

Draft Revised Regional Strategic Planning Policy

on

Renewable and Low Carbon Energy

Public Consultation Responses Report



Department for

Infrastructure

An Roinn

Bonneagair

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Contents

1.0	BACKGROUND.....	4
2.0	OVERVIEW OF CONSULTATION	6
	How many responses were received?.....	6
	Who responded?.....	6
3.0	GENERAL OVERVIEW OF RESPONSES – HIGH LEVEL FINDINGS.....	8
4.0	CONSULTATION QUESTIONS – SUMMARY ANALYSIS.....	10
	<i>QUESTION 1</i>	
	We asked, What do the consultation responses tell us, Department’s consideration and response.	10
	<i>QUESTION 2</i>	
	We asked, What do the consultation responses tell us, Department’s consideration and response.	16
	<i>QUESTION 3</i>	
	We asked, What do the consultation responses tell us, Department’s consideration and response.	21
	<i>QUESTION 4</i>	
	We asked, What do the consultation responses tell us, Department’s consideration and response.	25
5.0	STRATEGIC ENVIRONMENT ASSESSMENT.....	31
6.0	WHAT ARE THE NEXT STEPS?.....	31

1.0 BACKGROUND

- 1.1 The Department for Infrastructure (DfI) published the draft revised Regional Strategic Planning Policy on Renewable and Low Carbon Energy on 6th April 2023 for a period of 12 weeks public consultation, which ended at 5pm, Friday 30th June 2023.
- 1.2 The public consultation sought views on the draft revised policy, the aim of which is to ensure that regional 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. This includes the Energy Strategy, published on 16 December 2021 (which references this review) and the Climate Change Act (Northern Ireland) 2022 which received Royal Assent on 6th 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.

PURPOSE OF THIS REPORT

- 1.3 This Report provides a summary of the main findings from the public consultation. Every effort has been made in terms of accuracy whilst summarising the responses received. The report, however, is not intended to be a comprehensive record of every comment submitted to the Department. It is structured to address the key consultation questions that sought views on a number of important considerations to inform the final policy. All responses will be considered in finalising the SPPS policy revision, where appropriate.
- 1.4 Whilst the Department welcomes and is encouraged by the interest the public consultation generated on this topic many of the comments received raise matters that are not relevant to the specific questions contained in the consultation document and also include issues that are out with the scope of regional strategic

planning policy. As such, these comments are not considered in any more detail for the purposes of finalising the policy. These include:

- planning application processing times;
- statutory consultee response times and performance;
- introduction of statutory pre-application validation and implementing processing agreements;
- performance monitoring and improvement policies;
- early engagement by developers with local communities;
- better engagement/local buy-in required generally;
- need for better collaborative working and effective communication in the planning system;
- need for consistency in decision-taking;
- importance of evidence to underpin decisions taken by planning authorities and to inform LDPs;
- enhanced community benefits required to support as well as compensate affected communities from such developments;
- the need for greater resourcing and investment in the planning system, including for statutory consultees and the upskilling of planning officers;
- LDP process and timeframes and importance of up-to-date plans;
- concerns about planning authorities deviating from strategic planning policy in bringing forward LDPs;
- introduction of equal right of appeal for the public;
- need for supporting new/updated planning guidance;
- community ownership and involvement in the planning process;
- communities should be allowed to invest in renewables near their homes, allowing the sharing of economic benefits;
- importance of engaging and including young people in the energy transition;
- policy on energy efficiency measures;
- the need for policy on energy from waste;
- nuclear power;
- grid policy; and
- cross border dimension of electricity supply.

- 1.5 Whilst these matters are outside the scope of this review, some are being considered and will be addressed through the Department's ongoing planning improvement agenda.
- 1.6 Comments have also been submitted on matters related to policy implementation in the context of the two-tier planning system, such as transitional arrangements, and the preparation of new Local Development Plans.

2.0 OVERVIEW OF CONSULTATION

How many responses were received?

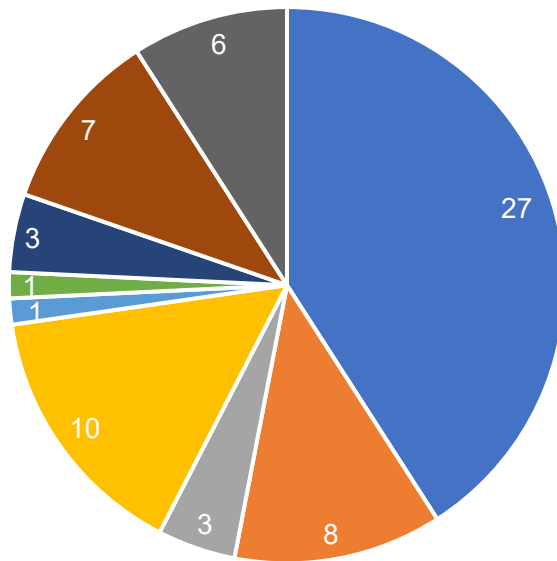
- 2.1 The consultation exercise was facilitated by the Northern Ireland Civil Service (NICS) Citizens Space online platform, with stakeholders invited to respond electronically. The Department received a total of sixty-six (66) responses (*figure 1*) to the draft revised policy consultation. Thirty-eight (38) respondents submitted their comments electronically using the online consultation portal. Twenty-eight (28) responses were submitted by email and the comments received do not generally reflect the Citizen Space question format.

Who responded?

- 2.2 The draft revised policy consultation attracted responses from a wide range of interests. This included responses from ten of the eleven local Councils; Environmental interests (the National Trust, Royal Society for the Protection of Birds (RSPB) and Friends of the Earth, Northern Ireland); Renewables Industry interests including RenewableNI, Lightsource bp, ABO Wind NI Limited, Renewable Energy Systems Limited, Energia, SONI, NIE Networks; Other business interests such as TC Town Planning (Planning Consultants), Construction Employers Federation, JUNO Planning and Environmental Ltd, Northern Ireland Chamber, Federation of Small Businesses, Turleys, Confederation of British Industry Northern Ireland (CBINI); and Professional Bodies, namely the Royal Town Planning Institute NI (RTPI), Irish Planning Institute (IPI): and Royal Society of Ulster Architects (RSUA). Responses were also received from Community Places who are representative of community interests; and from the Energy Saving Trust, a Non-Government Organisation (NGO). Additional respondents include the Northern Ireland Housing

Executive (NIHE), Loughs Agency, Sinn Féin, the Alliance Party and seven responses were received from individuals. A full list of those who provided a response, broken down by interest group, is attached at Annex A.

Figure 1: no. of respondents by interest category (66 in total)



- Business and Industry Interests - Renewables
- Business and Industry Interests - Other
- Environmental Interests
- Local Government Interests
- Community/Resident/Voluntary Organisations
- Academic Interests/NGOs
- Professional bodies
- Individuals
- Other

3.0 GENERAL OVERVIEW OF RESPONSES – HIGH LEVEL FINDINGS

- 3.1 Most responses include comments relating to wider concerns with the planning system and as mentioned above, other matters outside of the scope of the policy review generally.
- 3.2 The following bullets are a summary of the high-level findings in relation to matters that are within the scope of regional strategic planning policy:

High Level Findings - Summary

- There is a **broad welcome** for the intention to **support** the achievement of the **targets** of the Energy Strategy and the Climate Change Act 2022, in the context of the climate emergency.
- Many respondents, including industry interests, consider that **the draft policy does not go far enough** to support the increase in renewable and low carbon energy developments now required.
- A desire for **clarity** on the weight to be attributed to climate considerations. On the one hand, particularly industry interests, seek to ensure ‘**significant weight**’ is afforded to the contribution such development will make to addressing **the climate emergency** whilst others, on the other hand, seek to ensure **important interests** such as **the environment, amenity and protection of important habitats and landscape (including cumulative impacts)** are **afforded greater recognition** and **that wider energy targets will not be the determining factor** in planning decision making.
- Some respondents raise concerns that **the policy will not suitably protect the local environment and community interests**, and that there needs to be a **greater recognition of the nature crisis**.
- There is strong **opposition to the introduction of the proposed spatial approach** through LDPs and support for proposals to be determined on their merits, on a case-by-case basis.
- There is **favourable support** in principle **for a presumption in favour of repowering, expanding, and extending the life of existing wind and solar farms**.

- There are **strong views that the proposed approach to separation distances is an unnecessary** constraint to wind energy development.
- Some respondents raise **concern that more vulnerable/sensitive landscapes will be adversely impacted** by wind energy development.
- A desire for **clarity on** the draft policy proposed in relation to land being suitable for use for **wind farms in perpetuity**.
- **Strong concern** from industry interests with **prioritising previously developed land for solar farms** in countryside locations.
- Strong **opposition** from councils **that planning authorities ‘must’ support emerging technologies** given potential risks to the environment and the public.

3.3 In addition, many specific comments have been made with respect to terminology and use of language. This includes numerous suggested changes to the proposed policy wording on certain aspects of the policy.

4.0 CONSULTATION QUESTIONS – SUMMARY ANALYSIS

QUESTION 1

We asked...

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.

What do the consultation responses tell us....

- 4.1 Overall, there are contrasting views on how successful the draft policy is in supporting the need for increased renewable and low carbon energy development and contributing to the wider efforts of government in decarbonising energy generation whilst protecting the local environment. Most responses generally welcome the Department's intention to revise its policy to assist in achieving the targets set out initially in the Energy Strategy, and subsequently increased by the Climate Change Act 2022, particularly given the climate change emergency. However, some respondents consider that the Department has not gone far enough to support more of this category of development.
- 4.2 There is a mixed reaction to the appropriate level of prescription within the draft revised policy. **The renewables industry is broadly supportive** of the Department's intention to assist in achieving the targets of the Climate Change Act 2022 and Energy Strategy; however, it considers that the **revised regional strategic planning policy should give greater certainty** in policy application to facilitate the delivery of the 80% by 2030 renewable energy target, and ultimately to move to a net zero vision.
- 4.3 Industry and business interests consider that the draft policy contains some **overly rigid proposals** which will unnecessarily **restrict** the development of renewable and low carbon energy development such as the introduction of **a spatial approach** and the **retention of a 10x rotor diameter separation distance** for wind turbine development proposals. It is highlighted that such an arbitrary threshold is not used

in other parts of the UK and that a lesser threshold of 4 times the tip height of the turbine, with a minimum setback of 500m, is applied in the Republic of Ireland, which although reduced, is still not considered an ideal methodology. **Respondents wish to see this policy requirement removed and a minimum setback distance of 500m retained** with the separation distance considered on a **case-by-case basis**.

- 4.4 The industry and business sectors and others consider that to achieve decarbonisation, there must be a permissive change of direction reinstated in strategic policy which ensures “**significant weight**” is given to the benefits of renewable energy projects to accelerate the deployment of new projects and deliver the thresholds of renewable energy needed by 2030.
- 4.5 Representations from **the business sector largely oppose the approach** as set out in the draft policy. The Ulster Farmers Union (UFU) cite a need for stronger weighting of **policy in favour of small-scale renewables** including single turbines, anaerobic digestors and solar development.
- 4.6 There are **mixed opinions from respondents representative of environmental interests** on the contribution of the revised policy to addressing climate change. The National Trust is generally supportive of the new policy direction to assist with the achievement of the climate change targets in principle but raise concerns on the ability to meet the 80% target without additional DfI interventions, such as regional oversight and coordination of the planning system. RSPB seek a **greater recognition of the nature crisis** and climate emergency to ensure that revised policy does not undermine efforts to **protect against biodiversity loss**. Friends of the Earth (Northern Ireland) recognise the climate emergency but state that renewables are not without environmental and social problems and communities should not be disproportionately burdened.
- 4.7 **Councils** are generally **supportive** of the Department’s intention to bring forward a revised policy to assist wider efforts to address climate change and decarbonise the energy sector but have **strong opinions on how this should be best implemented**. Councils consider that many areas of **the draft policy require clarification** or are a source of concern. Armagh, Banbridge and Craigavon Borough Council, Ards and North Down Borough Council, Causeway Coast and

Glens Borough Council, and Mid and East Antrim Borough Council accept that the draft policy does provide regional direction, but that removal of some of the previous, more detailed elements of policy that gave regional direction to the weight to be applied to the wider environmental, social and economic benefits of proposals, has created a lack of clarity, with some suggesting that new LDPs may therefore appear out of kilter with regional policy. A number of other **specific amendments or improvements** to the policy wording are advocated by councils.

4.8 **Not all Councils agree** with the Department's approach to helping to achieve the climate change targets and whilst there is some support for the policy approach overall there are a range of concerns expressed in relation to the way forward. For example, Armagh, Banbridge and Craigavon Borough Council highlight the need for a balanced approach and that the policy should enable them to continue to take decisions **taking into account** the consideration of **important interests of acknowledged importance** such as the environment, amenity and protection of important habitats and landscapes. It is also suggested that those interests of importance extend to encouraging greater integration between renewable and low carbon energy development and infrastructure across land use and transportation planning overall. Fermanagh and Omagh Council suggest the policy should be clear that wider **energy sector targets will not be the determining factor in planning decision-making**. Linked to this, Derry City and Strabane District Council seek clarity on what expectations would be placed on it as it considers their Council already produce 'more than their fair share' of renewable energy. This council, therefore, seeks a system of sub-targets for districts.

4.9 Several councils, including Mid and East Antrim Borough Council, Belfast City Council, and Armagh, Banbridge and Craigavon Borough Council suggest **the policy wording** is at times **ambiguous** or **vague** and that this could lead to **potential conflict** between the revised strategic policy wording and adopted LDPs which is **at odds with** promoting and encouraging a **balanced approach** in decision taking. Whilst ambiguity was highlighted as a cause for concern by the aforementioned councils, Fermanagh and Omagh District Council are concerned that **in places, the draft policy is too specific and too prescriptive**. In response to this, it is suggested that **LDPs** represent the **most appropriate vehicle** to deliver

detailed policy provisions in relation to renewable and low carbon energy. Antrim and Newtownabbey Borough Council suggest rewording paragraph 1.8 to reflect current planning legislation i.e., to **'take account of'** rather than planning authorities **'must'**.

- 4.10 **Clarity** is also sought by many councils on **how the policy sits with LDP policies in the plan-led system** given councils consider it is their plans that now have primacy for decision-making. Furthermore, there are concerns about timing regarding the implementation of the policy in relation to LDPs and how it relates to Plan Strategies (PS) published/adopted or that are in the process of being finalised. Antrim and Newtownabbey Borough Council recommend that councils should take forward the broad thrust and direction of the provisions of strategic planning policy along with bespoke planning policies within their own LDPs.
- 4.11 Community Places agree that overall, the revised policy will support wider efforts of government in addressing climate change and in decarbonising the energy sector. The Energy Saving Trust also support the revised policy and welcome the spatial approach and policy for repowering, expanding solar and windfarm developments. They do offer concerns on the prescription of separation distances and call for an approach akin to Wales where such distances are considered on a case-by-case basis.
- 4.12 Turning next to the three professional bodies that responded to the public consultation. The **IPI welcome** the proposed policy approach and are generally supportive. RTPI and RSUA are more critical of the draft policy and suggest that it is to some degree **limited in its reach** and only goes part of the way to supporting wider government efforts. There are calls for policy to offer **more detail** with the RSUA citing that the policy risks **unnecessarily restricting development** of renewable and low carbon energy.
- 4.13 The Northern Ireland Housing Executive (NIHE) suggest rewording the title of the policy to "Renewable and low/zero carbon energy" to reflect the statutory net-zero target and to recognise that many energy sources may be zero carbon as opposed to low carbon. NIHE would like to see each form of renewable and low/zero carbon

energy being given its own section under a heading with further detail on the planning considerations specific to each technology provided.

- 4.14 Most responses from individuals indicate broad agreement with the draft revised policy approach to achieving the climate change targets, however, one respondent considers that the revised policy should focus on providing ‘**sufficient**’ renewable and low carbon energy potential and **not a ‘full potential’ scenario**. Another individual is of the view that the revised policy will assist the planning system keep up to date with emerging technologies and highlights that wind and solar are essential renewable energy technologies. A separate response highlights support to provide a diverse range of technologies and suggests that wind energy alone may not be sufficient as the energy transition and climate change environments change.

Department’s consideration and response

- 4.15 The Department recognises that there is broad support for regional strategic planning policy making an important contribution to assisting wider government achieve the targets as set out in the Climate Change Act (Northern Ireland) 2022. However, it notes that there are mixed and contrasting views on how this should be reflected through the SPPS.
- 4.16 A significant number of responses indicate that the revised policy should focus on achieving net zero carbon and affordable energy by 2050, rather than the current focus on the 2030 80% target. As per previous targets, the 80% target is not to be viewed as a cap but rather benefits could be gained from the exceedance of this target. The Department will consider this matter further and amend the final policy document, as appropriate.
- 4.17 The Departmental response in relation to comments on the proposed spatial approach is set out later in this report - see **Question 2**.
- 4.18 In relation to the policy approach to separation distances for wind farm developments i.e., 10x rotor diameter, the Department acknowledges the strong opposition from various sectors, including the renewables industry, business sector, and NGOs to this approach. Whilst it is important to protect visual and residential

amenity from potential negative impacts from wind energy development, the Department also recognises the potential implications that this threshold may have on securing and implementing appropriate wind farm development proposals, and in the context of the climate emergency, the Department will re-visit this technical policy requirement taking account of policy and practice in other jurisdictions including the UK and Ireland.

- 4.19 The Department notes the different perspectives on the factors to be considered and the weight to be applied to them, including the wider environmental, economic, and social benefits of renewable and low carbon energy development. The Department accepts that the policy wording in this regard could be clearer. It will, therefore, give this important aspect of the policy further consideration in finalising the policy.
- 4.20 Comments have been received regarding the importance of recognising the nature crisis and protecting against biodiversity loss. The Department has sought to ensure appropriate consideration is given to these matters and the final policy revision will be subject to further assessment in compliance with the relevant environmental legislation, including Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA).

QUESTION 2

We asked...

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.

What do the consultation responses tell us....

- 4.21 The renewables industry, in particular, is **strongly opposed to the proposed spatial approach** for renewable and low carbon energy development. Various respondents, including RenewableNI and business interests, are generally concerned that the provisions for a spatial approach through LDPs is **neither a feasible nor desirable approach** which should not be pursued further. Reference is made to the time it takes to bring forward LDPs and that the year 2030 is fast approaching. Industry representatives consider that to successfully implement this approach **requires expert knowledge** and understanding of the sector technology, site selection and viability, which neither DfI nor Councils hold. There is a clear **preference** for an approach **where each site is assessed on its own merits** and that factors such as environmental impact and community views are more appropriately assessed on a **case-by-case basis** at the planning application stage.
- 4.22 Most industry respondents comment that available land is likely to be reduced further as turbine size increases and constraints on development in Areas of Outstanding Natural Beauty (AONB) or state forestry are applied. It is considered that moving to a spatial approach (and with the proposed requirements on separation distances) **will restrict** current and future renewables development across NI, to the detriment of the wider economy and consumers.
- 4.23 Several respondents highlight that many adopted plan strategies do not identify suitable areas, but instead identify restrictive spatial policies where renewable energy is not appropriate.

- 4.24 There is a **mixed reaction to the proposed spatial approach** from **Environmental interests**. The National Trust support a spatial approach but suggest that **more strategic direction** is needed with calls for **central government to take the lead in regional oversight and coordination**. RSPB consider that the proposed **spatial approach does not consider nature** and suggest the “avoid, minimise, restore and compensate approach” should be followed to **avoid adverse environmental impacts from damaging renewable developments**. Concerns raised include the lack of progress/pace in LDPs and possible issues this presents for delivery of the overall approach.
- 4.25 Most **councils have fundamental concerns** with the proposed **spatial approach** to identifying the most appropriate areas for renewable energy development including wind farms, where a presumption in favour of development will apply. Five councils (Ards and North Down Borough Council; Causeway Coast and Glens Borough Council; Belfast City Council; Armagh, Banbridge and Craigavon Borough Council; and Antrim and Newtownabbey Borough Council) suggest that any spatial plan should be undertaken at a central government and regional level. It is argued **central government is best placed to co-ordinate and develop a consistent, strategic spatial approach to renewables and low carbon energy proposals on a regional scale**. This would help deal with any cross-boundary implications and provide direction on emerging/changing technologies. It is contended that a regional approach would also allow infrastructure, regional demand, and growth to be identified and considered.
- 4.26 Several councils (Mid Ulster District Council; Ards and North Down Borough Council; Derry City and Strabane District Council) consider that the **resources and evidence does not exist in councils** to undertake what is considered to be an overly onerous approach.
- 4.27 By contrast to the proposed spatial approach to identify areas most appropriate for development, some councils state that a spatial approach would be dependent on the landscape qualities of each district, and that **a more cautious approach** might be more **suitable in AONBs and other valuable landscapes**. Specifically, there is concern over the perceived contradictory requirement that councils ‘must’ bring forward spatial policies as some districts have a proliferation of important

environmental designations. Moreover, there is concern that in certain areas, a **cumulative build-up** of proposals could **harm tourism and the economic benefits** it brings for districts and the region. Belfast City Council and Ards and North Down Borough Council indicate that depending on location, **there may even be no appropriate areas where renewable energy would be acceptable** in principle and that this issue is not appropriately considered in the draft policy. Due to limited land availability Belfast City Council believes that the existing assessment is more flexible than the proposed new approach and **a common view** amongst councils is that **local government should have the discretion to take forward their own spatial approach** and appropriate locations should be determined through the **Development Management process**. It is suggested that some councils have already undertaken detailed landscape surveys to spatially identify the most sensitive and valuable landscapes, and this approach avoids putting in place a presumption in favour of renewable development in areas where such a development may not be feasible. Again, there are **concerns** from these councils about the **timing of a proposed spatial approach** for some councils given the current LDP position and progress.

4.28 Community Places express concern around the flexibility of **the mapping process** (i.e., the spatial approach) and believe this **must** be capable of **reflecting changing landscapes** as more renewable sites are developed, as well as allowing more consideration to be given to the **specific requirements of different technologies**. Community Places consider that it is essential to be mindful of an ever-changing context; therefore, a more proactive approach is required. It is suggested that time should be taken to discuss land and siting of technologies, and that **all peatland areas**, whether designated or not, **should be protected from renewable development**. Community Places are of the view that policy needs to be specific about design standards for wind energy.

4.29 As previously mentioned in question 1, the Energy Saving Trust welcome the draft policy's spatial approach as they consider it will assist in energy system planning overall.

4.30 Professional bodies have expressed **mixed opinions** on the proposed spatial approach. The RTPi and IPI **welcome this proposal**. Whilst both consider that the

identification/mapping of capacity areas is important the **RTPI suggest** that there should be a **strategic approach to identifying capacity areas** for wind and solar generation. RSUA do not support the spatial approach and express concern with policy being introduced late in the process of LDP development. **RSUA also question councils' ability/thoroughness to identify and allocate appropriate sites.** RSUA recommend the retention of existing strategic policy which they perceive to be less restrictive. Common threads emerging from professional bodies including **concerns** with the pace of LDP preparation and **timeframes for the implementation of the proposed approach; alignment with climate change targets;** the facilitation and integration of **new technology;** mapping requirements; the need for **resources/funding** to deliver the spatial approach and the importance of **monitoring.**

- 4.31 **Many individuals agree with the principle of a spatial approach,** although one respondent highlights that **evidence from recent draft LDPs indicate** proposed **restrictions on renewable development** rather than facilitating such developments, which may be counterproductive. This respondent is also of the view that **councils lack experience/skill** set to undertake and effectively deliver a viable spatial approach and to be carried out effectively, this should be undertaken collectively with industry experts at a **regional level,** and not locally, so that regional targets can be achieved. Another individual who is supportive of a spatial approach, considers that **the spatial approach must be applied equally across NI to prevent more vulnerable/sensitive sites from being adversely impacted** due to their siting qualities i.e., high grounds for wind speeds/topography (Sperrins AONB/upland areas etc/Northwest of NI).
- 4.32 One individual stated that **early engagement with NIEA is** considered **important** to **protect and preserve peatland and habitat sites** prior to the approval of any planning permission to prevent any unintentional/intentional development to remove such important environmental qualities to facilitate new development. Furthermore, the respondent suggests that **large-scale renewable energy development,** primarily **wind, should not be permitted in sensitive landscapes** and ultimately the approach should be to refuse such proposals in these areas unless special circumstances prevail.

Department's consideration and response

4.33 The Department notes that overall, there is strong opposition from many sectors to the proposed introduction of a spatial approach to identifying areas most appropriate for renewable energy development, including wind farms. Whilst a spatial approach can be beneficial for identifying suitable renewable and low carbon energy development sites in principle, and provide certainty, clarity and confidence for stakeholders, the Department recognises the various counter arguments raised by respondents in relation to the level of expertise, resource, time, expense etc. that would be required to effectively implement this proposed new policy requirement and for it to have the desired effect. The Department does not therefore intend to pursue this approach further in finalising the policy revision. However, councils may bring forward (on a voluntary basis) spatial areas to support this type of development, if so desired.

QUESTION 3

We asked...

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.

What do the consultation responses tell us....

- 4.34 **Business and Industry Interests (renewables) are generally supportive** of the **presumption in favour of re-powering**, however, raise concerns that a proposed 10x rotor diameter **separation distance** requirement for wind energy development **will limit what could otherwise be realised** through **repowering**. The matter of separation distances is considered in further detail under Question 1 above. In addition, some respondents from the Industry and Business interests (renewables) are of the view that planning assessment should focus on amendments from the environmental baseline of the existing wind farm to be repowered/expanded or extended, and the acceptability of change should be assessed on the additional impacts, rather than from the development's overall impacts.
- 4.35 Four respondents (The Federation of Small Businesses, TC Town Planning, Turleys and the Ulster Farmers Union) from the business and industry interests (other) indicate support for the "presumption-in-favour" of re-powering in principle, however, the Federation of Small Businesses seek greater **clarity** on the matter.
- 4.36 The three respondents, representative of **Environmental interests, are generally supportive** of the presumption in favour of re-powering and welcome the continuance of time limited approvals. However, caution is expressed in relation to the **scrutiny of impacts**, stressing the importance of **full consideration of these cumulatively** and for local communities. The RSPB suggest that **cumulative impacts should be expanded on** beyond visual/ landscape amenity to include **biodiversity** and **nature conservation**.
- 4.37 There is broad **support from councils** for the presumption in favour of re-powering, extending, and expanding solar and wind farm developments where appropriate on

the basis that this **addresses a lacuna** in current policy. Newry, Mourne and Down District Council emphasise the importance of the policy wording, '**where appropriate**' and suggest that the revised policy needs to be suitably **future proofed** to account for emerging and new technologies. It is also suggested that policy should emphasise that proposals seeking to re-power will be required to meet the same policy tests as new solar / wind energy proposals and that **care is needed** to ensure there is **no conflict between a spatial approach and re-powering policy**, specifically **where landscapes have already reached their capacity**.

- 4.38 Councils have raised **concern with the term 'in perpetuity'** and consider it would not be acceptable to grant planning permission in perpetuity as **technology changes**, and better long-term solutions may be found. It is noted this section only references wind farms (not solar or other) for use in perpetuity. Armagh, Banbridge and Craigavon Borough Council indicate that **details on future decommissioning/site restoration must be provided** for all renewable and low carbon energy proposals deemed suitable for use in perpetuity, as this entitlement does not necessarily mean that it will be implemented in perpetuity. Belfast City Council state **re-powering etc should not negate the need for a decommissioning plan**.
- 4.39 Community Places does not support the draft policy approach to re-powering and considers that there should be a cautious approach to any policy which references 'perpetuity'. Community Places would like to see more NI-wide conversation/debate around large-scale development sited in perpetuity. Community Places consider there is a **need for formal community and statutory engagement** each time a renewable energy development is repowered.
- 4.40 The Energy Saving Trust broadly support the proposed approach.
- 4.41 All three professional bodies welcome the presumption in favour of repowering/expanding solar and windfarms. The RTPI positively recognise that time-limited permissions provide an opportunity to review sites and assess changes since the initial permission. The IPI nevertheless suggest that policy should require turbines that are dormant for an extended period of time to be removed with a visual 'leave no trace' requirement. RSUA point to benefits of the approach in reducing

delays for repowering applications whilst maximising already developed sites on the basis that this will deliver best consumer value and significantly increase renewable electricity output.

- 4.42 The Commissioner for Children and Young People for Northern Ireland (NICCY) emphasises the need for **effective decommissioning of wind turbines** and investment focused on repurposing and recycling, with significant benefits including employment, the reuse of critical materials, and the reduction of industry carbon impact.
- 4.43 Most individuals support the draft policy approach to re-powering, however, one individual opposes the proposed approach on the basis that re-powering and siting in perpetuity may remove future checking mechanisms, the rights of host communities and the ability to assess future impacts on such landscapes. This respondent suggests amended wording to the draft policy to strengthen and protect the role of communities through the planning process.
- 4.44 One respondent is also of the view that renewable and low carbon energy development should only be permitted in AONBs etc. where there is **no unacceptable damage** to human health or environmental loss of habitat in addition to there being no unacceptable damage to visual amenity.
- 4.45 Further issues raised by Individuals include concern regarding the perceived restrictive impact that separation distances; the need for further policy/guidance on site restoration/de-commissioning and noise and shadow flicker impacts which should be assessed on a case-by-case basis, where necessary.

Department's consideration and response

- 4.46 The Department recognises the strong support for re-powering, extending, and expanding solar and wind farm developments in principle and will retain this general policy approach. As there is some misunderstanding as to how such an approach would be implemented, it is important to clarify that the proposed approach does not negate the need to submit a planning application for future proposals. Any such proposals will still be required to be subjected to the full rigours of the normal planning process, taking into account the policy and legislative context and all other

material considerations in place at the relevant time an application is being determined. All interested parties will continue to be afforded the opportunity to be involved in the application process. The “siting in perpetuity” provision was linked with areas identified as appropriate for wind farms through the spatial approach. However, as this spatial approach will not be pursued further in finalising the policy, the linked siting in perpetuity provision will also not be carried forward in finalising the policy.

- 4.47 As regards to the proposed policy on separation distances for wind farm developments i.e., 10x rotor diameter, and as set out under Question 1, the Department will give further consideration as to the most appropriate approach in finalising the policy.
- 4.48 The Department notes comments made in relation to cumulative impact and potential effects. It is considered that cumulative impact is an important consideration, and this matter will continue to be appropriately provided for in the final policy document.
- 4.49 The Department notes some concerns with regards to de-commissioning and site restoration, associated with the policy for re-powering. Whilst ‘re-powering’ is a new policy measure, its introduction does not negate the need for decommissioning and site restoration, where appropriate.

QUESTION 4

We asked...

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.

What do the consultation responses tell us....

4.50 This question generated responses on matters that are also raised in response to other consultation questions and have been addressed elsewhere in this report. Issues raised in response to this question that are not already reflected under Question 1 – 3 above include:

- solar energy development;
- specific comments in respect to terminology use;
- changes to the proposed policy wording on certain aspects of the policy;
- emerging technologies;
- more clarity on: amenity issue such as noise, shadow flicker; amplitude; modulation; emerging technologies; and Battey Energy Storage Systems;
- appropriateness of the policy framework for decision-taking and plan-making
- micro energy;
- policy should promote greater focus on energy oversupply/wastage and the benefits of partnership working;
- design requirements for wind turbines;
- there is a need for whole system energy planning for better outcomes;
- additional support for hydropower.

4.51 Regarding solar energy development, the renewables industry suggest that solar energy development will need to be scaled up to meet the 2030 goals, and future schemes will likely require 150+ acres each. Numerous renewable organisations, including the Irish Solar Energy Association, express concern that prioritising previously developed land for solar farm use will act as an unnecessary barrier to

these developments and request that solar farms should be permitted to be developed on both “brownfield” and “greenfield” sites (including agricultural land) where appropriate. Most industry bodies request that the revised policy is amended to set out an exception test to the SPPS’s ‘Flood Risk’ policy, to allow for solar development in designated floodplains.

- 4.52 For solar farms, it is suggested **there should be reference to surface carparks, smaller rooftops, or other urban sites**. Mid Ulster District Council do not want to rule out the possibility of solar farms on better quality or good agricultural lands. Co-location of renewables is considered reasonable but not suitable in all locations.
- 4.53 A few respondents from the business sector also express **concern over the priority to be given to previously developed land for solar farms**.
- 4.54 Responses to this question from the three environmental interest bodies focus largely on the impacts of development on nature and communities. The RSPB are generally supportive of solar when deployed on rooftops and that large PV arrays are unlikely to be a concern from a nature conservation perspective as long as they are in a suitable location but caution against siting solar energy in sensitive areas for nature. In regard to wind, hydropower, heat-related technologies, bioenergy, hydrogen, storage, and microgeneration the RSPB highlight potential concerns with how each technology may adversely impact nature and emphasise that is important that all projects are **delivered in harmony with nature**. RSPB do not support all technologies and suggest that planning policy should focus on “genuinely low carbon renewables” that are sited, constructed, and operated in harmony with nature. It is argued that as renewable energy technologies are rapidly developing the precautionary approach will need to be applied where technologies are new or novel and the impacts are not fully known. The National Trust also focus on potential risks to habitats and nature and the importance that such concerns are appropriately considered. The National Trust seek **further clarification of policy wording** in relation to protected **heritage assets**, biodiversity, peatland, and mitigation measures. Friends of the Earth consider that renewable developments are not without environmental and social problems and consider that for energy infrastructure proposals preferential consideration should be given for projects that

have community and cooperative ownership over commercial, profit driven developments.

- 4.55 Councils support much of the draft policy as a framework and acknowledge that in general it broadly aligns well with their LDPs. However, councils raise **specific** concerns with proposed policy wording.
- 4.56 A recurrent key theme is **emerging technologies**. Councils indicate that policy needs to be flexible to accommodate new technologies as they emerge and that strategic planning policy for renewables and low carbon energy should be monitored at a regional level. Any advancements in renewable technologies and associated planning matters should also be identified at a regional level, so that they are addressed in a consistent manner throughout the region. Several councils disagree that they 'must support' emerging technologies as some new technologies can pose risks and a requirement to support them could have unintended consequences.
- 4.57 Whilst almost all councils consider the policy is heavily focussed on wind, some believe it is sufficiently flexible to allow councils the scope to positively support other technologies. However, Fermanagh and Omagh District Council, Armagh, Banbridge and Craigavon Borough Council, Mid Ulster District Council, and Newry, Mourne and Down District Council suggest that a **greater focus** should be provided on **energy types other than wind** along with emerging renewable energy types, including **micro-energy**. Fermanagh and Omagh District Council highlight that the policy should promote greater focus on energy oversupply/wastage and the benefits of partnership working.
- 4.58 Community Places believe that after demonstrating **good design**, an application should be assessed for context-specific impacts - amenity matters such as noise and shadow flicker can only be accurately assessed within a site context. Community Places would like to see the **promotion of previously developed land** for renewable energy, **increased support for siting on brownfield, industrial sites**, and **PV roof top solar**. Overall, this respondent is keen to see **balance** between achieving **energy targets and safeguarding amenity** and **sensitive landscapes and habitats**.

- 4.59 There is mixed opinion from the three professional bodies who responded. The IPI are generally supportive of the draft policy but suggest the planning policy needs to be specific about **design requirements** for wind turbines to ensure developers know the standards expected, while recognising the need for appropriate **flexibility** within defined parameters. The RTPI and RSUA do not consider that the policy provides an appropriate framework with the RTPI suggesting that, rather than providing for specific technologies, **there is a need for whole system energy planning** for better outcomes.
- 4.60 The RSUA consider that the draft policy is **too general** and highlight concerns with some LDPs being in the latter stage of preparation and fear **councils may set policies which may diverge from strategic planning policy**.
- 4.61 NIHE also suggest that the final policy should **include heat networks** and promote energy efficiency measures, such as **passive design in new developments** and **retrofitting to existing buildings**. NIHE are of the view that **biodiversity enhancement should be mandatory** to reflect the findings from [The State of Nature Report 2019](#).
- 4.62 Loughs Agency are broadly supportive of the revised policy approach and emphasise **the importance of consultation with statutory bodies** to mitigate and address potential negative impacts from renewables developments. **Environmental and scientific data will be important** to the identification of such impacts. Loughs Agency also stress the need for a transboundary approach where renewables developments about the Republic of Ireland.
- 4.63 There were several matters raised within separate individual responses with regards the appropriateness of the draft policy's framework for plan making and decision taking, such as:
- support solar energy development in flood plains;
 - adequate storage will be required to accommodate an increase in renewable energy e.g., BESS or Hydrogen;
 - a requirement for wind turbine blades to be recyclable;
 - the methodology used for the assessment of noise from wind energy development needs to be updated;

- greater importance to be applied to transport considerations during the construction and servicing of renewable sites, particularly large-scale wind projects, and the associated health and safety risks this can cause;
- most individuals support the draft policy approach to locating solar energy in previously developed sites.
- policy provision is required for large scale AD development;
- the draft revised policy is comprehensive and that the spatial approach will allow for more community involvement.

Department's consideration and response

4.64 The following paragraphs provide the Department's consideration and response to some of the more general matters which have arisen in response to Question 4.

4.65 The Department acknowledges concerns from a number of respondents that the draft policy approach which seeks to prioritise previously development land for solar development could present a barrier to such developments in the countryside and create possible confusion regarding the established understanding of previously developed land in settlements here. The Department intends to consider this matter further in finalising the SPSS policy revision. Further consideration will also be given to how best the policy can further support solar energy development.

4.66 The Department notes the range of comments made in relation to how the draft policy addresses emerging technologies and the importance of ensuring associated planning matters, such as design, amenity issues and other considerations are capable of being appropriately assessed through the planning system. It is recognised that it is challenging to anticipate the future of technological developments in this complex, technical and fast evolving field and that regional planning policy cannot, therefore, predict all future development proposals and provide for the consideration of every and all emerging technologies. However, the Department seeks to ensure that a broad framework is in place to assist with ensuring important planning considerations associated with the main and emerging technologies can be appropriately taken into account in the planning for and management of renewable and low carbon energy development (within the wider

context of the Energy Strategy). In finalising the review process, the Department will give further consideration to how best to ensure the final policy is as up-to-date and suitably future proofed as it can be. In addition, consideration is being given to preparing new best practice guidance to assist applicants, councils and the general public in their understanding and application of any revised policy. The guidance could provide the appropriate opportunity to consider further the issue of extant and emerging technologies and their impacts, including design requirements for wind turbines etc. The thrust of the proposed policy direction is to support suitable developments that utilise emerging technologies, where it is appropriate to do so in gaining the optimal benefits from renewable generation. It is not intended to permit developments that would otherwise be unacceptable. The Department will reconsider and amend the policy wording to appropriately clarify this matter in finalising the policy. Furthermore, it does not preclude a planning authority from requesting additional information to enable it to determine any application in accordance with section 3 (6) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

- 4.67 The Department will consider further how the final policy could better promote opportunities more widely for the integration of renewable and low carbon energy development with other land uses, where feasible. This whole system approach has the potential to further assist in making a positive contribution to the transition to a low carbon economy. For example, where the energy generated by one land use can help support the energy demands of another land use in a locality.
- 4.68 The Department notes the diverse range of issues raised in response to this question overall and the numerous requests to amend/remove or provide clarity on some of the policy wording. As referenced elsewhere in this report these comments/suggestions will be considered in further detail and the Department will amend the final policy, where appropriate.

5.0 STRATEGIC ENVIRONMENT ASSESSMENT

5.1 A number of responses relate to the Environmental Report and Non-Technical Summary, which was published at the same time as the draft revised policy consultation. These comments will also be considered in finalising the policy. Furthermore, any revisions to the draft revised policy overall will be subject to assessment for their potential impact on the environment in accordance with the relevant environmental legislation. This process is being undertaken by specialist consultants acting on the Department's behalf.

6.0 WHAT ARE THE NEXT STEPS?

6.1 The Department would like to thank everyone who took the time to consider and respond to this consultation. The Department will proceed with finalising the SPPS policy revision in accordance with policy development best practice. Each of the responses received will be given careful consideration. Any revisions from the draft policy wording will also be reassessed for their potential impact on the environment in accordance with the prevailing environmental legislation.

Local Government Interests:

Causeway Coast and Glens Borough Council; Mid and East Antrim Borough Council; Fermanagh and Omagh District Council; Belfast City Council; Mid Ulster District Council; Armagh City, Banbridge and Craigavon Borough Council; Antrim and Newtownabbey Borough Council; Ards and North Down Borough Council; Derry City and Strabane District Council; and Newry, Mourne and Down District Council.

Environmental Interests:

Royal Society for Protection of Birds (RSPB); National Trust; and Friends of the Earth.

Business and Industry Interests – Renewables:

Simply Blue Group; North Channel Wind; HHT Renewables; RES; Orsted; Lightsource bp; ESB; NIE Networks; ERG; Scottish Power Renewables; Strategic Power Projects; ABO Wind; Simple Power No. 1 Limited; Energy Storage Ireland; Hydrogen Ireland; Renewables United Ltd; RenewableNI; SONI; SSE; Action Renewables; Ayr power Limited (*2 different submissions*); Causeway energy; Energia; Irish Solar Energy Association; agriAD; and Stream Bioenergy.

Business and Industry Interests – Other:

TC Town Planning (Planning Consultants); Construction Employers Federation; JUNO Planning and Environmental Ltd; Northern Ireland Chamber; Federation of Small Businesses; Turleys; CBI NI and Ulster Farmers Union.

Professional Bodies:

Royal Town Planning Institute NI (RTPI); Irish Planning Institute (IPI); and Royal Society of Ulster Architects (RSUA).

Community/Resident/Voluntary Organisations:

Community Places.

Academic Interests/NGOs:

Energy Saving Trust.

Other:

Northern Ireland Housing Executive (NIHE); Loughs Agency; Sinn Féin; Alliance Party; Northern Ireland Commissioner for Children and Young People (NICCY); and Health and Social Care Trust.

Individuals:

7 individual responses were received.