

Report on	DFIs Consultation on Revised Regional Strategic Planning Policy (Renewable and Low Carbon Energy)
Date of Meeting	12 th June 2023
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer.

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to invite members views on how the Council should respond to a current public consultation exercise on a draft Regional Strategic Policy on Renewable and Low Carbon Energy. The consultation period ends at 5pm on the 30 th June 2023.
2.0	Background
2.1	DFI have stated that the Aim of this policy review is to ensure that policy on renewable and low carbon energy development remains fit for purpose. It is also intended to inform the Local Development Plan (LDP) process.
2.2	This is being carried out within the framework of regional strategic planning policy and the wider contemporary context for energy and climate change. This includes NIs Energy Strategy, published on 16 Dec 2021, and the Climate Change (NI) Act 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 Act 2022.
2.3	Dfi recognise that 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.
3.0	Main Report

3.1	<p>The following is an analysis of the key paragraphs within the draft consultation paper to which the Council would offer a response:</p> <p>MUDC is in general support of the 80% renewable electricity consumption target and ideally a self sufficient position being established after 2030 given that more energy will be needed for electric vehicles, heating and industrial uses.</p> <p>Given that demand is going to exceed any existing targets, accordingly the Council supports a permissive approach to renewable and low carbon energy development. Indeed this is supported by a presumption in favour of such development in our Draft Plan Strategy 2030 for most of the district.</p> <p>However, as written the Revised Regional Planning Policy document (Renewable and Low Carbon Energy) is at times contradictory and provides opportunities for Local Development Plans to be legally challenged and any decisions made to also be legally challenged.</p> <p>Council Responses to individual Paragraphs of the paper.</p>
3.2	<p>Paragraph 1.6 – the Council disagree that it must maximise sustainable renewables and low carbon energy for the simple reason that there are areas the SPPS recognize that a cautious approach be taken to renewable energy proposals. In MUDC area the highest wind speeds are on the top of the Sperrin's and quite simply at this moment in time it would be inappropriate to cover these with turbines. Accordingly references to 'must' within the draft policy should be removed.</p> <p>Par. 1.9 / 1.10 – Our DPS already identifies a presumption in favour. This paragraph is confusing as one must ask if it proposed here that such a presumption in favour would not existing outside identified 'appropriate areas'? Whilst the Council does not object to any Authority identifying the 'most appropriate areas', we equally feel that this is unduly onerous on LDPs especially if the plan provides a general presumption in favour of renewables and sets out criteria against which these types of development proposals will be assessed.</p> <p>Par.1.11 – MUDC recognizes in AONBs and other valuable landscapes that a more cautious approach is needed for renewable and low carbon energy development proposals. Whilst all areas in AONBs should not be excluded, we feel it is helpful to identify certain landscapes where tall structures are unacceptable, doing so provides developers / local authorities with more certainty and reduces wasted resources.</p> <p>Par. 1.12 / 1.13 – MUDC supports the criteria as set out in these paragraphs.</p>

Par.1.14 – at the outset MUDC does not take the view that in assessing an application for renewable or low carbon energy that ALL targets need to be taken into account as a permissive policy is the means by which these should be achieved. It is also next to impossible to pin down a developer to what contribution their proposal will make by way of the amount of energy generated.

Par.1.16 – MUDC supports a 500m min or 10 times rotor diameter to occupied property but it is important to stress that we have already examined this for some areas within our District. For areas outside the 500m this will provide very little scope to develop wind farms and suggests there are very little appropriate locations. Thus, if wind farms are to be supported it is clear that properties will potentially need to be acquired by the developer. This also suggests that a wider Regional analysis is required across NI to look at the possible acquiring of property.

Par.1.17 – MUDC, whilst supporting Solar farms on previously developed or low value land, believe this should not rule out the ability to provide for solar farms on better quality or good agricultural lands.

Par.1.18 – MUDC feels that the need to site ‘close’ to the source of waste is too restrictive. AD plants can after all also be a source of heat and a means by which waste can be sustainably dealt with. The burden of considering the location of the waste should not be placed on the decision maker given that overall site suitability is more important. A test in relation to locating next to farm buildings needs to recognise that if these are occupied that there is the potential for nuisance to result. Provision should be made to allow AD plants to utilize existing landforms if there is no ability to site with a group of buildings.

Par.1.19 – we support the aspect and the re-powering and life extension of turbines. We do not support the notion that any identified areas are ‘in perpetuity’ and also ask if that this would also apply to other consented areas outside any identified appropriate areas. In addition as technology is ever changing, and given that better long term solutions may be found, as well as the fact that wind turbines over time de-grade, we would not support any ‘in perpetuity’ approach to approvals, if indeed this is also the intention of this aspect of the proposal policy.

Par1.21 – On micro-generation energy, there is no need to require LDPs to encourage these as we have already provided a presumption in favour in our LDP (DPS).

Par.1.22 / 1.23- MUDC have no objection to the approach here in relation to visual impact and noise.

Par.1.24 – MUDC objects to references that it must ‘support’ emerging technologies as our approach to renewables is as previously stated permissive. There are also risks with new technologies, for example fracking / Bio-mass, where there is the potential for hazards to occur. Accordingly full and proper assessments of these types of development is needed and we would request that instead, a ‘careful’ consideration be proposed in any revised policy.

Par.1.30 - MUDC agrees that community benefits offered should not be a material consideration. However, we suggest that ‘Planning Agreements’ may have a role in off-setting any ‘disbenefits’.

3.3

Conclusion.

Any revised Policy we feel should simply replace the relevant parts of the SPPS, thus helping to avoid the creation of a future policy lacuna with Local Development Plans now proceeding at differing stages and currently existing policy.

The consultation concludes with a request for the Council to provide an answer to the following questions:

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.

3.4	<p>Where possible, your comments should include supporting evidence. Please note that all comments should relate to planning policy matters only.</p> <p>The Council has decided not to directly answer these Questions. We see these as being questions which do not address the key issues of detail. Instead we respectfully request that the content of this report is considered as the formal response to DFI on the Consultation.</p>
4.0	Other Considerations
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: N/A</p> <p>Human:N.A</p> <p>Risk Management: N/A</p>
4.2	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: N/A</p> <p>Rural Needs Implications: N/A</p>
5.0	Recommendation(s)
5.1	That members accept that this report is forward to the Department as its formal response to the consultation exercise.
6.0	Documents Attached & References
6.1	Appendix A – copy of Draft consultation Paper.

Revised Regional Strategic Planning Policy

Renewable and Low Carbon Energy

Public Consultation Draft



Department for

Infrastructure

An Roinn

Bonneagair

Depairtment fur

Infrastructure

www.infrastructure-ni.gov.uk

April 2023

DRAFT

© Crown copyright, Department for Infrastructure, 2023

You may use and re-use this information (not including logos) under the terms of the Open Government Licence.

Email enquiries regarding the re-use of this information to:

psi@nationalarchives.gsi.gov.uk

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.

Freedom of Information Act 2000 - Confidentiality of Responses

The Department may publish a summary of responses following the closing date for receipt of comments. Your response, and all other responses to this publication, may be disclosed on request and/or made available on the DfI website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this publication.

The Freedom of Information Act 2000 and Environmental Information Regulations 2004 give the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this publication, including information about your identity, should be made public or treated as confidential. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

The information you provide in your response, excluding personal information, may be published, or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR). Any personal information you provide will be handled in accordance with the UK-GDPR and will not be published.

If you want the non-personal information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA or EIR, we cannot guarantee confidentiality.

For information regarding your personal data, please refer to the DfI Privacy Notice at www.infrastructure-ni.gov.uk/dfi-privacy.

For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk.

DRAFT

Contents

Introduction	1
Renewable and Low Carbon Energy	4
Regional Strategic Objectives	5
Regional Strategic Policy.....	6
Consultation Questions	13

DRAFT

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 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 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:

- 32 wind farms

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>

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

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

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).

DRAFT

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,

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

earthing cabling, ground remodelling etc. also require careful consideration in the determination of any renewable and low carbon energy development proposals⁴.

- 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

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).

⁵ Defined as development comprising more than 2 turbines.

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 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 decision-takers, 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.