmakers, including any future update to this standard. Potential noise impacts, including amplitude modulation, from wind turbines on surrounding properties must be carefully considered. Applicants should seek to minimise and mitigate against any potential impacts from wind energy proposals which are likely to result in shadow flicker on nearby properties.

1.24. Planning authorities must support emerging technologies which will assist with maximising renewable energy potential such as green hydrogen production facilities, and battery energy storage systems that help with maximising efforts to decarbonise energy use by gaining full benefit from renewable sources. Planning applications for BESS development must be accompanied by details of the type, number, capacity and chemical composition of batteries to enable full assessment by planning authorities in line with their statutory responsibilities. Although such technologies may be included in planning applications, in addition to a renewable energy proposal, the development must be properly described as it will involve factors to be considered in its own right.

1.25. In assessing any potential safety aspects of the proposed development, including for energy storage proposals, it is important for decision-takers to consult with all relevant and appropriate statutory and advisory bodies such as: the Northern Ireland Fire and Rescue Service; the Health and Safety Executive for Northern Ireland and the Northern Ireland Environment Agency (NIEA), or appropriate authorities.

- 1.26. For all development, applicants, operators, planning authorities and statutory consultees will be bound by environmental legislation requirements such as The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended and The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Proposals for renewable and low carbon energy must, therefore, be rigorously assessed for their environmental impacts (covering installation, operation and decommissioning stages, as appropriate) and comply with relevant environmental legislation and policy. Active peatland, for example, is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. Degraded peatlands can also have natural heritage and carbon storage value and their protection and restoration potential can, therefore, be a material consideration in the determination of planning applications on a case by case basis⁶.
- 1.27. Some proposals for renewable and low carbon energy development may require a connection to the National Grid. The grant of planning permission does not guarantee grid connection. Connection to the grid falls within the remit of Northern Ireland Electricity (NIE) and therefore liaison with NIE at an early stage of development is paramount in relation to the viability of such a scheme. Where possible and appropriate, new power lines should be laid underground to reduce the visual impact, however it is accepted that consideration must take account of costs which may otherwise render a project unviable.
- 1.28. Applicants will be required to provide details on future decommissioning, including proposals for site restoration. Planning authorities must consider and make use of appropriate conditions (or a legal agreement, where appropriate) to ensure the decommissioning of developments and site restoration when they reach the end of their design life, taking into account any proposed after use of the site.

⁶ The Department for Agriculture, Environment, and Rural Affairs (DAERA) has developed a draft Northern Ireland Peatland Strategy **2021-2040** which will provide a framework for conserving intact semi-natural peatlands and restoring degraded semi-natural peatlands.

- 1.29. Development proposals in the marine environment are managed under a separate consenting regime within the framework of the UK Marine Policy Statement, **as amended⁷**. It is important for both terrestrial and marine planning authorities to work together, **particularly regarding the assessment of offshore renewable energy proposals where it is necessary to provide a terrestrial connection point and associated supporting infrastructure on land. Great care should be taken to consider the appropriate location for such onshore development. Developers should seek to avoid designated landscapes and utilise industrial or previously developed land, where feasible.**
- 1.30. **For all renewable and low carbon development, developers should, as early as possible, proactively engage with the local community in the vicinity of their proposal with information on the development and technology being proposed. In preparing the planning application, and taking account of any views received, the developer should consider how to avoid or minimise any adverse impacts through the choice of location, siting, scale and design being proposed. Any voluntary community benefits offered by the developer will not be material considerations in decision-taking.**

⁷ Added a guidance note on how references to EU law in the UK Marine Policy Statement should be interpreted from 1 January 2021 following the UK's withdrawal from the EU.

Consultation Questions

Q1: Do you agree, that overall, the revised policy will help to ensure that the planning system can play its part in supporting wider efforts of government in addressing climate change and decarbonising the energy sector? If not, please explain how the draft policy can be improved.

Q2: Do you agree that the new provisions for a spatial approach through LDPs will assist in providing certainty and clarity to planning authorities, communities and developers alike by providing a presumption in favour of development in areas identified in LDPs? If not, please explain how the draft policy can be improved.

Q3: Do you agree with the draft revised policy approach to provide a presumption in favour of re-powering, extending and expanding solar and wind farm developments, where appropriate? If not, please explain how the draft policy can be improved.

Q4: Do you consider that the draft revised policy provides an appropriate regional strategic planning policy framework for plan-making and decision-taking for all forms of renewable and low carbon energy development? If not, please explain how the draft policy can be improved.

Where possible, your comments should include supporting evidence. Please note that all comments should relate to planning policy matters only.