

## Northern Ireland

### Fermanagh and Omagh District Council – Local Development Plan Draft Plan Strategy Representation

*A response from RSPB Northern Ireland, 18 December 2018*

#### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

RSPB NI welcomes the opportunity to comment on the Fermanagh and Omagh District Council (FODC) Local Development Plan (LDP) Draft Plan Strategy (DPS).

What is your view on the Draft Plan Strategy?

**Unsound**

If you consider the Plan Strategy to be **unsound**, please identify which test(s) of soundness your representation relates to, having regard to Development Plan Practice Note 6.

## RSPB NI Comments

### Supplementary Guidance

#### Paragraph 2.15

- C3 Did the council take account of policy and guidance issued by the Department?**

#### Details

It is not clear from this paragraph, if these are the only three documents to be relied upon or carried over into the LDP. A full list of these documents is contained within paragraph 1.14 of the SPPS.

#### Modifications

This should be clarified by FODC in any future iteration the LDP. RSPB NI recommends that all documents should be carried over into the LDP. (N.B. The HRA document provides some additional clarification in this regard – but the DPS should set this out in full).

### Working with other Local Authorities

#### Paragraph 3.6

- CE1 Does the Plan Strategy sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the Draft Plan Strategies of neighbouring councils?**

#### Details

This paragraph refers only to designations which cross council boundaries in Northern Ireland. While its recognised that the Slieve Beagh-Mullaghfad-Lisnaskea Special Protection Area (SPA) for hen harrier is a Northern Ireland N2K designation, it should be noted that the site adjoins a proposed SPA for hen harrier in the Republic of Ireland.

#### Modifications

This paragraph should therefore be amended to reflect this context.

## **Draft Strategic Policy SP01 – Furthering Sustainable Development**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

### **Details**

While the presumption in favour of furthering sustainable development is contained within the Strategic Planning Policy Statement (SPPS), the proposed draft LDP strategy policy wording has failed to comply with both the demonstrable harms test and precautionary principle as contained within the SPPS. (It is acknowledged that it is contained within the narrative at paragraph 5.15 of the Draft Plan Strategy (DPS), but should be contained within the wording of draft Policy SP01.

In this regard, Paragraph 5.72 of the SPPS states 'planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the planning authority has power to refuse planning permission'.

Furthermore, there is no reference to the precautionary principle within the DPS, as contained within paragraph 3.9 of the SPPS.

### **Modifications**

It is therefore, requested that Policy SP2 be amended to replicate the precise wording of Paragraph 5.72 of the SPPS in order to be more effective and comply with the SPPS.

Furthermore, Paragraph 3.9 of the SPPS states 'in formulating policies and plans and in determining planning applications planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'.

It is therefore requested that the exact wording of Paragraph 3.9 of the SPPS is included within the justification and amplification section below Policy SP2 in order to comply with the SPPS.

## **6.0 The Spatial Growth Strategy**

### **Strategic Allocation of Housing Land**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?**

#### **Details**

There remains a danger that the FODC LDP could result in the overprovision of housing land.

At paragraph 6.24, it states, ‘the majority of new strategic growth in the settlements will be delivered through existing housing sites under construction or with current planning permission (i.e. commitments)’. The following paragraph 6.25 then indicates ‘taking into account completions since 2015, this leaves a balance as at April 2017 of 4,001 of the 5,190 new homes provision by 2030’.

While Draft Strategy Policy SP03 – Strategic Allocation and Management of Housing Supply states ‘the Plan Strategy will make provision for at least 4,000 new homes within our settlements in the period 2017-2030’, and that ‘an allowance for windfall housing sites’ will be taken into account. There is a danger that the lack of an allowance for windfall at the village and small settlements tier (which is indicated at providing just under twice the amount of housing provision as that allocated for the local town level could contribute to an over allocation of housing for the council area.

This situation is further compounded by the fact that it is unclear whether this figure includes an allocation to the countryside. From the DPS, it seems that almost a quarter (23%) of housing is being allocated to the countryside, however the housing need figure of 5,190 identified for the council area does not appear to include the countryside. If this is the case, this means, that 23% of 5,190 could result in a further 1,194 (rounded) dwellings in the council area. (It is recognised that the HRA, attempts to provide further clarity on this matter, there remains discrepancies between the two sets of texts. Furthermore, in the interests of clarity, RSPB NI requests that the LDP PS provide further clarification on the numeric and spatial allocation of housing to all settlement tiers including the countryside).

These factors combined, could therefore result in an overprovision.

RSPB NI recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

It is therefore crucially important that the LDP ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the LDP burdens the environment with more housing than is actually needed. In this regard, housing growth and allocations should therefore be based on a robust evidence base. As mentioned previously, land is a finite resource and we need to ensure that all development is within environmental limits.

In this regard, RG8 of the Regional Development Strategy 2035 (RDS) seeks to manage housing growth to achieve sustainable patterns of residential development, and avoids over-zoning or the premature release of housing land.

Notably, the RDS acknowledges that 'Between 2001 and 2008 the population of Northern Ireland increased by 5.1 per cent however the growth was unevenly distributed. The fastest growing areas tended to be located in suburban areas within commuting distance of major urban centres. There was a shift from the most densely-populated urban areas of Belfast and Londonderry. Large, medium and small towns grew slightly faster than the NI average. The fastest rates of growth were seen in villages (+13 per cent) and intermediate settlements (+11 per cent). Small villages, hamlets and open countryside areas registered growth of 9 per cent on average'. Reinforcing and continuing such a pattern of growth is not considered to be sustainable. (our emphasis).

Furthermore, Paragraph 3.101 of the RDS acknowledges that 'a strong network of smaller towns supported by villages helps to sustain and service the rural community'. However, it goes on to note that 'a sustainable approach to further development will be important to ensure that growth does not exceed the capacity of the environment or the essential infrastructure expected for modern living'.

## **Modifications**

In the circumstances, further cognisance should be made within the LDP to the strategic allocation at the lower settlement tiers (particularly windfall) and the open countryside, given the significant volume of housing which could be apportioned to these areas without any strategic oversight.

## **Part Two**

### **Introduction**

#### **The Purpose of Planning**

##### **Paragraph 1.3**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

## **Details**

This paragraph talks about delivering sustainable development, however both the RDS and SPPS require the furthering of sustainable development. Furthermore Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011, which includes the furthering of conservation of biodiversity and enhancement of species or habitat, places a duty on public bodies to further the conservation of biodiversity.

## **Modifications**

The DPS therefore needs to ensure that its policies 'further', rather than simply 'deliver' sustainable development, consistent with both the RDS and SPPS.

### **Draft Policy HOU01 – Housing in Settlements**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- CE3 Are there clear mechanisms for implementation and monitoring?**
- CE4 Is it reasonably flexible to enable it to deal with changing circumstances?**

#### **Details**

In the interests of furthering sustainable development and promoting a plan-led system, it is considered that the ad hoc release of unzoned greenfield land within towns where ‘the future housing need and demand exceeds the number of permissions (commitments), could undermine these objectives.

#### **Modifications**

Rather, such releases would be more sustainably and strategically managed through the adoption of the ‘plan, monitor and manage’ approach, with annual monitoring determining the need or otherwise for the release of a second phase of sites in order to maintain a 5-year supply of available housing land. Such an approach will be consistent with RG8 of the RDS which seeks to manage housing growth to achieve sustainable patterns of residential development, and avoids over-zoning or the premature release of housing land. This will ultimately avoid burdening the environment with more housing land than is actually needed.

### **Open Space, Sport and Recreation**

#### **Draft Policy OSR02 – Intensive Sports Facilities**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**

#### **Details**

This draft policy has only partially replicated the PSS 8 Policy OS4 for Intensive Sports Facilities. In this regard, PSS 8 Policy OS 4 sets out criteria for intensive sports facilities outwith settlements (i.e. where

such may be permissible) and then goes on to set out criteria for which all intensive sports facilities will be required to meet i.e. both within and outwith settlements.

In this regard, draft Policy OSR02 has only provided criteria for the circumstances where intensive sports facilities may be acceptable outwith settlements. This therefore creates a policy vacuum once PPS 8 is no longer material.

### **Modifications**

In the circumstances, it is recommended that the second part of PPS8 Policy OS 4 is carried across to draft Policy OSR02. The missing policy text is as follows, which includes ensuring there is no adverse impact on features of importance to nature conservation:

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and
- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

### **Draft Policy OSR03 – Outdoor Recreation in the Countryside**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**

#### **Details**

Similar to Draft Policy OSR02 above, not all the policy tests from PPS8, Policy OS3 have been carried across to Draft policy OSR03. Draft Policy OSR03 has failed to include a criterion relating to features of nature conservation interest. In this regard PPS 8, Policy OS 3 states:

‘The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage’
- (ii) ...

While it is acknowledged that the Policy Clarification at paragraph 3.76 recognises that ‘it is particularly important to consider the environmental impact of development proposals for outdoor recreation in the countryside, the policy tests do not include any reference to the environment (save from a visual perspective).

As with all other forms of development, FODC’s LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

#### **Modifications**

In the circumstances, it is recommended that the existing policy test from PPS 8, Policy OS 3 as noted above, be carried across to Draft Policy OSR03, so as to include specific policy protection for nature conservation – consistent with PPS 8.

### **Draft Policy OSR04 – Protection of Lough Shores**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Details**

While RSPB NI welcomes the protections offered to these areas by Draft Policy OSR04, it is however noted that criterion a), which seeks to ensure 'there is no **significant** adverse impact on the natural environment, including biodiversity and landscape character' (our emphasis), has effectively lowered the level of protection to the natural environment.

In terms of existing policy, water-based development proposals would be covered by PPS 8, Policy OS 3 and Policy OS 6. The level of protection offered to the environment by PPS 8, Policy OS 3 has already been discussed in respect of Draft Policy OSR 03 above, where the test is 'no adverse impact'. There is no reference to 'significant' adverse impact.

Policy OS 6 of PPS 8 set out further requirements for the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways. In this context, such development will only be permissible where all of the identified criteria are met. Again, the test of impact on features of importance to nature conservation is 'no adverse impact' as follows:

'(ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;' (our emphasis)

Equally important is existing test (iv) of Policy OS 6 which states 'it will not result in water pollution or an unacceptable level of noise or disturbance'.

PPS 8 Policy OS 6 is important to nature conservation and biodiversity purposes, as areas around the lough shore can provide many important functions supporting the ecology of birds e.g. nesting, roosting, feeding etc and pollution or disturbance could prejudice the support to bird species currently provided by these areas. For example, issues of potential disturbance to key birds from recreational

tourism should also be considered, particularly areas of wet grassland in close proximity to the Lough shore which would be important habitat for breeding waders, which have declined substantially from the 1980's. In this regard, conclusions from a more recent publication<sup>1</sup> found that breeding populations of eurasian curlew, northern lapwing and common snipe (known as breeding waders) have declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented and restricted towards the western counties of Tyrone and Fermanagh. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside. Within this context, the FODC LDP has a critical role in protecting such species and their habitats from inappropriate development. RSPB NI can provide more detailed information on such areas upon request.

Furthermore, the last test (vii) in current PPS 8 Policy OS 6 requires 'there is no conflict with the provisions of any local management plan'. In this regard, RSPB NI is of the considered view that this should also be included within the tests of Draft Policy OSR04 given the nature of the Lough Shore areas, there may be local management plans in place relating to for example, national nature conservation designations, or other conservation purposes.

In this context for example, RSPB NI is responsible for the management of a number of reserves throughout the FODC area. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

### **Modifications**

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

It is therefore recommended in the interests of furthering sustainable development in accordance with the RDS and SPPS, and consistent with the biodiversity placed on public bodies by the Wildlife and Natural Environment Act (NI) 2011, that Draft Policy OSR04 be amended to include all the

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<sup>1</sup> Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

additional policy tests above from PPS 8 Policy 06 and that the 'significant adverse impact' test be revised to 'no adverse impact' as per current policy as there is no justification for lowering the protection offered to the natural environment.

#### **Draft Policy OSR05 – Development Adjacent to a Main River**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

Please refer to comments and recommendations above in respect of Draft Policy OSR04 – Protection of Lough Shores, which are equally applicable in this context.

#### **Draft Policy OSR07 – The Floodlighting of Sports and Outdoor Recreational Facilities**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Details**

No reference is made here to ensuring no adverse impacts on nature conservation interests. Disturbance from inappropriate lighting has a potential to impact on bird and bat roost sites or foraging bats.

#### **Modifications**

It is recommended that Draft Policy OSR07 be amended to include the following criterion (additional text bold and underlined):

**d) it will not have an adverse impact on nature conservation interests.**

#### **4.0 Economy**

##### **Draft Policy IB01 - Industry and Business Development in Settlements**

##### **Draft Policy IB02 - Loss of Industry and Business Uses**

##### **Draft Policy IB04 - Industry and Business Development in the Countryside**

- C3 Did the council take account of policy and guidance issued by the Department?**

#### **Details**

The introductory context and justification text (page 93), refers to the SPPS requirement to facilitate industry and business ‘in ways which are consistent with the protection of the environment and the principles of sustainable development’, and within the countryside ‘such proposals will be expected to protect or enhance rural character and the environment consistent with other policies in the Plan Strategy’.

#### **Modifications**

While this is welcome, for the purposes of clarity however, the above-named policies should be set within a qualifying context that it will be subject to normal planning and environmental considerations. Development is not inherently sustainable, it only becomes sustainable if it incorporates environmental and social considerations. As such it is requested that the main policy wording be revised to include ‘planning permission will be subject to meeting all other policy requirements’ to make it more effective and compliant with Paragraph 3.9 of the SPPS.

##### **Draft Policy IB06 – Agricultural and Forestry Development**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?**

#### **Details**

Despite, the introductory context and justification text (page 93), referring to the SPPS requirement to facilitate industry and business ‘in ways which are consistent with the protection of the environment and the principles of sustainable development’, and within the countryside ‘such

proposals will be expected to protect or enhance rural character and the environment consistent with other policies in the Plan Strategy', Draft Policy IB06, like Draft Policies OSR04 noted above and NE01 below, has effectively lowered the level of protection afforded to the natural environment.

In this regard, Policy CTY12 – Agricultural and Forestry Development within PPS 21 included a policy test as follows:

'(d)it will not have an adverse impact on the natural or built heritage'

However, this has not been carried across into Draft Policy IB06, save a reference to 'development proposals for intensive farming or animal husbandry must demonstrate that it does not result in any significant adverse impacts' (our emphasis).

In this context, Draft Policy IB06 has therefore not only effectively narrowed the environmental impact text to just intensive farming or animal husbandry, but has also lowered the level of protection to natural heritage interests by referencing 'significant adverse impacts'.

### **Modifications**

It is therefore recommended in the interests of furthering sustainable development in accordance with the RDS and SPPS, and consistent with the biodiversity placed on public bodies by the Wildlife and Natural Environment Act (NI) 2011, and also with the context and justification narrative for this section, that Draft Policy IB06 be amended to include the additional policy test above from PPS 21, Policy CTY12 (d) and that any other reference to adverse impacts is amended to read 'no adverse impacts' as per current policy as there is no justification for a lowering the protection offered to the natural environment.

## **Tourism**

### **General Comment**

It is disappointing that the context and justification section makes no reference to the International conservation designations like Special Protection Areas (SPAs) or Ramsar, which form an integral part to FODC's unique natural environment.

## **The Tourism Strategy**

### **Paragraph 4.49 onwards**

### **General Comment**

The Tourism Strategy makes reference only to protecting impacts on the landscape, historic and built environment - there is no mention of the natural environment – save only to protect its visual quality, but regard should also be had to nature features, including habitats and species. Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to the local economy. The policy framework is currently focused on tourism infrastructure; it also needs to focus on protecting and enhancing what is attracting tourists here in the first instance.

While tourism can often be related to the enjoyment of the natural environment, and this is something we strongly advocate, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The FODC area is rich in its wildlife and diversity of habitats. As noted above, biodiversity does not confine itself to protected sites. As such, it is imperative that the FODC LDP provides strong policy protection for those areas of natural and semi-natural habitat which lack formal designation (e.g. areas of wet grassland, or blanket bog).

As previously noted above, issues of potential disturbance to key birds from recreational tourism should also be considered, particularly areas of wet grassland in close proximity to the Lough shore which would be important habitat for breeding waders, which have declined substantially from the

1980's. In this regard, conclusions from a more recent publication<sup>2</sup> found that breeding populations of eurasian curlew, northern lapwing and common snipe (known as breeding waders) have declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented and restricted towards the western counties of Tyrone and Fermanagh. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside. Within this context, the FODC LDP has a critical role in protecting such species and their habitats from inappropriate development. RSPB NI can provide more detailed information on such areas upon request.

RSPB NI is responsible for the management of a number of reserves throughout the FODC area. In this regard, RSPB NI has reserves at Lower Lough Erne (LLE) Islands – consisting of over 40 islands on LLE home to breeding waders such as lapwing, curlew, snipe and a unique inland colony of breeding sandwich terns; and, Aghatirourke, part of the Cuilcagh mountain – includes an extensive area of upland blanket bog. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective upon request.

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species) (Such sensitive areas should also include those outwith the protected site network). However, we do appreciate the role that the natural landscape plays in attracting tourists, and with this in mind, we caution that where the natural environment is a core part of the tourism offering, that all related tourism developments are designed to be wholly sustainable.

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<sup>2</sup> Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

### **Draft Policy TOU01 – Protection of Tourism Assets and Tourism Development**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Details**

While this policy is welcomed, it should however include a reference to the protection of the natural environment and not just to landscape visual character or quality. Please refer to our comments above in respect of the Tourism Strategy above for further justification in this regard.

#### **Modifications**

In the circumstances, it is recommended that the current proposed wording is amended as follows (additional wording bold and underlined):

##### A. Tourism Assets

The Council will not permit any form of development that would, in itself or in combination with existing or approved development, have an adverse impact on the intrinsic character or quality of a tourism asset or any part thereof, **the natural environment, including biodiversity** or diminish its tourism value.

### **Draft Policy TOU02 – Tourism Development**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Details**

Following on from our comments above, it is noted that Draft Policy TOU02 has removed the requirement for the submission of a Sustainable Benefit Statement (in addition to the Tourism Benefit Statement stated). In this regard, PPS 16 Policy TSM 2 – Tourist Amenities in the Countryside states:

‘Where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it must demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Such applications must be supported by a tourism benefit statement and a sustainable benefit statement’ (our emphasis).

### **Modifications**

While it is acknowledged part (a) of Draft Policy TOU02 makes reference to the circumstances under which tourism development will be supported including ‘will be of sustainable benefit to the locality’, for the avoidance of any doubt, and to provide clarity, it is recommended that the reference to a need for a sustainable benefit statement is included within Draft Policy TOU02, consistent with PPS16 Policy TSM 2, and the sustainable tourism objectives of the RDS and SPPS.

Please refer to our comments above in respect of the Tourism Strategy for further justification in this regard.

### **Draft Policy TOU03 – New Build Hotel, Guest and Tourist Hostel outside Settlement Boundaries**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?**

### **Comment 1**

#### **Details**

Again, these comments follow on from those above relating to the Tourism Strategy (paragraph 4.49 onwards), and relate to the overlooking of natural heritage interests. Please refer to our comments above in respect of the Tourism Strategy for further justification in this regard.

Draft Policy TOU03 states:

‘Any proposal on a greenfield site will only be permitted where this will not dominate the settlement or have a detrimental impact on rural character’.

## Modifications

This should be amended as follows (additional wording bold and underlined):

‘Any proposal on a greenfield site will only be permitted where this will not dominate the settlement or have a detrimental impact on **the natural environment, including biodiversity and** rural character’.

## Comment 2

### Details

In addition, the cognisance of the natural environment should not only be confined to greenfield sites. In this regard, old buildings and vacant sites can present invaluable opportunities for biodiversity, and as such great care and attention should be given to retaining the site’s biodiversity in any new build development. This is consistent with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

## Modifications

It is therefore strongly recommended that an additional criterion is added to the list of circumstances already outlined at Draft Policy TOU 03, as follows (Additional text bold and underlined):

**e) The development proposal does not result in a net loss of biodiversity.**

## Draft Policy TOU4 – Holiday Parks, Touring Caravans and Camping Sites

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?

### Details

Similarly, this Draft Policy has failed to have due regard to the natural environment, save landscape character. Please refer to our comments above in respect of the Tourism Strategy (paragraph 4.49 onwards) for further justification in this regard.

In this regard, it is not only greenfield sites which are important for natural heritage interests, old buildings and vacant sites can present invaluable opportunities for biodiversity, and as such great care and attention should be given to retaining the site's biodiversity in any new build or re-development.

### **Modifications**

In order to further sustainable tourism development, consistent with the aims of the RDS and the SPSS, and comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies, an additional criterion needs to be added to the list already defined within the policy. (Additional text bold and underlined):

**h) it will not have an adverse impact on the natural environment or result in a net loss of biodiversity.**

### **Minerals Development**

#### **Draft Policy MIN01 – Minerals Development**

- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?**

#### **Comment 1**

##### **Details**

Peatlands are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO<sub>2</sub>) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

Within this context, for horticulture, RSPB NI would expect all countries to follow Defra's lead of phasing out peat, by 2020 for consumer gardening and by 2030 for commercial horticulture. These targets are stated in the government's Natural Choice report, 2011.

These positions are strengthened by more recent statements and initiatives to protect peatlands for both biodiversity and, perhaps more resonantly, climate change. During November 2016, the United Nations Environment Programme (UNEP) launched a Global Peatlands Initiative in Marrakesh at the climate change CoP, with more than a dozen partners, to retain greenhouse gases in peatlands and restore / maintain their other functions.

It is also worth noting that Scottish Natural Heritage (SNH) has a well-articulated peatland plan that, again, should be a template for the other UK countries, including Northern Ireland.

Against this background, while RSPB NI welcomes that 'commercial peat extraction will not be permitted under this policy', for the avoidance of any doubt, further clarity should be provided to indicate that this includes new or extended sites, or renewal of extant permissions. Notably, the English National Planning Policy Framework has clear requirements which do not allow new or extended planning permission for peat extraction.

### **Modifications**

In this regard, an amendment to Draft Policy MIN01 is proposed as follows (additional wording bold and underlined):

'Commercial peat extraction will not be permitted under this policy, **this includes new or extended sites, or renewal of extant permissions**'.

## **Minerals Development**

### **Draft Policy MIN01 – Minerals Development**

#### **Comment 2 – Paragraph 4.80**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**

#### **Details**

Within Areas of Constraint on Mineral Development, proposals for minerals development, in addition to meeting the criteria outlined at i) to vi), also need to meet one criterion from a further list of criteria including *inter alia* 'xi) the development is for less than 15 years duration'. The Draft Policy uses this as a measure to minimise the impact of mineral development.

However, at Paragraph 4.80, it goes on to state:

'however, if during the extraction phase, a mineral resource is found to be more extensive than originally indicated, the Council will consider a new planning application to extend the life of the quarry/mine and subject to the provision of the necessary supporting evidence and environmental information. In such incidences, the use of progressive restoration measures will be the most appropriate means of mitigating the effects of mineral extraction'.

Such flexibility in policy wording could allow for a piecemeal approach to mineral development within Areas of Constraint on Mineral Development, and through the submission of a proposal for less than 15 years duration, could then effectively bypass the other policy tests set out at vii) to xi), to gain subsequent permission for a more extensive quarry within an Area of Constraint on Mineral Development, irrespective of a progressive approach to restoration measures.

In the circumstances, if the resource is found to be more extensive than originally indicated within the original 15-year extraction period, then in addition to providing the necessary supporting evidence and environmental information for any subsequent phase of extraction, the applicant should also be directed back to satisfying one or more of the remaining policy tests outlined at vii) to x) to avoid the creation of any potential loophole in the protection of such zonings.

## Modifications

It is therefore recommended that in the interests of further sustainable development, consistent with the RDS and the SPPS, that the wording of the policy be amended as follows (additional wording in bold and underlined):

‘however, if during the extraction phase, a mineral resource is found to be more extensive than originally indicated, the Council will consider a new planning application to extend the life of the quarry/mine and subject to the provision of the necessary supporting evidence and environmental information **including demonstrating an ability to meet one or more of criteria vii) to x) above**. In such incidences, the use of progressive restoration measures will be the most appropriate means of mitigating the effects of mineral extraction’.

## Minerals Development

### Draft Policy MIN01 – Minerals Development

#### Comment 3 – Paragraph 4.84

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?

#### Details

While RSPB NI welcomes the requirements of this paragraph regarding financial provision for restoration and aftercare, the paragraph should also provide the framework to facilitate regular inspection to ensure such plans are followed through to delivery. This is to ensure that any development is furthering sustainable development as required by the RDS and SPPS, and with comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

#### Modifications

In the circumstances, it is recommended that an additional line is added to paragraph 4.84 as follows:  
**‘Access to the site shall be provided at all reasonable times by the applicant/operator for inspection by FODC officials to ensure restoration and aftercare plans have been implemented in accordance with the planning permission’.**

### **Draft Policy MIN04 – Unconventional Hydrocarbon Extraction**

- C3 Did the council take account of policy and guidance issued by the Department?**

#### **Details**

While in principle, RSPB NI welcomes the inclusion of this policy, it has however been diluted from that contained within the SPPS. In this regard, paragraph 6.157 states ‘there should be a presumption against their exploitation until there is sufficient and robust evidence on all environmental impacts’.

Furthermore, given such a policy presumption, the logic of the second part of the policy with regards to exploratory works is questioned, as at this current time there has neither been sufficient nor robust evidence on all environmental impacts, and as such there should be no exploitation of unconventional hydrocarbon extraction.

#### **Modifications**

It is therefore recommended that the precise wording of paragraph 6.157 of the SPPS is replicated at Draft Policy MIN04, as per our recommendation within our response to the Preferred Options Paper.

### **5.0 Environment**

#### **Draft Policy HE09 – Change of Use, Conversion or Re-use of an unlisted Locally Important Building or Vernacular Building**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?**

#### **Details**

In this regard, it is not only greenfield sites which are important for natural heritage interests, old buildings and vacant sites can present invaluable opportunities for biodiversity, and as such great care and attention should be given to retaining the site’s biodiversity in any proposals for their re-development.

The State of Nature 2016 report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years.

RSPB NI believes that the protection and enhancement of both urban and rural biodiversity can be achieved through careful planning and development.

To achieve this, RSPB NI believes that any redevelopment proposals should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.

Biodiversity features which might be incorporated, where appropriate, into the design and layout include:

- Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipistrelle and house sparrow;
- Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
- Green/living roofs and green walls;
- A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
- Wildlife friendly lighting.

### **Modifications**

To this end, it is recommended that Draft Policy HE09 be amended to include the following (additional text in bold and underlined)

‘Any extensions, alterations or adaptations should not significantly alter the appearance or character of the building **or result in a net loss of biodiversity.**’

Such an amendment is considered to further sustainable development, consistent with the aims of the RDS and the SPPS, and comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

## **Natural Environment**

### **Context and Justification**

#### **Paragraph 5.35 onwards**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Details**

Paragraph 1.6 of PPS 2 Nature Conservation, states 'Under Article 191 of the Lisbon Treaty<sup>3</sup>, environmental policy continues to be based on the precautionary principle<sup>4</sup> which exists in order to protect the environment, where there are threats of serious or irreversible damage. Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources'.

Similarly, paragraph 6.174 of the SPPS sets out Regional Strategic Policy as follows: 'planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources'.

Furthermore, paragraph 3.9 of SPPS states 'in formulating policies and plans and in determining planning applications, planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'.

#### **Modifications**

Against this background, it is recommended that the Natural Environment – Context and Justification section explicitly sets out its application of the precautionary principle in order to be consistent with existing policy (SPPS and PPS 2) by way of an additional line of text as follows:

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<sup>3</sup>Treaty on the functioning of the European Union 13 December 2007: [www.lisbon-treaty.org](http://www.lisbon-treaty.org).

<sup>4</sup> The Precautionary Principle is listed in the Rio Declaration as "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as reasons for postponing cost-effective measures to prevent environmental degradation."

**'FODC will be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'.**

In general terms, any policy wording should provide sufficient protection to the natural environment as required by the RDS, SPPS and PPS2. Clear and robust policy tests must be set out so that the criterion can be effectively assessed and measured by the decision maker. Furthermore, any tests for potential impact on sensitive sites, including those set at European Level through the Habitats Directives, must be appropriately incorporated into any policy wording of the LDP.

### **Draft Policy NE01 – Nature Conservation**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

This draft policy has sought to subsume existing PPS 2 Policies NH1, NH3 and NH4, and corresponding paragraphs of the SPPS 6.175-6.178, 6.183-6.188, and 6.189-6.190 respectively into a single policy. However, in doing so it has effectively weakened the protection they afford to the natural environment.

### **Comment 1**

#### **Details**

Part (a) of Draft Policy NE01 deals with internationally designated sites (as currently contained within NH1 of PPS 2 and paragraphs 6.175-6.178 of the SPPS).

In this regard, care must be exercised by FODC in the language it uses to highlight the policy tests it will utilise for internationally designated sites, as the syntax used in these policy tests is not interchangeable between the different levels of the policy hierarchy for natural heritage resources.

As such, any attempt to generalise or summarise tests across the natural heritage resource hierarchy should be avoided as it could result in the inadvertent raising of a policy test threshold, which in turn

could result in a higher level of impact or affect being acceptable, and thereby lowering the protection afforded to the natural environment in the granting of planning permission.

It should be noted that policy tests for European sites is set within The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended, which transposes the provisions of the Birds and Habitats Directives and is not at the gift of the LDP to alter.

In this regard, the test is 'not likely have a significant effect', whereas Draft Policy NE01 states 'adverse effect'.

Furthermore, Policy NH 1 of PPS 2 refers to both mitigation and compensation measures. Under the terms of the Habitats Directive these measures have different meanings and are not interchangeable as they are applicable to different stages within the Habitats Regulations Assessment (HRA).

## **Modifications**

In the circumstances, and to avoid any potential misinterpretation of the various policy tests, and to be compliant with the relevant legislation, it is recommended that part (a) of Draft Policy NE01 be amended to ensure compliance with the wording of the SPPS, PPS 2 and relevant legislative provisions. In this context, Policy NH 1 of PPS 2 should be copied across in full to Draft Policy NE01.

Also related to part (a) is paragraph 5.39 and this should be included within the main policy narrative consistent with Policy NH1 of PPS 2 and paragraphs 6.175-6.178 of the SPPS.

## **Comment 2**

### **Details**

Part (b) of Draft Policy NE01 – while this part starts off well replicating the wording of Policy NH 3 (nationally designated sites), like part (a) above it raises the bar of the policy test, which effectively lowers the level of environmental protection afforded by Draft Policy NE01, by prefixing the words 'adverse effects' by 'significant adverse effects' (our emphasis).

It also fails to highlight that in cases where a proposal adversely affects a site of national importance and is permitted where the benefits of the proposal outweigh the value of the site that appropriate mitigation and/or compensatory measures will be required.

### **Modifications**

In the circumstances, to avoid any lowering of environmental protection currently afforded by PPS 2 Policy NH3 or SPPS paragraphs 6.183-6.188, the text of these paragraphs should be copied across in full to Draft Policy NE01.

### **Comment 3**

#### **Details**

Part (c) of Draft Policy NE01 which deals with sites of local conservation importance is similarly weakened from Policy NH 4 of PPS2 and paragraphs 6.189-6.190 of the SPPS where the exceptional circumstance stated, 'may only be permitted where the benefits of the proposed development outweigh the value of the site', has been changed. In this regard, Draft Policy NE01 only requires the scheme proponent to 'demonstrate how the impact can be avoided or mitigated'. This does not therefore require the demonstration that the benefits of the proposed development outweigh the value of the site.

Like part (b) above, the Draft Policy has also failed to highlight that in such circumstances appropriate mitigation and/or compensatory measures will be required.

### **Modifications**

It is therefore recommended that the policy wording of NH4 of PPS 2 is carried across in full to Draft Policy NE01.

### **Draft Policy NE02 – Protected Species and their Habitats**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Details**

Similarly, Draft Policy NE02 has weakened the existing policy provisions of Policy NH 2 of PPS 2 and paragraphs 6.179-6.182 by introducing and/or scenarios which are not present within the aforementioned existing policy. Furthermore, the aforementioned current policies set out separate

policy tests for European Protected Species and Nationally Protected Species, however Draft Policy NE02 does not differentiate between the two. European protected species are listed under Annex IV of the Habitats Directive (transposed under Schedule of the Habitats Regulations) and must be subject to a system of strict protection. The draft policy as currently worded has no regard, to the existing policy test which states ‘there is no detriment to the maintenance of the population of the species at a favourable conservation status’. While mitigation and compensation measures are referred to in Draft Policy NE02 these are included as ‘and/or’ scenarios and there is no policy requirement for them to be ‘fully secured’ as stated in Policy NH 2 of PPS 2 and paragraph 6.180 of the SPPS.

### **Modifications**

As such it is recommended that the full policy provisions of Policy NH 2 of PPS 2 be copied across to the Draft Policy NE 01, in order to be consistent with the RDS, SPPS and the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

### **Draft Policy NE03 – Biodiversity**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?**

### **Details**

This policy appears to reference Policy NH 5 of PPS 2 and paragraph 6.191-6.193 of the SPPS. However, Draft Policy NE03 is extremely narrow in its scope, applying only to those priority habitats and species identified in the Council’s Local Biodiversity Action Plan (LBAP).

However, as paragraph 6.191 of the SPPS notes, ‘to ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met’, paragraph 6.192 continues ‘planning permission should only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;

- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection, including trees and woodland.

### **Modifications**

The above list contains more than priority habitats and species and should therefore be included within Draft Policy NE03 in order to ensure the application of the responsibilities and commitments referred to above and to be consistent with Policy NH 5 of PPS2 and paragraphs 6.191-6.193 of the SPPS.

Furthermore, given that species do not have regard to administrative boundaries, it is recommended that only having regard to those priority species found within the FODC boundary is far too narrow in its approach. A far more robust and precautionary approach is to refer to all priority species.

Habitats, while not mobile like species, can however be linked for example hydrologically, and as such to rule out consideration of a priority habitat which does not fall within FODC is neither a robust nor a precautionary approach to the protection of natural heritage interests. In the circumstances, it is similarly recommended that all priority habitats be included within the draft Policy to allow a robust and competent assessment of potential environmental impacts.

## **Landscape – Context and Justification**

### **Paragraph 5.45 onwards**

- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the**

#### **Comment 1**

##### **Details**

This section focuses on landscape visual quality, however many of the areas referred to in this section are important for species and habitats. Indeed, the Area of Outstanding Natural Beauty (AONB) designation also includes reference to wildlife. In this regard Policy NH 6 of PPS 2 which deals with AONBs notes at paragraph 5.14, ‘this policy requires development proposes in AONBs to be sensitive to the distinct special character of the area and the quality of their landscape, heritage and **wildlife**’ (our emphasis). Paragraph 5.15 continues, ‘the quality, character and heritage value of the landscape of the AONB lies in their tranquillity, cultural associations, distinctiveness, **conservation interest**, visual appeal and amenity value’ (our emphasis), yet this aspect is not addressed in this section.

##### **Modifications**

It is therefore recommended that these references be included within the context and justification of the Landscape section (paragraph 5.45 onwards).

## **Draft Policy L02 – Special Countryside Areas**

##### **Details**

This policy should be set within a qualifying context that it will be subject to normal planning and environmental considerations. This wording should be added to the policy narrative.

##### **Modifications**

Development is not inherently sustainable, it only becomes sustainable if it incorporates environmental and social considerations. As such it is requested that the main policy wording be revised to include ‘planning permission will be subject to meeting all other policy requirements’ to make it more effective and compliant with Paragraph 3.9 of the SPPS.

## Comment 2

### Detail/Modification

Also, please note that Proposals Maps 1-3 refer to this Proposed Special Countryside Area as Policy L01, it should be amended to reflect correct policy number L02.

## 6.0 Infrastructure

### Draft Policy FLD01 – Development in Flood Plains

#### Policy Clarification Paragraph 6.7

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

### Details

In the interests of furthering sustainable development consistent with the RDS and SPPS, responding to climate change and building environmental resilience (consistent with the SPPS), the FODC LDP should not be promoting the acceptance of residential development within a flood plain even in part.

RSPB NI does not support the permission of new development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere. Natural flood plains and natural watercourses should not be subject to development pressure and should therefore be retained and restored of as a form of flood alleviation and an important environmental and social resource. Converting areas of flood plain to public open space in residential development could result in a loss of biodiversity, which is inconsistent with the RDS, SPPS and the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

### Modifications

This policy clarification paragraph should be amended to include a requirement **that there will be no adverse impacts on the natural environment.**

**Draft Policy FLD02 – Development affected by Surface Water Flooding outside of Floodplains**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

**Details**

In response to climate change and building environmental resilience (as advocated by the SPPS), this draft policy is considered to be too flexible and could allow a proliferation of development known to be at flood risk to continue during the plan period.

**Modifications**

As such in compliance with both the RDS and SPPS, it is recommended that this draft Policy be removed from the draft Plan Strategy.

**Draft Policy FLD 03 – Sustainable Drainage Systems (SuDS)**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

**Details / Modifications**

This policy requirement should be extended to all areas and not just those which are identified as being at risk to surface water flooding. SuDs should be promoted within the LDP as part of the co-ordinated and integrated approach to furthering sustainable development (consistent with the RDS and SPPS) within the plan area including new developments, along with retrofits to existing developments when assessments prove the need.

Please also refer to our consultation response on the Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk, and to the draft SPPS – both are attached as separated documents in our submission email.

#### **Draft Policy FLD05 – Artificial Modification of Watercourses**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Details / Modifications**

RSPB NI does not support the culverting and canalisation of watercourses, as the canalisation of any form can disrupt the connectivity and interaction between wetlands, riparian zones and rivers. As such in the interests of furthering sustainable development consistent with the RDS and SPPS, it is recommended that there be a presumption against culverting on water courses in all designated sites (International/European to local) and supporting habitat.

#### **Renewable Energy**

##### **Draft Policy RE01 – Renewable and Low Carbon Energy Generation**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Comment 1**

##### **Details**

The wording of this policy has weakened the policy provision for development on active peatland. In this regard, Policy RE 1 of PPS 18 and paragraph 6.226 of the SPPS states any renewable development 'on active peatland will not be permitted unless there are imperative reasons of overriding public

interest'. The SPPS goes on to state this is 'defined under The Conservation (Natural Habitat, etc.) Regulations (Northern Ireland) 1995 as amended. This is a higher test than that currently proposed within Draft Policy RE01, which simply requires it to 'be demonstrated that there will be no unacceptable adverse impact'.

Given that FODC values its peatland and seeks to prevent commercial peat extraction through application of Draft Policy MIN 01, coupled with the legislative protection as a priority habitat, the weakening of policy protection of active peatland from renewable energy developments is nonsensical and unjustified.

### **Modifications**

In the circumstances, it is recommended that 'i) active peatland' is removed from this list and replaced with a supplementary sentence at the end, which states:

**'Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended'.**

It should also be noted that paragraph 4.7-4.11 of PPS 18 provides additional useful narrative on peatland in relation to renewable wind energy developments.

## **Renewable Energy**

### **Draft Policy RE01 – Renewable and Low Carbon Energy Generation**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

#### **Comment 2**

##### **Details**

Policy test j) has also narrowed the scope of cumulative impact analysis to 'other operational and approved renewable and low carbon energy generation developments'. However, Policy RE 1 of PPS 18 defines cumulative impact as including 'existing wind turbines, those which permissions and those that are currently the subject of valid but undetermined applications' (our emphasis) i.e. existing, approved, and firm proposals). This is the widely recognised and accepted approach to cumulative impact analysis across the full range of development management applications (and is expressed in SPPS for other such development management applications e.g. retail). As such there is no justification (either in policy or best practice) for a narrower scope to employed.

Furthermore, not only has Draft Policy test j) reduced the scope of schemes to be considered (i.e. existing and approved), it has also reduced the scope of cumulative impact assessment to a visual analysis by the use of the following wording 'j) they do not create unacceptable cumulative impacts when viewed in conjunction with other operational and approved renewable and low carbon energy generation developments' (our emphasis).

Cumulative impact analysis comprises more than just a visual analysis for example a cumulative impact analysis may be necessary to assess the potential cumulative impact on ornithological features (for example hen harrier or curlew). The existing policy wording of Policy RE 1 in PPS 18 does not contain a restrictive requirement for just visual cumulative impact analysis.

##### **Modifications**

In the circumstances, RSPB NI advocates that Policy test j) should therefore be amended as follows (additional/amended text bold and underlined) in order to be consistent with the SPPS and PPS 18:

j) they do not create unacceptable cumulative impacts **when considered** in conjunction with other operational, approved, **and those which are currently the subject of valid but undetermined applications** for renewable and low carbon energy generation developments.

With regard to Wind Energy Proposals within Draft Policy RE01, a further policy test, consistent with Policy RE 1 of PPS 18 (part i) needs to be inserted as follows:

**‘that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines’**

### **Renewable Energy**

#### **Draft Policy RE01 – Renewable and Low Carbon Energy Generation**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?**

### **Comment 3 – Large Scale Ground Mounted Solar PV installations**

#### **Details**

This draft policy wording should include a reference to sensitive areas (including species and habitat). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites. Such an approach is considered to be consistent with both the RDS and SPPS. Proposed rewording of criterion O) as follows: **(additional text in bold and underlined)**

o) they do not result in unacceptable impacts on nearby residential properties and/or any sensitive receptors (**including species and habitats**).

## **Renewable Energy**

### **Draft Policy RE01 – Renewable and Low Carbon Energy Generation**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

### **Comment 4 – Wind Energy Strategy**

#### **Details**

Strategic planning has a key role to play in enabling the renewable energy industry, particularly onshore wind, to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes. Doing so will involve the collection of a robust evidence base not only of potential to generate energy, but also of the social and environmental factors that need to be considered.

While RSPB NI supports a strategic and spatial approach to renewable energy development, it is nevertheless of the firm opinion that this should be carried out at the Regional level to be truly co-ordinated and effective. The scope of potential areas of constraint must include reference to sensitive nature features, as environmental capacity is more than a visual assessment alone, and includes habitats and species – many of which are located outwith designated areas. Areas of constraint should also have their nature designations listed.

However, it is also important that areas outside of any area of constraint zoning must not become the 'sink holes' for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision-making process.

Please refer to our Response to the DoE's Call for Evidence: Strategic Planning Policy for Renewable Energy Development, from May 2016 which outlines inter alia our case for a strategic and spatial approach to wind energy development across the whole of Northern Ireland. Please also refer to the more recently published RSPB's 2050 Energy Vision Report<sup>5</sup>. In 2008, the UK Government set a target to achieve an 80% reduction in greenhouse gas emissions (relative to 1990 levels) by 2050.

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<sup>5</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

Achieving this target will involve significant expansion of low-carbon, renewable energy technologies. Some of these will require large areas of land or sea for their deployment and may have negative impacts on wildlife. It is therefore important to understand where these technologies can be located with lowest risk for sensitive species and habitats, and to design energy policy so that the UK can meet emissions targets while having minimum impact on biodiversity.

The Energy Futures project was established in order to explore these complex issues and better understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details<sup>6</sup>.

### Modifications

In this regard, RSPB NI would highlight the following areas considered to be sensitive to wind energy development (please note that the information below is correct at the time of writing – please contact RSPB NI should you require any further information or clarification in this regard):

### Hen Harriers

Hen harriers are Annex I species under the EU Birds Directive and are of medium conservation concern in Ireland<sup>[1]</sup>. The most recent 2016 UK Hen Harrier Survey shows the population in Northern Ireland has declined from 59 pairs down to 46 since 2010, a decline of 22%<sup>[2]</sup>. The Fermanagh and Omagh District Council area holds 50% of the NI hen harrier population and as such hen harriers should warrant careful consideration for any wind energy applications.

**Please note that given the sensitivity of information pertaining to breeding hen harriers, a separate confidential appendix has been submitted with the original email submission and forms part of this submission.** This confidential appendix outlines areas of concern for RSPB NI based on the most recent 2016 Hen Harrier survey data. RSPB NI can provide further information in this regard upon request – this will also be supplied on a confidential basis.

Please note that it may be possible that there may be some transboundary issues too for hen harriers, for example, given the fact that the Sieve Beagh SPA joins a SPA for hen harriers in the Republic of

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<sup>6</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

<sup>[1]</sup> Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

<sup>[2]</sup> <http://www.rspb.org.uk/our-work/rspb-news/news/443191-UK-hen-harrier-population-suffers-decline-according-to-latest-figures>

Ireland, but RSPB NI does not hold data for the Republic of Ireland. FODC should make its own enquires in this regard.

### Breeding Waders

Curlew is a NI priority species<sup>7</sup>; breeding populations are of a high conservation concern in Ireland<sup>8</sup>; and they are also protected as a Schedule 1 listed species under The Wildlife (NI) Order 1985 (as amended)<sup>9</sup> and are thus protected by special penalty. Curlew are of particular concern as their global breeding range has declined enough that they are now recognised as near threatened in a global context by the International Union for the Conservation of Nature (IUCN)<sup>10</sup>. Additionally, Brown *et al.* (2015)<sup>11</sup> consider that curlew should now be considered the UK's highest conservation priority bird species.

Breeding pairs have significantly declined in recent years in Northern Ireland to an estimated 526 pairs<sup>12</sup>, representing a decline of 82% in the mean breeding densities of curlew in the last 30 years. Curlew have also been recorded as sensitive to the presence of wind farms during their breeding seasons with a reduction in breeding pairs of up to 48% within 500metres (m) of turbines and/or associated infrastructure, with negative impacts on breeding curlew, specifically reduced breeding densities through displacement, within 1km of turbines<sup>13</sup>.

The 2013 breeding wader survey<sup>14</sup> also presents current population estimates for lapwing as 860 pairs and snipe as 1123 pairs. As such, there has been continued significant population declines since the 1985/87 breeding wader survey for all of these species, with declines in mean breeding density for curlew of 82%, for lapwing of 89% and for snipe of 78%.

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<sup>7</sup> <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/northern-ireland-priority-species-list.pdf>

<sup>8</sup> Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

<sup>9</sup> [Schedule 1](#)

<sup>10</sup> <http://www.iucnredlist.org/details/22693190/0>

<sup>11</sup> Brown D., Wilson J., Douglas D., Thompson P., Foster S., McCulloch N., Phillips J., Stroud D., Whitehead S., Crockford N. & Sheldon R (2015) The Eurasian Curlew – the most pressing bird conservation priority in the UK? *British Birds* **108**, 660-668.

<sup>12</sup> Colhoun *et al.* (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013. *Bird Study* 2015, 62, 394-403

<sup>13</sup> Pearce-Higgins *et al* (2009): The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins *et al* (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394

<sup>14</sup> Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

Lough Erne is one of the last remaining strongholds of breeding waders (curlew, lapwing, redshank and snipe) in Northern Ireland, with breeding wader abundance long associated with the lowland wet grassland habitats stretched around the shores of the lough.

Read more at <https://www.rspb.org.uk/our-work/conservation/projects/lough-erne-breeding-wader-project/#Be38K2qJ86h5IILK.99>

- RSPB NI's biggest concern with the proposed wind energy strategy is on the western side of the council area, next to Lough Navar & Ballintempo which is deemed to have a high level of capacity. Unfortunately, the scale of the base map hides a lot of detail. In this regard, RSPB NI's concern is for the shore and farmland area around Lough Macnean both Lower and Upper (particularly Upper).
- Furthermore, the eastern shore and farmland of Upper Lough Macnean (the area to the south of Lough Navar & Ballintempo) still holds breeding curlew; this includes not only the shore area, but also the farmed fields rising towards the uplands.

It should also be noted, that while RSPB NI holds good breeding wader data in certain areas of the council area, unfortunately there are large areas in eastern Fermanagh which may hold some curlew but due to lack of survey data in this area, their existence remains largely unknown at this time.

A further largely unknown area is between Lough Melvin and the Navar/Ballintempo uplands, whilst not likely to be considered a breeding wader hotspot, it could still nevertheless hold breeding waders and possibly curlew.

Caution should therefore be exercised in these areas, and any proposed wind energy development be subject to ornithological surveys and further consultation with RSPB NI.

## **Other species**

### **Greenland White-fronted Geese**

It should also be noted that the area to the east of Lower Lough Macnean, (highlighted as of Limited Underlying Capacity), is a wintering area for an important flock of Greenland White-fronted Geese in the valley, and as such RSPB NI recommends that this area be protected from windfarm development.

## **Whooper Swan**

While RSPB NI welcomes the fact that the Renewable Energy section (page 30) of the HRA points out that there is no 'specific reference to Upper Lough Erne SPA, designated for wintering whooper swan, or to the SACs and Ramsar sites in Appendix 7 of this HRA report, and the production of Map 8 (Appendix 7 of HRA), which illustrates 'whooper swan sites and consultation zones for single turbine identified by DAERA', RSPB NI would request that the aforementioned reference and map is included within the main body of the Plan Strategy document to provide additional clarity, and be consistent with the RDS, SPPS, PPS2 and the legislative requirements in relation to European Designated sites.

Furthermore, RSPB NI recommends that an additional Swan Priority Area be identified within HRA Appendix 7, Map 8 – please refer RSPB NI Map 1 at the end of this response for further details. While this additional area is covered by the proposed yellow consultation zone\* (\*further clarity is sought on this zoning – please see below), it should however be identified as a priority area (based on RSPB NI information).

RSPB NI is also aware that there is a WeBS count site at Drumderg Lough (south of Teemore) – see RSPB NI Map 2 at the end of this response for further details. This site should be investigated further for potential inclusion within the Swan Priority Areas.

### **HRA Appendix 7, Map 8 – further clarification sought**

While RSPB NI understands the 'Priority Species Whooper Swans' zoning in magenta on this map, further clarification is however requested in respect of the 'Single Turbine Consultation' areas identified in yellow.

In this regard, if this area is where NIEA should be consulted for Single Turbines in terms of whooper swans, it is then questioned as to why the area around Slieve Beagh has been identified as a consultation zone, as it is unlikely to hold any whooper swans?

Furthermore, it is questioned why the area within the Slieve Beagh SPA (and Upper Lough Erne Islands) has not been included? Surely, applications for Single Turbines within SPAs *per se*, should necessitate a NIEA consultation in any event?

As a last comment, the area near Donagh is highlighted as a priority site but is not covered by the consultation zone. Again, further clarity in this regard is requested.

Against this background, RSPB NI is failing to comprehend the connection between the whooper swan priority areas and the consultation zones. RSPB NI would recommend that NIEA should be consulted on all Single Turbine planning application, as for example, multiple single turbines in very close proximity to each other can effectively create the effect of wind farm (both from environmental and visual perspectives), without ever having been robustly assessed as such.

## **Waste Management**

### **Context and Justification**

- C1 Did the council take account of the Regional Development Strategy?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**

### **Details /Modifications**

FODC in assessing all proposals for waste management facilities should be guided by the precautionary principle that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. This is because many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment including nature conservation interests (species and habitats) and pollution.

The application of the precautionary principle should therefore be added to FODC's context and justification section on waste management.

## **7.0 Monitoring and Review**

### **☒ CE3 Are there clear mechanisms for implementation and monitoring?**

#### **Details**

Paragraph 7.6 of the draft Plan Strategy states:

‘wherever possible the indicators and targets have been chosen to be SMART i.e. Specific, Measurable, Achievable, realistic and Timely. Where targets are not met the AMR will seek to identify actions that the Council may take to address the issues’.

Table 8 of the draft Plan Strategy goes on to explain the Monitoring Indicators.

However, of the 34 indicators identified for the draft Plan Strategy, only 4 have targets identified, with a further 1 being reliant on the Northern Ireland Housing Executive providing a target. This means that only between 12-15% of indicators can be effectively measured. If there isn't a target or trigger, it is therefore respectfully questioned as to how the Plan Strategy performance be assessed robustly and competently?

#### **Modifications**

In order to be SMART, all indicators should have a target or trigger to provide a basis for measurement - even if it is a basic requirement for an increase or decrease over existing. For example, this could work for indicators 27, 29, 30 31, 32.

### **Part Three**

#### **Appendix 7:**

#### **Wind Energy Strategy for Fermanagh and Omagh District Council**

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

#### **Details and Modifications**

Refer to comments above in respect of Draft Policy RE01 Comment 4 re. Wind Energy Strategy for further details, including RSPB NI Map 1 and Map 2.

Furthermore, the Wind Energy Strategy needs to include reference to environmental receptors, not just visual and make reference to assessing impacts on international sites and supporting habitats – as set out at paragraph 4.20 of PPS 18.

#### **Map 8**

Please refer to comments above comments above in respect of Draft Policy RE01 Comment 4 re. Wind Energy Strategy for further details, including RSPB NI Map 1 and Map 2.

#### **3.0 Guidance for Single/Small Turbine Developments and Ancillary Elements**

- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

#### **Details and Modifications**

The issue of cumulative impacts of single turbines will require further consideration within the LDP, as multiple single turbines in very close proximity to each other can effectively create the effect of wind farm (both from environmental and visual perspectives), without ever having been robustly

assessed as such. The cumulative impacts narrative set out at 4.3.5 of the draft Plan Strategy should include those of single turbines, and extend beyond visual impact. In this regard, cumulative impact analysis comprises more than just a visual analysis for example a cumulative impact analysis may be necessary to assess the potential cumulative impact on ornithological features (for example hen harrier or curlew). Please refer to our comments above in respect of Draft Policy RE01 for further details.

Guidance should also include the consideration of effects on species and habitats. Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

#### **Other comments including *inter alia* typos**

#### **4.0 Spatial Portrait of the Fermanagh and Omagh District**

Table 1 – Strategic Objectives (page 28) – wrong reference at No. 7 Economic objective

#### **Draft Policy DE03 – Sustaining Rural Communities**

As Draft Policies HOU05 to HOU07 also apply to Housing in the Countryside, consideration should be given to their inclusion within the list of applicable policies in draft Policy DE03 for added clarity.

#### **Draft Policy RCA01 – Rural Community Areas**

This policy should be set within a qualifying context that it will be subject to normal planning and environmental considerations. Development is not inherently sustainable, it only becomes sustainable if it incorporates environmental and social considerations. As such it is requested that the main policy wording be revised to include ‘planning permission will be subject to meeting all other policy requirements’ to make it more effective and compliant with Paragraph 3.9 of the SPPS.

#### **Glossary**

Typo page 218 – Sensitive Locations and Features - under international and European sites, it should read SACs i.e. Special Areas of Conservation and not SCAs (Special Countryside Areas).

**Appendices – see overleaf for details**

**RSPB NI Map 1** - Proposed amendment to HRA Appendix 7, Map 8 additional whooper swan priority area, based on RSPB NI information

**RSPB NI Map 2** - Proposed amendment to HRA Appendix 7, Map 8 additional whooper swan priority area, based on RSPB NI information

**Confidential Appendix – RSPB NI comments on hen harriers.** This document is attached to the original email submission, and forms part of the RSPB NI response.

**For further information contact:**

Michelle Hill MRTPI

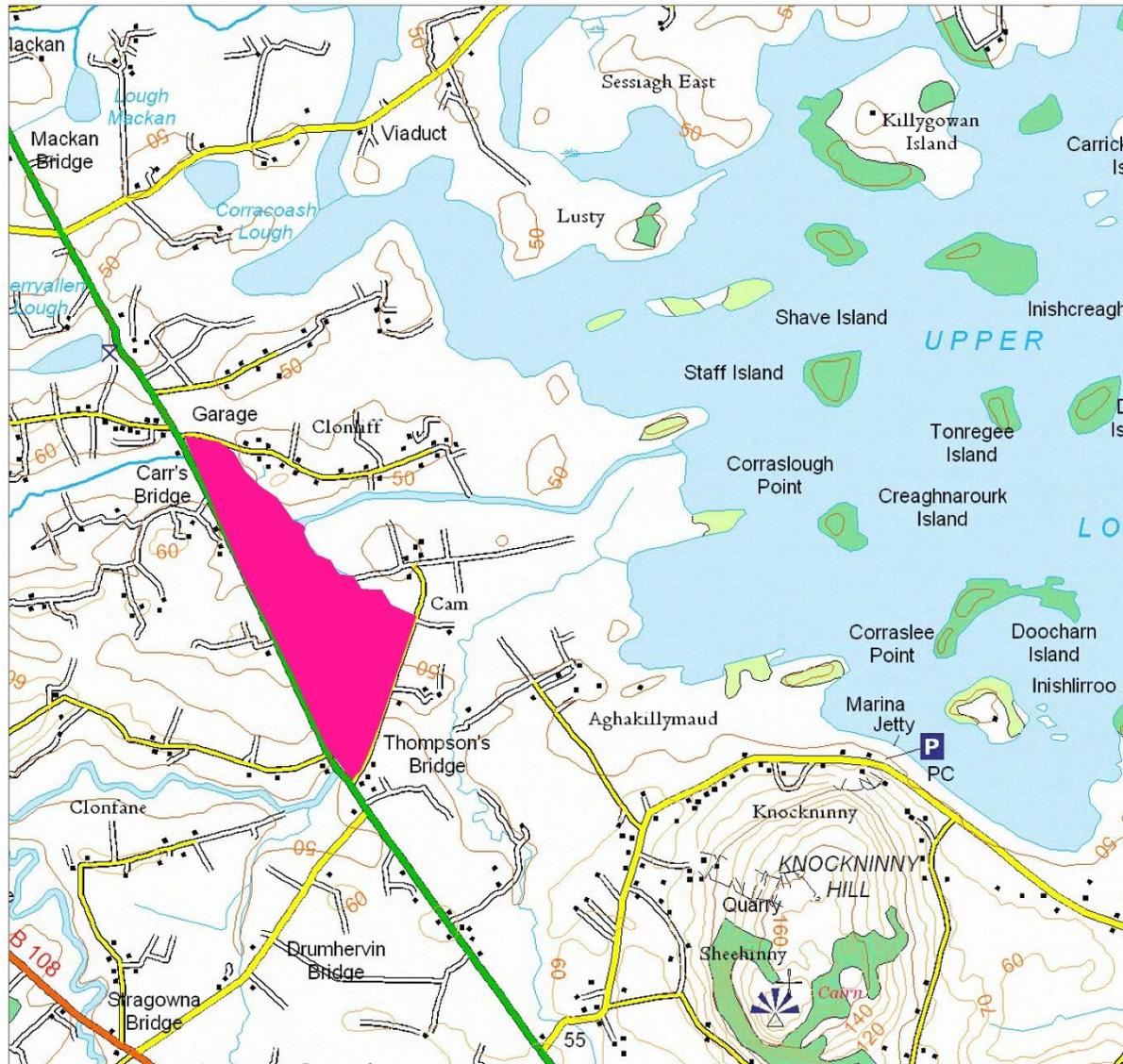
Conservation Team Leader (Planning and Sites)

RSPB Northern Ireland

E-mail:



Telephone: 028 9049 1547



RSPB NI Map 1 - Proposed amendment to HRA Appendix 7, Map 8 - Additional whooper swan priority areas, based on RSPB NI


 Whooper Swan Fields - Additional Priority Area for LDP

**Acknowledgements & notes:**

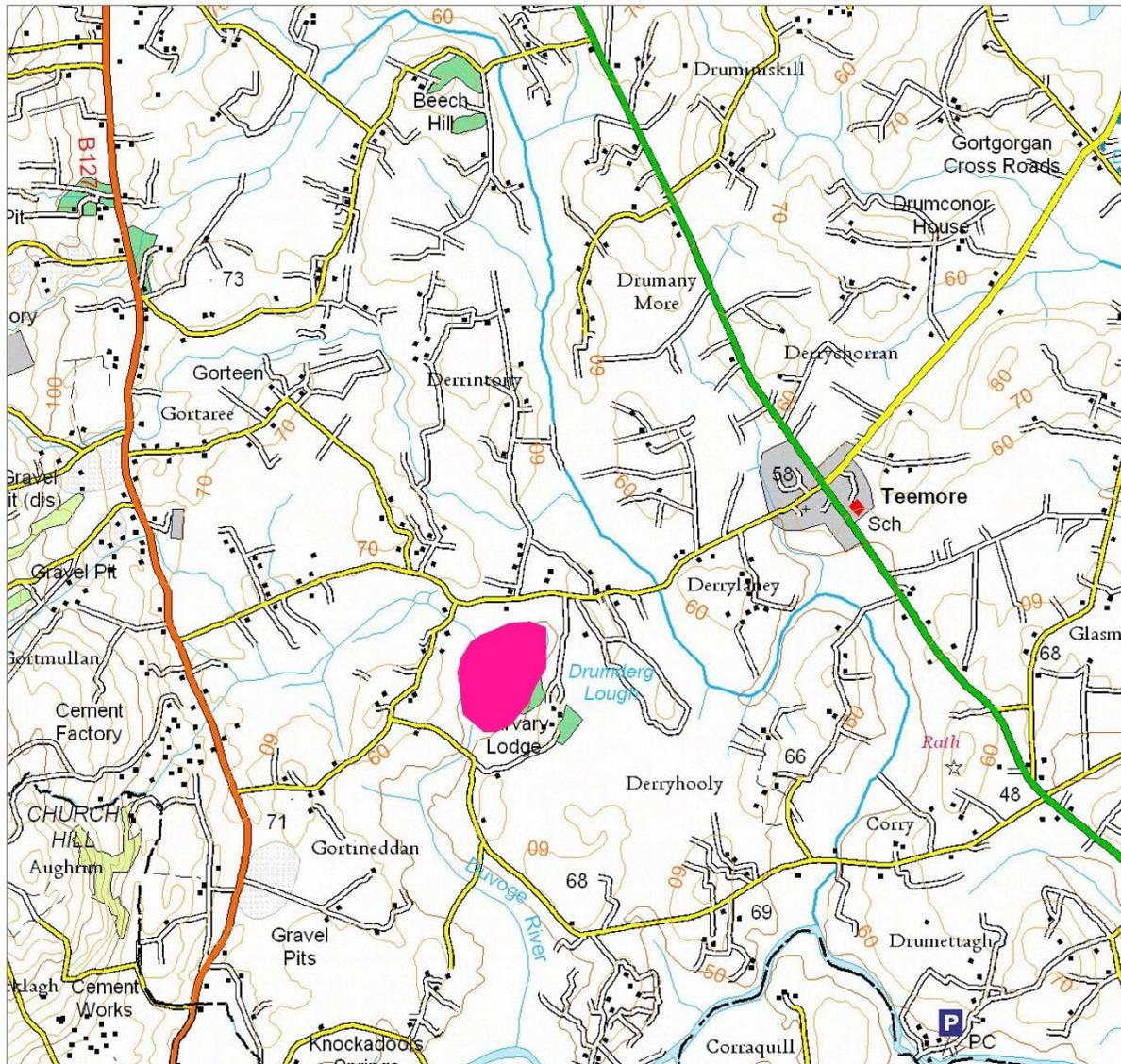
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Map scale = 1:25,000

Date printed: 17/12/2018





RSPB NI Map 2 - Proposed amendment to HRA Appendix 7, Map 8 - Additional whooper swan priority areas, based on RSPB NI

Whooper Swan Fields - Additional Priority Area for LDP

Acknowledgements & notes:

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**Confidential Appendix – Please refer to original RSPB NI FODC LDP DPS submission email for this document.**

## Northern Ireland

### Fermanagh and Omagh District Council – Local Development Plan 2030 – Habitats Regulation Assessment

*A response from RSPB Northern Ireland, 18 December 2018*

#### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

The most important sites for biodiversity in Northern Ireland form part of a Europe-wide network known as Natura 2000, the conservation of which is a key step in halting the decline in Europe's biodiversity. Natura 2000 comprises Special Protection Areas (SPAs) for birds and Special Areas of

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Conservation (SACs) for other habitats and species – designated under the EU Birds and Habitats Directives respectively. As such, anyone formulating spatial plans has an important role in ensuring Natura 2000 sites are given the protection they need, so helping to contribute to provision of a high quality natural environment for wildlife and people.

RSPB NI welcomes the opportunity to comment on the Fermanagh and Omagh District Council (FODC) Local Development Plan (LDP) 2030 – Habitats Regulations Assessment (HRA).

**Please note, for ease of reading, the following comments follow the same numbering system as that contained within the HRA**

### General Commentary

RSPB NI recognises and strongly supports a plan-led approach, as contained within the Planning Act (NI) 2011. Spatial plans are the principal way to ensure that strategic and rational decisions are taken to reconcile the need to protect and enhance wildlife with that of providing the right framework for development to proceed. They allow potential problems between socio-economic development and wildlife protection to be identified and resolved at an early stage. This is a vital part of achieving sustainable development.

While we acknowledge that the Habitats Regulations Assessment (HRA) of the current draft Plan Strategy is at a strategic-level, there is however, a heavy reliance placed on avoiding adverse effects at the Local Policies Plan (LLP), the project-level via project-specific HRAs, and an assumption that adverse effects can be avoided by mitigation considered and implemented at the LPP/project-level. Such an approach leads to an inevitable requirement for project-level mitigation measures to be an absolute condition of any planning permissions granted by Fermanagh and Omagh District Council (FODC) under its Local Development Plan. It also passes the risk to the developer as to whether mitigation measures will be able to avoid an adverse effect on integrity at the project level, undermining the value of strategic HRA. Mitigation measures, necessary to avoid an adverse effect on European sites, need to be set out (at a high/generic level) in greater detail in Plan Strategy HRA, and it should be clearly stated that these measures must be included at the LPP/project stage for the

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conclusion of no adverse effects to be reached at this stage. In addition, it is important that mitigation measures are available in time, on site and are effective.

### Specific Commentary

#### **Protective measures incorporated in the draft Plan Strategy**

As previously outlined in our response to Draft Plan Policy NE01, RSPB NI has concerns regarding the inconsistent interchanging of words describing the policy test for Natura 2000 and Ramsar sites. For clarity, and avoidance of doubt, it is recommended that the policy test wording of the Directives be continuously used throughout i.e. 'not likely to have a significant effect' (as stated at Section 2. of Habitats Regulation Assessment: The approach on page 13). The narrative within the abovementioned section should therefore be amended accordingly.

In this context, our comments in respect of Draft Policy NE01 are relevant here and are copied out below for convenience:

#### RSPB NI comments in respect of Draft Policy NE01

This draft policy has sought to subsume existing PPS 2 Policies NH1, NH3 and NH4, and corresponding paragraphs of the SPPS 6.175-6.178, 6.183-6.188, and 6.189-6.190 respectively into a single policy. However, in doing so it has effectively weakened the protection they afford to the natural environment.

Firstly, part (a) of Draft Policy NE01 deals with internationally designated sites (as currently contained within NH1 of PPS 2 and paragraphs 6.175-6.178 of the SPPS).

In this regard, care must be exercised by FODC in the language it uses to highlight the policy tests it will utilise for internationally designated sites, as the syntax used in these policy tests is not interchangeable between the different levels of the policy hierarchy for nature conservation resources. As such, any attempt to generalise or summarise tests across the nature conservation resource hierarchy should be avoided as it could result in the inadvertent raising of a policy test threshold, which in turn could result in a higher level of impact or affect being acceptable, and thereby lowering the protection afforded to the natural environment in the granting of planning permission.

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It should be noted that policy tests for European sites is set within The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended, which transposes the provisions of the Birds and Habitats Directives and is not at the gift of the LDP to alter.

In this regard, the test is 'not likely have a significant effect', whereas Draft Policy NE01 states 'adverse effect'.

### **In-combination and cumulative effects (page 14)**

Plans in this context include Area Plans and any spatially based plan prepared by a competent authority (NI Government department or statutory body) or submitted to a competent authority for licence or consent. A list of potential plan types is given in Table 1 of the RSPB publication 'The Appropriate Assessment of Plans in Northern Ireland: a guide to why, when and how to do it'<sup>1</sup>. As such, it is considered that the Draft HRA has been too narrow in its approach to the identification of other relevant plans. This needs to be addressed in any revised version of the HRA.

### **Assessment Assumptions and Limitations (page 15)**

The draft HRA is predicated on the fact that a number of Strategic Planning Policy Statement (SPPS) polices must be taken into account in the determination of planning applications and which specifically apply to International Designations (i.e. paragraphs 6.175 to 6.178). It has been assumed by the draft HRA that these polices will all apply to the draft Plan Strategy and LDP and that they are material to all decisions on individual planning applications.

Any deviation from such an assumption (through local tailoring for example) in any future iterations of the draft Plan Strategy or LPPS could undermine the conclusions of the HRA as currently written.

However, as we have already noted in our response to the draft Plan Strategy (draft Policies NE01 – NE02), RSPB NI is of the view that there has been a general weakening of the policy tests within this document. The HRA should therefore consider what implications the new wording of draft Policies may have therefore have – should the recommendations suggested by RSPB NI fail to be implemented.

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<sup>1</sup> Dodd A.M., Cleary B.E., Dawkins J.S., Ferry C.D. and Williams G.M. (2008) The RSPB, Sandy

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### **Consideration of CJEU Case C323/17 (People over Wind & Sweetman (page 16))**

RSPB NI welcomes cognisance of the CJEU Case C323/17 (People over Wind & Sweetman), and the cautious approach taken to screening the plan for potential impacts.

### **Climate Change (page 17)**

With regards to climate change, the draft HRA states ‘the causes of climate change are global and it is not within the scope of the LDP to bring about levels of change such that they will have an evident impact on climate change as it affects European sites. Climate change is therefore not assessed as an impact that the draft Plan Strategy directly contributes to’.

However, in order to secure the long-term presence and stability of the Natura 2000 sites and network climate change should be a key consideration in the application of Appropriate Assessment (AA). To this end, it is recommended that during the AA process, consideration should be given to whether the plan does in any way inhibit the potential of species and habitats to adapt to climate change.

### **Renewable Energy – page 30**

While RSPB NI welcomes the fact that the Renewable Energy section (page 30) of the HRA points out that there is no ‘specific reference to Upper Lough Erne SPA, designated for wintering whooper swan, or to the SACs and Ramsar sites in Appendix 7 of this HRA report, and the production of Map 8 (Appendix 7 of HRA), which illustrates ‘whooper swan sites and consultation zones for single turbine identified by DAERA’, RSPB NI would request that the aforementioned reference and map is included within the main body of the Plan Strategy document to provide additional clarity, and be consistent with the RDS, SPPS, PPS2 and the legislative requirements in relation to European Designated sites.

Furthermore, RSPB NI recommends that an additional Swan Priority Area be identified within HRA Appendix 7, Map 8 – please refer RSPB NI Map 1 for details. While this additional area is covered by the proposed yellow consultation zone\* (\*further clarity is sought on this zoning – please see below), it should however be identified as a priority area (based on RSPB NI information).

RSPB NI is also aware that there is a WeBS count site at Drumderg Lough (south of Teemore) – see RSPB NI Map 2 for further details. This site should be investigated further for potential inclusion within the Swan Priority Areas.

## Northern Ireland

### **HRA Appendix 7, Map 8 – further clarification sought**

While RSPB NI understands the ‘Priority Species Whooper Swans’ zoning in magenta on this map, further clarification is however requested in respect of the ‘Single Turbine Consultation’ areas identified in yellow.

In this regard, if this area is where NIEA should be consulted for Single Turbines in terms of whooper swans, it is then questioned as to why the area around Slieve Beagh has been identified as a consultation zone, as it is unlikely to hold any whooper swans?

Furthermore, it is questioned why the area within the Slieve Beagh SPA (and Upper Lough Erne Islands) has not been included? Surely, applications for Single Turbines within SPAs *per se*, should necessitate a NIEA consultation in any event?

As a last comment, the area near Donagh is highlighted as a priority site but is not covered by the consultation zone.

Against this background, RSPB NI is failing to comprehend the connection between the whooper swan priority areas and the consultation zones. RSPB NI would recommend that NIEA should be consulted on all Single Turbine planning application, as for example, multiple single turbines in very close proximity to each other can effectively create the effect of wind farm (both from environmental and visual perspectives), without ever having been robustly assessed as such.

### **5. Protective Measures in the Draft Plan Strategy (page 46)**

#### **Additional statements and caveats that protect designates (sic) sites**

Typo error- like the Glossary of the Draft Plan Strategy Document in respect of Sensitive Locations and Features, this paragraph incorrectly labels SACs (i.e Special Areas of Conservation), as SCAs (Special Countryside Areas).

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### 6. Preparation for Appropriate Assessment

RSPB NI is extremely disappointed that FODC has concluded ‘it was not considered that the HRA could be meaningfully progressed to appropriate assessment’.

RSPB NI has already detailed its concerns above regarding deferral to the project stage – please refer to these for further details.

In this regard, it is worth referring to the extract below from the RSPB publication ‘The Appropriate Assessment of Plans in Northern Ireland: a guide to why, when and how to do it’<sup>2</sup>.

#### Deferring decisions

71. There is however, one other issue that has cropped up several times in the RSPB’s experience of plan AA. That is whether it is possible to defer decisions on assessing effects to a subsequent more detailed stage in the implementation of the plan i.e. lower level plan or planning application. The RSPB’s view is that this needs to be approached with great care and very much depends on the individual circumstances and issues of the plan(s) concerned.
72. A first issue to consider is the level of detail that is practically available to a plan-making authority when it is carrying out an AA. One consequence of the tiered structure of the planning system is that less information is available to predict the consequences of each policy or allocation in a plan than for an individual planning application. The diagram below illustrates the relationship between the detail available and the position in the planning system: the more strategic the plan, the less information will be available.

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<sup>2</sup> Dodd A.M., Cleary B.E., Dawkins J.S., Ferry C.D. and Williams G.M. (2008) The RSPB, Sandy

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**Figure 2: Levels of detail available to inform an Appropriate Assessment (planning system example)**



73. Plans may not have all the answers about the detailed effects upon European sites, but each should, at least, be able to provide some of them and set the parameters for the more detailed questions which subsequent plans or planning applications must answer as part of their AA process.
74. The RSPB accepts that because of the different levels of detail available it may be difficult for a plan-making authority to be confident in knowing the extent or likelihood of adverse effects on European sites. Within the planning system, this is most likely at the RDS level. This is not to say that it is an impossible task, because many elements of the plan can be subject to AA as the examples above demonstrate. Careful and transparent use of logical assumptions on the implications of policies can greatly aid the AA process and avoid the need to defer to lower levels e.g. assumptions on traffic movements arising from a quantum of new housing or commercial floor space.
75. However, there may be limited circumstances when there is a genuine lack of detail on how the policy or allocation will be realised because this depends on detailed implementation through lower-level plans, or where strategic level information is absent on the real schemes that the market will bring forward. Such deferral of decisions to lower tiers of the planning system should only be necessary in a limited number of cases.
76. For example, the RDS is expected to establish locational criteria, including suitable areas of search, for regionally or sub-regionally significant employment land in order to provide the proper strategic framework for the Area Plans. There may be a wide

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range of locations where this level of employment provision could be met. Some of these may be located next to sensitive European sites e.g. a major port as a principal employer, while others are not. In this situation, the only practicable solution to understanding the potential impacts on a European site may be to assess the impacts of the options at Area Plan level for meeting the RDS employment land targets for its area. In such a situation, the DRD when producing the RDS may not be able to assess whether a significant or even adverse effect on a European site will arise because it does not have sufficient location detail available.

77. It must be emphasised however that deferral is not acceptable where a policy has clear impacts upon a European site and will give legal effect to subsequent more detailed plans or projects that could have a significant or adverse effect upon it.
78. The deferral of decisions on impacts on European sites is likely to occur less frequently at an Area Plan level as much more detailed information will be available to assess whether a significant or an adverse effect will arise. In any case, individual planning applications may have to be tested against the Habitats Directive through EIA and AA.
79. In summary, plan-making authorities need to take particular care in deciding whether to defer a decision on adverse effect to a lower planning level as it could create unnecessary uncertainty. It will be far better to tackle the issues at the appropriate level of the planning hierarchy in order to avoid problems later on.

It is also worth noting, that Belfast City Council has been able to undertake both Stage 1 and Stage 2 assessments (where appropriate) of their draft Plan Strategy, and as such, RSPB NI recommends that FODC revisit its conclusion particularly given the number of internationally designated sites within and connected with outwith their council boundary (including transboundary).

This is considered to be a more robust and cautious approach to a LDP Plan Strategy HRA, and should be explored further by FODC.

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### 7. Outcome and Recommendations

RSPB NI's concerns regarding deferral of the HRA to project level have already been detailed above. RSPB NI welcomes the recommendation that that a number of polices could be improved to 'explicitly protect sites and identifies some areas where the final Plan Strategy could incorporate more detail'...One consequence may be that not highlighting the natural environment in a policy that could have a significant impact\* on international sites or features may give a false impression that the policy does not have potential impact. For this reason, it is recommended that specific reference is made to protection of the natural environment in some additional policies'.

As this includes both the Plan Strategy and Local Polices Plan – such additional reference is strongly welcomed and should be carried through to both levels of the LDP.

\*Again, refer to our comments above with regards the use of terminology.

#### **REC10: Ensure that NE01 provides clarity on how the habitats Regulations will be implemented through the LDP. (Plan Strategy)**

In this regard, RSPB NI has already outlined its concerns regarding the fact that NE01 does not adequately reflect the SPPS and Habitats Regulations test terminology, for convenience, this is outlined again below:

RSPB NI comments in respect of Draft Policy NE01

This draft policy has sought to subsume existing PPS 2 Policies NH1, NH3 and NH4, and corresponding paragraphs of the SPPS 6.175-6.178, 6.183-6.188, and 6.189-6.190 respectively into a single policy. However, in doing do it has effectively weakened the protection they afford to the natural environment.

Firstly, part (a) of Draft Policy NE01 deals with internationally designated sites (as currently contained within NH1 of PPS 2 and paragraphs 6.175-6.178 of the SPPS).

In this regard, care must be exercised by FODC in the language it uses to highlight the policy tests it will utilise for internationally designated sites, as the syntax used in these policy tests is not interchangeable between the different levels of the policy hierarchy for nature conservation resources. As such, any attempt to generalise or summarise tests across the

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nature conservation resource hierarchy should be avoided as it could result in the inadvertent raising of a policy test threshold, which in turn could result in a higher level of impact or affect being acceptable, and thereby lowering the protection afforded to the natural environment in the granting of planning permission.

It should be noted that policy tests for European sites is set within The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended, which transposes the provisions of the Birds and Habitats Directives and is not at the gift of the LDP to alter.

In this regard, the test is 'not likely have a significant effect', whereas Draft Policy NE01 states 'adverse effect'.

### **Conclusions of the HRA**

RSPB NI has previously outlined its concerns with the approach taken thus far in the HRA, with a heavy reliance placed on avoiding adverse effects at the Local Polices Plan (LLP) and project-level via project-specific HRAs.

RSPB NI reserves the right to make further comment on any further revisions of the FODC draft Plan Strategy HRA.

### **Appendices – see end of response**

**RSPB NI Map 1** - Proposed amendment to HRA Appendix 7, Map 8 additional whooper swan priority area, based on RSPB NI information

**RSPB NI Map 2** - Proposed amendment to HRA Appendix 7, Map 8 additional whooper swan priority area, based on RSPB NI information

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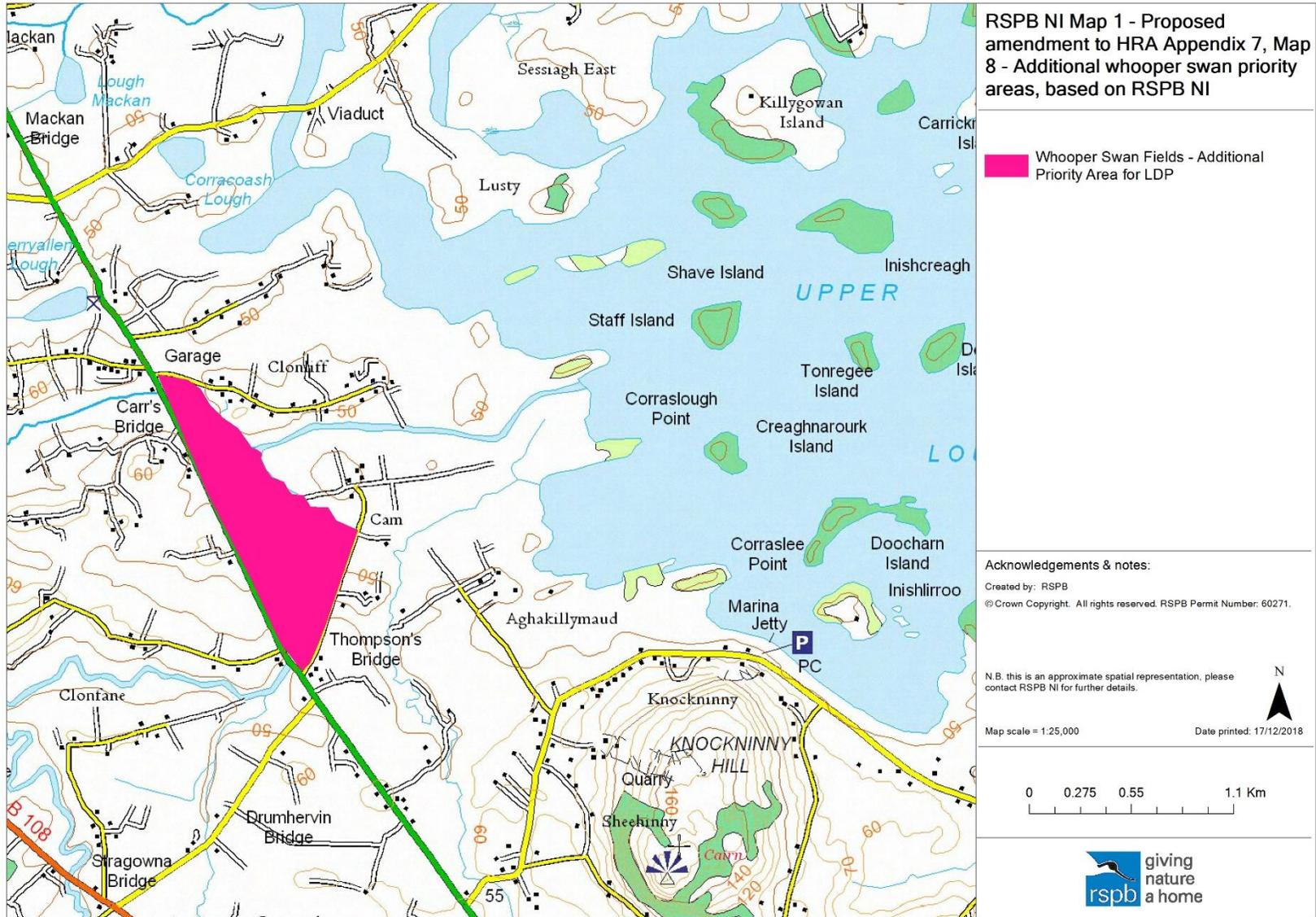
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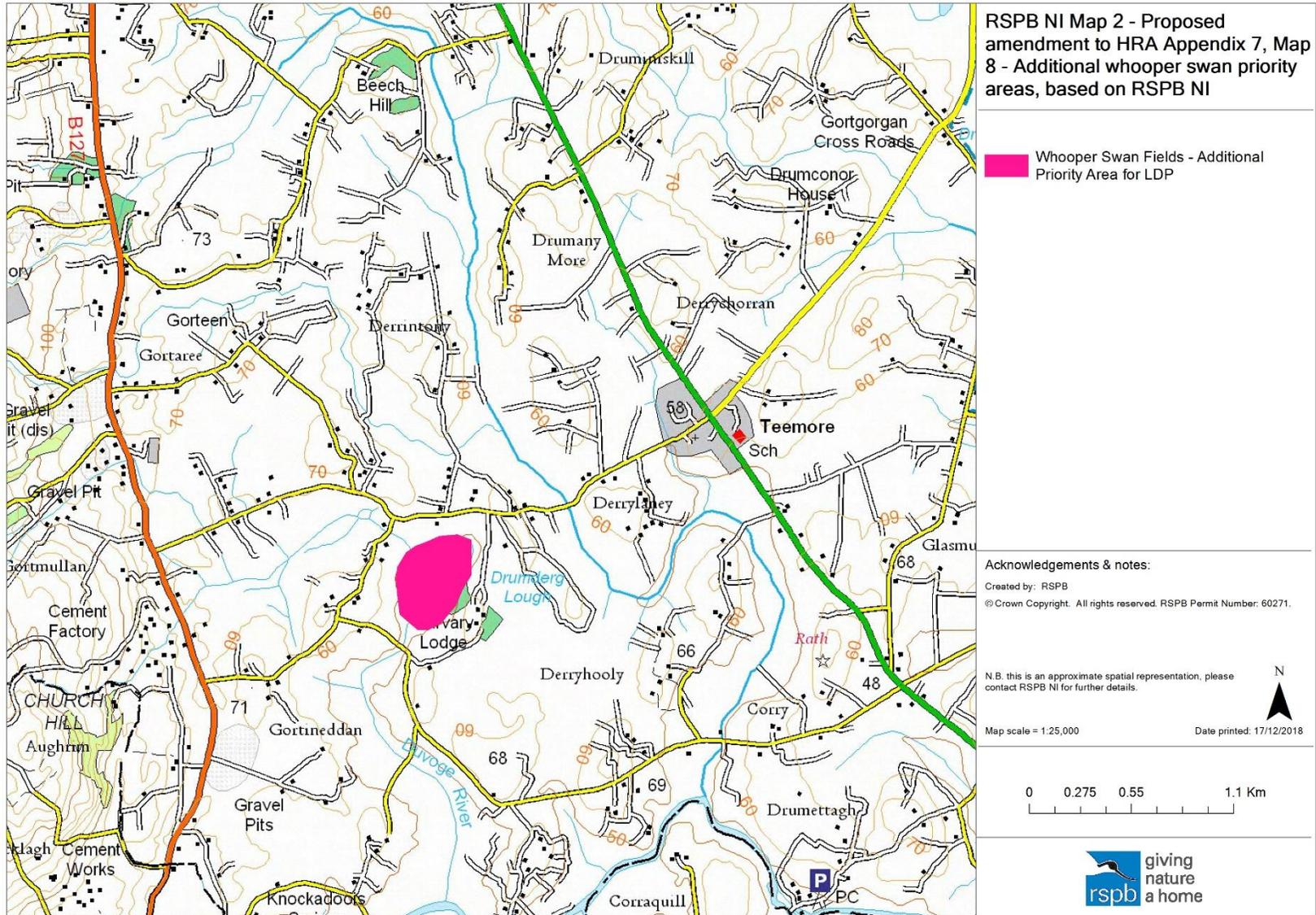


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# Northern Ireland



# Northern Ireland



## **Fermanagh and Omagh District Council – SA Report: Sustainability Appraisal of the Local Development Plan Draft Plan Strategy**

*A response from RSPB Northern Ireland, 18 December 2018*

### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

Our response below follows the same numbering system as the SA Report for convenience.

RSPB NI welcomes the opportunity to comment on the Fermanagh and Omagh District Council (FODC) Local Development Plan (LDP) draft Plan Strategy Sustainability Appraisal incorporating Strategic Environmental Assessment.

### 3.0 Sustainability Objectives, Baseline and Context

#### The SA framework, including objectives, targets and indicators

#### Figure 6. SA Objectives and Decision-making Criteria

The draft Plan Strategy SEA has combined the distinct SEA topics of Biodiversity, Flora and Fauna within a single ‘Sustainability Objective’ to ‘conserve and enhance biodiversity’. The effects of which gives limited regard to potential impacts on protected and priority species. As such, the SEA should set objectives that addresses either splitting the “ecological” issues up or being able to appropriately weight various elements.

The inter-relationship between the different topics (e.g. ecology and heath) has not been addressed within the draft Plan SEA, and there should be additional topic(s) to address the inter-relationship e.g. Green Infrastructure and Ecosystems Services.

An ecosystems approach to the SEA is absent, its inclusion would therefore allow consideration of the extent to which the LDP (and its reasonable alternatives) delivers or affects Ecosystems Services (i.e. provisioning, regulating, cultural and supporting services).

As noted above, the purpose of the objectives is to ensure that the assessment process is transparent and robust and that the LDP considers and address potential environment effects. In the circumstances, it is recommended that the following SA Objectives and decision-making criteria are included within Table 5 and 6 as follows:

**Include green infrastructure and ecosystems services SA Objective** (the following has been extracted from the SPPS SEA by way of an example):

- a. ‘Preserve and enhance the ability of an area to provide ecosystem services such as carbon sequestration
- b. Encourage multifunctionality of greenspace to provide numerous ecosystem services simultaneously
- c. Encourage biophysical changes such as restoration of degraded land and enhanced connectivity of habitats and greenspace
- d. Strengthen positive natural connections and interactions between different areas and regions
- e. Encourage cultural and outdoor recreational tourism that is landscape and nature based

- f. Improve knowledge and understanding of and connection with the natural environment<sup>1</sup>

Furthermore, Environmental SA Objective 9 Flood Risk should be extended to include 'Water' in general terms including the protection, enhancement and managing water resources and flood risk. This is considered to be a more inclusive SA Objective and will allow a more robust consideration (and addressing) all potential environmental effects. In the newly extended remit of SA Objective 9, it is recommended that an additional decision-making criteria is added as follows:

- Protect and enhance the status of aquatic and wetland systems.

In a similar vein, it is recommended that the following additional decision-making criteria should be added to SA Objectives already identified, to ensure the assessment process is transparent and robust, and that the LDP considers and addresses all potential environmental effects.

1. **11. Air Quality**

- Will it reduce the need to travel?
- Will it encourage use of sustainable transport?

2. **12. Biodiversity**

Habitats to be added to 'will it conserve and enhance species diversity, and in particular avoid harm to protected species?' to read as follows:

'will it conserve and enhance species **and habitat** diversity, and in particular avoid harm to protected species **and habitats?** (additional text bold and underlined).

Additional decision-making criterion to be added as follows:

- Will it restore or enhance wider habitats and populations of species under the public body Duty to Conserve Biodiversity?
- Will it maintain and enhance the amount, variety and quality of ecosystems?
- Will it prevent, minimise or address the spread of invasive species?

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<sup>1</sup>Table 2.2 SEA Objectives [https://www.planningni.gov.uk/index/policy/spps/strategic\\_environmental\\_appraisal\\_-\\_environmental\\_report.pdf](https://www.planningni.gov.uk/index/policy/spps/strategic_environmental_appraisal_-_environmental_report.pdf)

### 3. **15. Climate Change**

Additional decision-making criteria recommended:

- Will it encourage land management that protects and captures carbon, particularly from peatlands?
- Will it minimise vulnerability of the natural and built environment and improve its resilience to the impacts of climate change (including support for future proofing of new development)?

## **5.0 Summarising the Effects of the Draft Plan Strategy**

### **Alternatives**

The identification of alternatives, should result in the identification of alternatives that are genuinely alternative and have significantly different environmental implications - not just slight variations on a 'business as usual' approach. In the circumstances, RSPB NI is of the view it is unsatisfactory to state that reasonable alternatives will be limited simply because the existing policy position is likely to remain unchanged. Moreover, one of the benefits of SEA is to look for more sustainable options, and if such generates policy contradictions, then FODC should be open to looking at alternatives.

### **Identified Effects – paragraph 5.1**

The SEA Directive requires the consideration of: 'the likely significant effects...including cumulative and synergistic effects on the environment...' (Annex1).

In order to ensure that cumulative impacts are considered throughout the SEA and the LDP preparation process, it is recommended that consideration be given to the proposed additional SA Objective 'Green Infrastructure and Ecosystem Services'. The ability of this topic to look at the inter-relationship between all the other sustainability topics means that it will assist in the assessment of synergised effects on the environment.

## **Cumulative Impacts – paragraphs 5.4-5.6**

Please refer to comments above with regards to synergised effects.

## **6.0 Monitoring and Implementation**

### **Table 5: SA Objectives and Monitoring Indicators**

RSPB NI has outlined its concerns regarding the Monitoring Indicators as part of its response to the Draft Plan Strategy, these are outlined again below for convenience:

Paragraph 7.6 of the draft Plan Strategy states ‘wherever possible the indicators and targets have been chosen to be SMART i.e. Specific, Measurable, Achievable, realistic and Timely. Where targets are not met the AMR will seek to identify actions that the Council may take to address the issues.

Table 8 of the draft Plan Strategy goes on to explain the Monitoring Indicators.

However, of the 34 indicators identified for the draft Plan Strategy, only 4 have targets identified, with a further 1 being reliant on the Northern Ireland Housing Executive providing a target. This means that only between 12-15% of indicators can be effectively measured. If there isn’t a target or trigger, it is therefore respectfully questioned as to how the Plan Strategy performance be assessed robustly and competently?

In order to be SMART, all indicators should have a target or trigger to provide a basis for measurement - even if it is a basic requirement for an increase or decrease over existing. For example, this could work for indicators 27, 29, 30 31, 32.

Against this background, it is worth referring to Development Plan Practice Note 04 Sustainability Appraisal incorporating Strategic Environmental Assessment (April 2015), which states:

‘monitoring should focus upon the likely significant effect identified by the SA and the mitigation measures proposed to offset or reduce significant adverse effects.

Monitoring measures should be clearly linked to the SA process, with particular reference to the sustainability objectives and issues identified Development Plan Practice Note 4 Sustainability

Appraisal incorporating SEA April 2015 during the preparation of the SA Report. Monitoring allows the actual significant effects of the implementing the plan to be tested against those predicted in the SA. Therefore, where possible, monitoring should be based on indicators which have been used to describe the baseline, the objectives of the plan and the SA. The appropriate level at which to monitor will depend on the development plan document.

Where possible, a council may wish to use existing monitoring arrangements and information to reduce duplication of effort and maximise the efficient use of resources. As a council will be required to prepare an Annual Monitoring Report, this may also include the findings of monitoring any likely significant effects as a result of implementing the plan' (paragraphs 13.1 -13.3).

Within this context therefore, caution must be exercised in avoiding a situation where monitoring amounts to simply monitoring trends in the baseline environment which would have occurred irrespective of the LDP.

It is also worth FODC referring to SEA prepared for the SPPS, and in particular Sections 9.1.5, 9.1.5 and 9.2.1 – 9.2.6. Section 9.1.5 sets out a number of suggestions for the (then) DOE to monitor within LDPS adopted after the SPPS, it is therefore recommended that the SA includes those suggestions as set out at Section 9.1.5 as part of its overall monitoring:

- 'Area of coastal lands identified in LDPS where development is restricted to exceptional circumstances due to unique amenity/ landscape value; nature conservation interest and archaeological/ historical potential.
- Area of coastal lands identified in LDPS where development should not be permitted as it is at risk from flooding, coastal erosion, or land instability.
- Area of flood plain identified in LDPS for conservation and enhancement of biodiversity.
- Area of flood plain identified in LDPS for flood control/ mitigation service.
- Area identified (which, because of their intrinsic amenity value, including landscape, natural heritage or archaeological), where there is a presumption against mineral development.
- Area of natural heritage features identified in LDPS.
- Area and length of ecological network identified in LDPS.
- Area of new Open Space provisioned for in LDPS for biodiversity.
- Area of brown-field sites identified in LDPS as part of an urban ecological network.
- Area of peatland identified in LDP as a carbon store.
- Number of Shoreline Management Plans commissioned to inform LDPS'.

With specific regard to environmental indicators, this should include a reference to habitats, especially protected (including priority) habitats. This is in addition to the species reference already listed as an indicator.

Monitoring should also include the non-implementation of LDP policies as well as those which are implemented.

Regulation 25 (3) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 makes the following provision:

‘Where a policy specified in a local development plan is not being implemented, the annual monitoring report must identify that policy and include a statement of—

- (a) the reasons why that policy is not being implemented,
- (b) the steps (if any) that the council intend to take to secure the implementation of it, and
- (c) whether the council intend to prepare a revision of the local development plan to replace or amend the policy’.

This will ensure the identification of any unforeseen adverse effects through the non- implementation of a LDP policy at an early stage and allow the necessary remedial action to be implemented.

## **Appendix 2: Key Characteristics and Baseline Information**

It is suggested this this section should refer to all priority species and habitats, particularly where there could be transboundary issues or linkages e.g. hydrology. This is because species do not have regard to administrative boundaries, it is recommended that regard should be had to all priority species, not just those found within the FODC boundary, as this is far too narrow in its approach. A far more robust and precautionary approach is to refer to all priory species.

Habitats, while not mobile like species, can however be linked for example hydrologically, and as such to rule out consideration of a priority habitat which do not fall within FODC is neither a robust or precautionary approach to the protection of natural heritage interests. In the circumstances, is similarly recommended that all priory habitats be included to all a robust and competent assessment of potential environmental impacts.

Full details of NI's priority habitats is available on the DAERA [website](#)<sup>2</sup>. NI priority species information could be found [here](#)<sup>3</sup>

We would also recommend inclusion of the State of Nature Report<sup>4</sup>. This report presents the very latest population data on a wide range of species to provide a single, authoritative statement on the changing state of nature in the UK and the UK Overseas Territories, including Northern Ireland.

It is also important for the SEA to demonstrate the relationship between different topics (e.g. ecology and health), and we would also reference the following useful reports:

- (i) Wellbeing through wildlife, RSPB<sup>5</sup>
- (ii) Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012

To ensure this SEA follows best practice and adds real value to the LDP, we would also recommend that the following documents are drawn upon:

- (i) RSPB, RTPI and CIEEM (2013) [Planning Naturally](#)<sup>6</sup>. Spatial planning with nature in mind: in the UK and beyond
- (ii) Countryside Council for Wales, English Nature, Environment Agency and RSPB (2004) Strategic Environmental Assessment and Biodiversity: Guidance for Practitioners.
- (iii) Collingwood, LUC, Levett-Therivel, Scott Wilson, TEC and C4S (2006) Working with the SEA Directive: Do's and Don'ts Guide to generating and developing alternatives.

### 3.0 Biodiversity

While this section refers to FODC's rich natural heritage, it should also include reference to nature conservation assets which may experience a transboundary effect.

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<sup>2</sup> <https://www.daera-ni.gov.uk/publications/northern-ireland-list-priority-habitats>

<sup>3</sup> <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/northern-ireland-priority-species-list.pdf>

<sup>4</sup> Full Document [http://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf)

Summary Document [http://www.rspb.org.uk/Images/summary\\_tcm9-345844.pdf](http://www.rspb.org.uk/Images/summary_tcm9-345844.pdf)

2<sup>nd</sup> Report 2016 <https://www.rspb.org.uk/our-work/conservation/projects/state-of-nature-reporting>

NI Report 2016 [https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/210-2470-15-16\\_stateofnature2016\\_northernireland.pdf](https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/210-2470-15-16_stateofnature2016_northernireland.pdf)

<sup>5</sup> [http://www.rspb.org.uk/Images/wellbeing\\_tcm9-132872.pdf](http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf)

<sup>6</sup> <https://www.rspb.org.uk/our-work/our-positions-and-casework/our-positions/land-use-planning/planning-naturally/>

Within this section, it would be robust if all areas currently managed by nature conservation organisations like RSPB NI, for example, could also be identified.

In this regard, RSPB NI has reserves at Lower Lough Erne (LLE) Islands – consisting of over 40 islands on LLE home to breeding waders such as lapwing, curlew, snipe and a unique inland colony of breeding sandwich terns; and, Aghatirourke, part of the Cuilcagh mountain – includes an extensive area of upland blanket bog.

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## Revised Draft Planning Policy Statement 15 (PPS 15) Planning and Flood Risk

*Consultation response by RSPB Northern Ireland*

**January 2014**

### **1. Summary**

The RSPB supports sustainable management of rivers and coastlines and therefore welcomes the review of Planning Policy Statement 15 Planning and Flood Risk (PPS 15).

- We call for thorough integration of policies with new developments in the European Water Framework and Floods Directives and their implementation in Northern Ireland.
- We continue to support the Department's overall presumption against development within river and coastal flood plains and call on the Department to adopt alternative approaches to 'hard defences' where possible.
- We suggest that there is also a need for presumption against the development of previously developed land within floodplains.
- We support the general presumption against development beyond river and coastal flood plains which would be directly at risk from flooding, or which would be likely to increase the risk of flooding elsewhere, and against culverting and canalisation of watercourses.
- We believe a more explicit SUDs policy needs to be developed which ensures resilience to high frequency flooding.
- A catchment scale approach should be investigated by the planning authority and other government Departments and agencies and a working policy developed for implementation.

### **2. General Comments**

Natural flooding has helped to give our landscape and countryside its unique character, and is vital to wetland wildlife. Flood and coastal management should be about protecting and enhancing the natural environment *alongside* protecting people and property from the damaging impacts of floods.

The Water Framework Directive, the Floods Directive, a SUDs policy and the departmental biodiversity duty could help us to restore our damaged rivers and coasts, manage our land more sensitively, and create new areas of flood storage. If Government is to fulfil its commitments to the environment and broader sustainability, physical modification of our flood plains, rivers and coasts must no longer be aimed solely at achieving the greatest cost: benefit in terms of flood risk reduction, with accompanying mitigation of adverse environmental impacts. Instead, management should aim to identify and deliver on clear environmental, economic and social objectives for catchments or coastline through a range of integrated, cost-effective solutions. These 'win-win' options must be used to buffer us against the impacts

of climate change, and reduce the long-term costs (economic, social and environmental) of flood management. We suggest that Government must grasp this new opportunity with enthusiasm. We support this review and are happy to provide further evidence at any stage.

Our comments are given against the structure of the Revised Draft PPS15.

## 1.0 Introduction

The RSPB welcomes the further development of PPS 15, and supports the shift in policy emphasis towards sustainable management of rivers and coastlines. The RSPB has long-advocated an integrated approach to river and coastal management which steps away from defence and drainage and instead looks to contribute to the wider social, economic and environmental objectives set by Government. The RSPB believes that flood and coastal management should be about **protecting and enhancing the natural environment**, *alongside* protecting people and property from the damaging impacts of floods.

## 2.0 Policy Context

There are various existing policy areas that PPS15 must compliment if full integration is to be realised. The European Commission Floods Directive<sup>1</sup> entered into force on the 26<sup>th</sup> of November 2007, requiring member states to produce community legislation two years later. The aim of the directive is to reduce and manage the risk that floods pose to human health, the environment, cultural heritage and economic activity.

Rivers Agency/ DARD are the statutory agency responsible for managing flood risk in Northern Ireland. In August 2009, the Water Environment (Floods Directive) Regulations (Northern Ireland) were released for consultation. The regulations are a Daughter Directive of the Water Framework Directive, which should seek to achieve synergy with River Basin Management Plans. The Regulations commit to developing Flood Risk Maps by 2013 and Flood Risk Management Plans by 2015, as required by the directive. However, there is a lack of commitment towards sustainable catchment management within the regulations, and no mention of a move to primary legislation.

The Water Framework Directive could help us to restore our damaged rivers and coasts, manage our land more sensitively, and create new areas of flood storage. These 'win-win' options must be used to buffer us against the impacts of climate change, and reduce the long-term costs (economic, social and environmental) of flood management. We suggest that government must grasp this new opportunity with enthusiasm.

There needs to be improved links between flood management decisions and land use planning decisions with a continuation of the precautionary approach to floodplain development as set out in Planning Policy Statement 15. For example, tighter control should be placed on proposed development of floodplains which is permitted under 'exceptional circumstances' that are not clearly defined within PPS 15. Furthermore, the circumstances for permitting development on floodplains which include on previously developed land and which are protected by an appropriate minimum standard of flood defence, where flood defence work has been committed or where defence is under construction, fails to take into consideration the impact of climate change. Therefore, the RSPB recommend that such gaps will need to be addressed in order to ensure full compliance with the requirements of the Floods Directive.

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007L0060:EN:NOT>

### 3.0 Policy Objectives

We recommend that the following policy objective be amended, in accordance with the policy objective contained within the original PPS15 document (additional text highlighted in bold):

- promote sustainable development through the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource **and ensure that this is recognised in the decision making process;**
- Implement the existing SUDS strategy, making it mandatory for all new builds to contain SUDS where technically possible
- Climate change impacts must be fully considered within all developments
- Flood Risk Management should be about protecting and enhancing the natural environment alongside protecting people and property from flood damage;
- The Department should begin to investigate the potential of landscape scale approaches to management;
- Flood Risk Management Areas should coincide with Local Management Areas or Catchment Stakeholder Groups developed for the Water Framework Directive.
- It is hard to determine the Department's method of defining significant risk and more info is needed. Climate change predictions based on United Kingdom Climate Impacts Programme (UKCIP) should be factored into the determination of significant risk;
- Local stakeholder groups, on the ground organisations, and a public advertising campaign should be used to disseminate information;
- Regulations need to further consider the reform of public administration and the new Region Development Strategy, with particular reference to land use and spatial planning;
- Regulations lack commitment to sustainable flood risk management and should be amended to reflect this sustainable approach;
- The Department of Agriculture and Rural Development should move to produce primary legislation on flooding, in line with Scotland and England.

### 4.0 Role of Development Plans

As previously stated in our response of September 2010, this section can be strengthened with the additional requirements around Flood Risk Management Plans (FRMPs), River Basin Management Plans (RBMPs) and so on, that should be taken into consideration when development plans are reviewed. As planning reform is still underway, it would be useful for this section to give appropriate guidance to the authorities who will be revising development plans in future.

As stated in Scottish Planning Policy (SPP)<sup>2</sup>, *"Planning authorities must take the probability of flooding from all sources - (coastal, fluvial (water course), pluvial (surface water), groundwater, sewers and blocked culverts) and the risks involved into account when preparing development plans and determining planning applications"* (paragraph 196) and we would support this in Northern Ireland. In this context, Paragraph 4.4 should be revised as follows:

4.4 Development plans need to take account of the potential risks from **all sources of** flooding over the plan period and beyond as this is likely to influence decisions on such matters as the zoning of land for various uses including residential or economic development or the designation of land for open space use.

We support the catchment scale approach advocated in paragraph 4.5.

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<sup>2</sup> <http://www.scotland.gov.uk/Publications/2010/02/03132605/8>

With regards to the application of the precautionary approach through development plans, we suggest that the second sentence of Paragraph 4.10 is amended as follows:

4.10 ...Consequently, development plans will not bring forward sites or zone land that may be susceptible to flooding, now or in the future, *'or those which would increase the probability of flooding elsewhere'*, unless in exceptional circumstances'.

We support the reference to Strategic Environmental Assessment (4.14).

## 5.0 Development Management Considerations

This section should also cross-reference the need to take into account other relevant plans ((RBMPs, and FRMPs etc) where they are material considerations.

Draft SPP<sup>3</sup>, with regards to development management notes that *'proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place'* (paragraph 247), and we would support the inclusion of this within Revised PPS15.

It is further recommended that the following criterion is added to paragraph 5.5:

- 'Where a proposal could increase the risk of flooding elsewhere'.

With regards to proposals for alteration or extension of buildings, we recommend that **those proposals which could have a significant effect on the storage capacity of the functional floodplain or local flooding problems** be included as additional reasons to consult with Rivers Agency.

## 6.0 Planning Policies

### Policy FLD 1 Development in Floodplains

To manage floods economically and sustainably, the RSPB believes there is a need to look to new approaches, including better warning systems, more floodplain storage, tighter controls on building on floodplains, and better land management. We therefore fully support the Department's overall presumption against development within river and coastal floodplains. We have some comments, however, on the list of permitted activities.

Positioning more properties in floodplains can increase flood risk, which may, in turn, require creation of more flood defence structures. The intensification of use of previously developed land could allow increased development in high flood risk areas with minimum flood defences where (i) risk is likely to increase in the future with climate change, resulting in the need for more hard flood defences and (ii) the existing flood defences are already reducing the capacity of the flood plain to carry out its function. We suggest, therefore, that there is a presumption against the development of previously developed land within settlement limits, even if the appropriate 'current' minimum standard of flood defence has been met.

It is useful to compare FLD1 with paragraph 203 in SPP<sup>4</sup>: *Built development should only take place on functional flood plains where it will not affect the ability of the flood plain to store and convey water, where the*

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<sup>3</sup> <http://www.scotland.gov.uk/Resource/0042/00421076.pdf>

*development will not be at risk of flooding and where the development will not increase the risk of flooding elsewhere. Piecemeal reduction of the flood plain should be avoided because of the cumulative effects of reducing storage capacity. There may be exceptions for infrastructure if a specific location is essential for operational reasons or it cannot be located elsewhere. In such cases, the development should be designed to remain operational in times of flood and not impede water flow, and the effect on the flood water storage capacity should be kept to a minimum. Development should not take place on land that could otherwise contribute to managing flood risk, for instance through managed coastal realignment, washland creation or as part of a scheme to manage flood risk.*

This section will also need to refer to FRMPs. Section 42 of the Flood Risk Management (Scotland) Act 2009 will, once commenced, amend the Town and Country Planning (Development Management Procedure) Regulations (Scotland) 2009 so that planning authorities will require applicants to provide an assessment of flood risk where a development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding. Something similar may be required here. FRMPs are required by the Directive and should therefore be taken into account when considering applications.

Where development does take place, and flood defences are required, the Department may wish to consider developer contributions. This is presented in England Planning Policy Statement 25<sup>5</sup> Annex G.

The presumption in favour of the infilling of sites with the undefended coastal flood plain as an acceptable flood mitigation measure runs entirely contrary to the contents of paragraph B8 (Impact on the Environment) within Annex B, which recognises it as a valuable ecological resource - see extract below:

*'B8 River and coastal flood plains are valuable ecological resources which provide habitat for a wide range of plants and animals, many of which are unique. A number of the priority habitats identified in the Northern Ireland Biodiversity Strategy are associated with floodplains'.*

Furthermore, such a presumption appears to have no regard to either climate change or its cumulative impact, inconsistent with other policy requirements within the document. The loss of a negligible storage area within the floodplain, should not be the only consideration in such a circumstance. As previously stated, the RSPB believes that flood and coastal management should be about **protecting and enhancing the natural environment**, alongside protecting people and property from the damaging impacts of floods.

With regards to development proposals of overriding regional or sub-regional economic importance, we recommend that this be amended to regional importance only, consistent with the original PPS 15, as permitting development within floodplains at the finer grain of sub-regions (which vary and have multiple variances in boundaries) could either individually or cumulatively undermine the objectives of Policy FLD 1.

### **Policy FLD 2 Protection of Existing Flood Defences**

As per our previous comments in 2010, we are happy for this policy to stand, provided permission could still be given for development that would replace hard with soft flood defence mechanisms e.g. in certain cases to breach flood defences to allow flooding of low-lying land for managed retreat purposes, should this become necessary and appropriate in Northern Ireland. Examples of similar work already exist in the east of England, amongst other places.

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<sup>4</sup> <http://www.scotland.gov.uk/Publications/2010/02/03132605/8>

<sup>5</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>

### **Policy FLD 3 Development at Surface Water (Pluvial) Flood Risk Outside Flood Plains**

We do not consider that the revised policy wording appropriately or adequately reflects the policy context, as it also includes the effects that the development may have on the potential for surface water flooding elsewhere. In the circumstances, draft Policy FLD 3 should be reworded as follows:

‘Development **and** Surface Water (Pluvial) Flood Risk Outside Flood Plains’

In this regard, given that peatlands are internationally recognised as important for water storage<sup>6</sup>, we would hope that policy FLD 3 is reflected in the assessment of plans to extract peat from lowland and raised bogs in Northern Ireland, and that the precautionary approach will be adopted.

The following additional text should be added to the justification and amplification section:

- **The proposed development is likely to increase surface water flooding elsewhere.**

Furthermore, where planning permission is granted subject to the undertaking of mitigation measures, a planning agreement to facilitate their long-term management may be required’, as contained with contained within the original PPS15.

### **Policy FLD 4 Artificial Modification of Watercourses**

The RSPB supports the general presumption against culverting and canalisation of watercourses. However, we wish to reiterate our concerns that canalisation of any form can disrupt the connectivity and interaction between wetlands, riparian zones and rivers and that this could reduce our ability to meet the Water Framework Directive objective of ‘good status’ in all water bodies by 2015.

### **Policy FLD 5 Development in Proximity to Reservoirs**

No comment.

## **ANNEXES**

### **Annex A: Impacts of Climate Change**

We are seeing more and more water shortages and floods, sometimes and also in quick succession. This is partly because climate change is producing more extreme weather patterns but it also has a great deal to do with the way we manage the land. As we have removed hedges and woodlands and drained its natural wetlands, the countryside has become far less absorbent. As a consequence, rain in the hills now flows more rapidly down the streams and rivers into lowland towns and cities with potentially devastating results. There is also less time for the rain to soak in to the ground and less opportunity for natural reserves of drinking water to be replenished.

Historic emissions of greenhouse gases have already committed NI to a changing climate. The European Environment Agency has reported that in the UK we are likely to face increased overall rainfall in winter and more frequent and severe storms throughout the year under any of the IPCC scenarios, the costs of

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<sup>6</sup> Resolution VIII.17 on Global Action on Peatlands. 8<sup>th</sup> Meeting of the Conference of the Contracting Parties to the Convention on Wetlands (Ramsar, Iran, 1971).

which are highlighted in the UK Government's Foresight *Future Flooding* report.<sup>7</sup> This is now widely accepted in the scientific community, yet the Government's climate, energy, transport and land use policies are not sufficiently integrated to tackle the many ways in which we all contribute to climate change.

The Foresight flooding study makes it clear that reductions in emissions across all sectors of society would substantially help to manage future flood risk. We have now reached a point where urgent mitigation *and* adaptation are required to address the climate crisis, and it is widely acknowledged that for the UK to contribute its share in keeping global warming below a two-degree average, we must reduce our emissions by 80% from the 1990 baseline by 2050. NI has signed up to the UK Climate change bill, but must make moves to produce primary legislation for NI to help society properly cope with the impacts of climate change.

### **Annex B: Impact of Flooding on People and Property**

Paragraph B8 should be amended to include a reference to wildlife, not just animals.

### **Annex C: Sustainable Stormwater Management**

The European Water Framework Directive (WFD) was adopted in 2000 and passed into UK law in 2003. It aims to improve the chemical and ecological status of rivers, lakes, estuaries, coastal waters and groundwater and their dependant ecosystems. SuDS have a key role in delivering those objectives. After the 2007 summer floods and the subsequent Pitt Review, came the Flood and Water Management Act 2010<sup>8</sup>. This is set to become the key legislation relating to SuDS in England and Wales. In seeking to effectively manage floods, it will make the installation of SuDS compulsory for nearly all new developments. It will also remove the right of automatic connection to sewers unless the drainage scheme is approved by the soon to be created SuDS Approving Bodies (SABs). Local Authorities have a duty to ensure high quality, fit for purpose SuDS are delivered as a result of this legislation. The SABs will be created within local authorities and they will be tasked with approving all SuDS in new developments (and also redevelopments). The SAB will also be responsible for their adoption and management.<sup>9</sup> PPS15 should incorporate this model to allow local authorities and communities to make space for nature in urban areas.

### **Annex D: Assessing Flood Risk and Drainage Impact**

*The RSPB believes that Operating Authorities need to expand the range of flood management approaches beyond hard infrastructure to include sustainable rural and urban drainage, land use and integrated planning decisions, in order to control growth in flood risk in a socially equitable, cost-effective and environmentally sustainable manner.*

Under our current system of flood risk management the only options available to operating authorities fall into provision of large infrastructure (normally hard defence and drainage) and/or flood warning. Such an approach does nothing to tackle underlying drivers of flood risk and leaves those communities and businesses that do not qualify for help with little support. Such an approach is unlikely to be cost effective, socially equitable or environmentally sustainable into the long-term.

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<sup>7</sup> <http://www.bis.gov.uk/foresight/our-work/projects/published-projects/flood-and-coastal-defence>

<sup>8</sup> [http://www.legislation.gov.uk/ukpga/2010/.](http://www.legislation.gov.uk/ukpga/2010/)

<sup>9</sup> [http://www.rspb.org.uk/Images/SuDS\\_report\\_final\\_tcm9-338064.pdf](http://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf)

Instead we believe a portfolio of measures such as land use change, increasing asset resilience, migration and purchase of assets, flood defence and coastal erosion assurance schemes should all play a role in tackling flood risk. This is not a new idea; the Government's strategy 'Making Space for Water' talks of such an approach, but it is time for this to be translated into action.

We envisage a system that continues to prioritise areas where flood risk poses the greatest social, economic or environmental problems, but where the solution is guided by cost-effectiveness analysis of a broad range of options to reduce flood risk and deliver wider Government policy objectives

With specific regard to the criteria detailed in this Annex, we believe that an additional criterion should be added to Paragraph D15 as follows:

- **Where the development would increase the risk of run-off/flooding elsewhere.**

#### **Annex E: Flood Proofing – Resistance and Resilience**

The RSPB believes that improving the resilience and resistance of buildings to flood damage is an important and, as yet, under-utilised tool for reducing flood risk.

In the absence of any comparative assessment of the relative benefits of either method within the document, it is recommended that reference is drawn to the following extract from the National Planning Policy Framework (NPPF) Technical Guidance document<sup>10</sup>:

*'The relative benefits of resilient and resistant construction have been assessed both through risk assessment and the real time testing of model forms of construction. Resilient construction is favoured because it can be achieved more consistently and is less likely to encourage occupiers to remain in buildings that could be inundated by rapidly rising water levels'* (p 12, paragraph 17).

Furthermore, paragraph E8 Flood Resilience states *'this method is not usually that suitable for new property'*. In this regard we would request further clarity on this statement given that it would be reasonable to assume that it would be easier to incorporate such measures at the design stage.

#### **Annex F: Section 75 Equality of Opportunity Screening Analysis**

No comment.

#### **7.0 Conclusion**

This review of PPS15 offers the opportunity to ensure that built development not only does not exacerbate existing flood problems, but also contributes to the mitigation of flooding issues. This should be done not only for legal reasons (compliance with Directives) but to ensure solutions that work economically, socially and for the environment. To this end, we request that the contents of this submission are fully considered.

*Michelle Hill (Senior Conservation Officer) and John Martin (Senior Conservation Officer)*  
*RSPB Northern Ireland (02890 491547)*  
*January 2014*

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<sup>10</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6000/2115548.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf)

## Call for Evidence: Strategic planning policy for Development in the Countryside

*A response from the RSPB, 06 May 2016*

### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. Working to protect birds and their habitats through direct land management, education and policy advocacy, the RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate. In Northern Ireland we show our commitment to promoting good planning through involvement with developers and the public on proposed development from wind farms to housing.

The RSPB also works closely with the farming community. Our vision is for sustainable systems of farming that produce adequate supplies of safe, healthy food; protect the natural resources of soil, air and water that farming depends on; help to protect and enhance wildlife and habitats; provide jobs in rural areas and contribute to a diverse rural economy.

**The RSPB therefore welcomes the Department of Environment's call for evidence.**

RSPB welcomes the fact that any subsequent review of the SPPS will be the subject of Strategic Environmental Assessment (SEA). Any such review must be set within the SPPS's overarching context of 'The Purpose of Planning', 'Furthering Sustainable Development, and the Core Planning Principles'.

Our response to the following question is outlined below:

**How should strategic planning policy assist with achieving sustainable development to support a vibrant rural community, without compromising our natural and built environment, and other assets of acknowledged importance?**

### **Long Term Vision**

There is opportunity within this review for the DOE to provide a broad and long-term vision of what sustainable development in rural Northern Ireland means for spatial planning, and how spatial planning could proactively help deliver sustainable development in the countryside.

### **Protection of Biodiversity**

This policy section of the SPPS helps Northern Ireland to achieve compliance with the Birds and Habitats Directives. *The Habitats Directive* ensures protection for Natura 2000 sites, but also requires Member States to encourage the management of landscape features of importance for flora and fauna, including linear features (rivers, field boundaries) and ‘stepping stones’ of value to wildlife such as ponds or small woods (Article 3 and Article 10). This requirement is implemented in Northern Ireland through the Conservation (Natural Habitats etc) Regulations (NI) 1995. *The Birds Directive* requires that Member States take measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all Annex 1 species, including both designating sites but also management of biotopes outside those sites.

Targets for such habitats are provided in the *Northern Ireland Biodiversity Strategy (NIBS)*<sup>1</sup>, though have still been omitted as a relevant policy driver in the policy context section.

These are relevant because uncontrolled development in the countryside leads to a gradual loss and fragmentation of remaining habitats, and adverse effects on river systems, water bodies, wetlands and other habitats that support Annex 1 species.

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years<sup>2</sup>, the DOE must consider what more the planning system can do to deliver for biodiversity. It is clear

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<sup>1</sup> <https://www.doeni.gov.uk/sites/default/files/publications/doe/natural-policy-biodiversity-strategy-to-2020-2015.pdf>

that it is no longer adequate to continue with an overall aim of ‘no net loss’ to biodiversity, even if enhancement is sought wherever possible. The planning system cannot solve biodiversity loss on its own, but it does play a critical role in biodiversity protection, enhancement and restoration which contributes to the achievement of sustainable development. As well as mitigating and compensating for unavoidable impacts on biodiversity, as a matter of course planning policy should seek opportunities to deliver enhancement and restoration. To put it another way, planning should deliver an overall net gain in biodiversity. This should be adopted as a general policy principle.

### **Development within Environmental Limits**

There is a need for this section of the SPPS to re-affirm its view that sustainable development within the countryside must fully recognise the concept of environmental limits and the precautionary principle. This will require the Regional Strategic Policy (RSP) to be rebalanced against the Regional Strategic Objectives (RSO). While the RSO includes the conservation of the landscape and natural resource of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution, the RSPs which flow from this objective concentrate on the visual character and capacity to accommodate – this is much too narrow of an interpretation. It is about the local environmental context’s ability to accommodate including for example sewage disposal and drainage, habitat destruction/fragmentation, effects on watercourses/bodies, and the cumulative impacts of such. In this regard, the cumulative effects of one-off sporadic development extends far beyond the rural amenity and landscape character as currently cited within the RSP (paragraph 6.69). This issue should be addressed in this strategic policy review, and DOE should monitor cumulative effects across all council areas in order to obtain a whole country perspective, which is necessary to inform strategic policy.

In addition to the environmental assets appraisal to be carried out as part of the Local Development Plan process, it is recommended that a similar ‘constraints’ exercise is undertaken to identify potential environmental hotspots where development is unlikely to proceed – for example, areas where there is no capacity for further non-mains sewerage in order to comply with the Water Framework Directive, or where mains sewerage is at capacity.

As the SPPS currently stands, the RSPB remains concerned about the adoption of a positive approach to new development in the countryside in the absence of the precautionary principle. This approach could undermine the plan-led system, and the ability of local authorities to determine applications in accordance with the development plan and all other material considerations (Article 6.3 of the Planning Act (Northern Ireland) 2011). It is difficult to reconcile a plan-making process that has gone through a Strategic Environmental Assessment (SEA), before

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<sup>2</sup> State of Nature Partnership (2013) State of Nature report [http://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf)

allocating sites strategically and often sequentially to ensure sustainable patterns of development - with the positive approach as it is currently worded.

### **Ecosystem Services**

RSPB welcomes the recognition of ecosystem services within the current SPPS. However, recognition alone is not sufficient to secure protection for future generations.

The last year has seen major floods causing havoc through parts of the UK, many of which could be prevented through correct management of our uplands. Peatlands naturally store water and release slowly over time. This provides flood alleviation in its more natural form. Inappropriate development in our uplands, particularly forestry, can degrade peat and prevent it from delivering this vital service. In addition to this, other human benefits include the storage of carbon peat provides and the natural water filtration within water catchment areas. In this context, the RSPB has been involved with a Sustainable Catchment Area Management Plan in The Garron Plateau (Antrim Hills) as an example of blanket bog restoration and management in Northern Ireland<sup>3</sup>.

RSOs and RSP must provide for adequate protection of these services, which underscore their ability to positively contribute to our economy and health and well-being. New development is only one of the ways to secure a sustainable and vibrant rural community, and it must not be at the expense of the area's ecosystem services. This should be incorporated within the policy review.

Useful sources of information include:

- Defra Ecosystem Services<sup>4</sup> — Government website providing general information about the ecosystems approach and ecosystem services, including ecosystem services valuation.
- The Economics of Ecosystems and Biodiversity (TEEB)<sup>5</sup> — A global initiative highlighting the economic benefits of biodiversity, the global costs of ecosystem degradation and biodiversity loss. Through its various publications TEEB is driving forward the awareness of ecosystem services, and provides decision makers with an accessible means of considering ecosystem services identification and valuation.

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<sup>3</sup> [http://www.climatenorthernireland.org.uk/cmsfiles/ClimateNI\\_RSPBFINAL.pdf](http://www.climatenorthernireland.org.uk/cmsfiles/ClimateNI_RSPBFINAL.pdf)  
[https://www.rspb.org.uk/Images/Blanket\\_Bog\\_sm\\_tcm9-335643.pdf](https://www.rspb.org.uk/Images/Blanket_Bog_sm_tcm9-335643.pdf)

<sup>4</sup> [Defra Ecosystem Services](http://www.defra.gov.uk/consult/consultations/consultation-ecosystem-services/)

<sup>5</sup> <http://www.teebweb.org/>

- UK National Ecosystem Assessment (UK NEA<sup>6</sup>) — The report forms the first analysis of the benefits the UK's environment provides, both to people and the economy, and commonly forms the basis of much of the ecosystem services thinking underway in the UK at present.

RSPB would be pleased to provide further information on the values of ecosystem services upon request.

### **Health and Well-being**

Nature plays a key role in a proactively preventing both physical and mental health problem. Research into this has been underway since 2004. The RSPB commissioned Dr William Bird to write 'Can Green Space and Biodiversity Increase Levels of Physical Activity'<sup>7</sup>. This highlighted that local access to safe natural green space can help individuals sustain levels of physical activity which ultimately benefits their physical and mental health.

In 2007, again for RSPB, Dr Bird correlated the link between nature and mental health<sup>8</sup>. His 'Psycho - Physiological Stress Recovery Theory' suggested that simple views or exposure to nature can reduce stress and reduce blood pressure, muscle tension and pulse rate. Dr Bird concluded that 'contact with the natural environment may offer considerable mental health benefits and have a positive effect on communities. The natural environment has a quantifiable impact on health and provides a service in terms of maintaining and sustaining a healthy population.

The SPSS's RSOs and RSP must therefore have regard to the contribution the countryside makes to our health and well-being when considering new development.

### **Reduce, Reuse and Recycle – Government Targets**

Strategic Planning Policy for development in the countryside should aim to have the effect of reducing new development in the countryside, thereby reducing impacts on the environment from habitat fragmentation, water pollution, transport carbon emissions and so on. To this end, sustainable development in the countryside must factor in Government targets for reductions in carbon emissions, both from transport and the production of new

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<sup>6</sup> [UK National Ecosystem Assessment \(UK NEA\)](#)

<sup>7</sup> Bird, W. (2004) Can Green Space and Biodiversity Increase Levels of Physical Activity. Sandy. RSPB.

<sup>8</sup> Bird, W. (2007) Natural Thinking. Sandy. RSPB

construction materials. Concentrating rural housing growth<sup>9</sup> around existing public transport and utility infrastructure, and re-using or restoring existing buildings would help combat these issues.

#### **A Land Strategy for Northern Ireland**

The DOE should also refer to the report 'Towards a Land Strategy for Northern Ireland'<sup>10</sup> which presents proposals and recommendations, and aims to progress the planning, development and implementation of a Land Strategy for Northern Ireland by 2020. It sets out the following vision '*for land and landscapes to be managed for the benefit of people's wellbeing and prosperity, reflecting the views of communities, groups and individuals, striving for environmental excellence, and making best use of its multi-functionality*'. While not designating land uses to particular sites, it does however seek to ensure that local and regional public policy and decision-making contribute to the strategic needs of Northern Ireland.

#### **For further information contact:**

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<sup>9</sup> Based on a need assessment

<sup>10</sup> [http://www.nienvironmentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI\\_2015-Main-Report.pdf](http://www.nienvironmentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI_2015-Main-Report.pdf)

## Call for Evidence: Strategic planning policy for Renewable Energy development

*A response from the RSPB, 06 May 2016*

### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. Working to protect birds and their habitats through direct land management, education and policy advocacy, the RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

The RSPB is unusual amongst UK NGOs because we engage with individual applications for renewable and other energy infrastructure across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Our professional planning and conservation staff are regularly involved with individual project proposals and we comment on numerous individual proposals for wind farms and single turbines in Northern Ireland each year. This gives us an almost unique perspective into the implications of new policy for development on the ground. In Northern Ireland we show our commitment to promoting good planning through involvement with developers and the public on proposed development from wind farms to housing.

The RSPB's focus is on internationally and nationally designated sites and protected species or habitats that may be vulnerable to development even where these occur outside designated sites. Of particular concern are areas designated as Special Areas for Conservation (SACs) under European Habitats Directive<sup>1</sup> and Special Protection Areas (SPAs) under the European Birds Directive<sup>2</sup>. Both are afforded protection under the Conservation (Natural habitats etc) Regulations (NI) 1995.

Species such as Hen harriers, Whooper swans, and Greenland white-fronted geese (which are Annex 1 of the European Birds Directive) have been shown to be vulnerable to wind farm development. Some breeding wader

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<sup>1</sup> Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

<sup>2</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) – shortened version The Birds Directive 2009 (codified version)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:020:0007:0025:EN:PDF>

species of conservation concern in Ireland such as curlew<sup>3</sup> and snipe<sup>4</sup> have also been recorded in published research<sup>5</sup> as vulnerable to disturbance from turbines (Curlew are Schedule 1 in The Wildlife (NI) Order (as amended) 1985). As such, these species would be of particular concern to the RSPB.

We would also seek to prevent the loss or damage of active blanket bog, a priority habitat under the Habitats Directive.

The RSPB believes that climate change is the most serious long-term threat to wildlife. We strongly support the Northern Ireland targets<sup>6</sup> to obtain 40% of electricity from renewables and to cut greenhouse gas emissions by 20% against 1990 levels by 2020. (The PfG contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025. )

Climate change is one of the most pressing challenges facing our society. With the appropriate policies in place, the planning system can help deliver the necessary levels of renewable generation needed for the country to meet its targets on reducing carbon emissions.

Delivering renewable energy infrastructure at the scale required to reduce our emissions and meet our commitments, whilst remaining sensitive to environmental considerations, is a significant challenge. To achieve this, the planning system in Northern Ireland needs to be more than a consent procedure for development; it should also provide a robust and proactive framework enabling sensitive deployment.

The RSPB is very supportive of wind farm and other renewable energy developments, provided they are sustainable, and not located in areas damaging to wildlife - we have a long track record of working positively with developers to ensure that these proceed in a sustainable way.

**The RSPB therefore welcomes the Department of Environment's call for evidence.**

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<sup>3</sup> Red listed species - Colhoun K and Cummins S (2013) 'Birds of Conservation Concern in Ireland 2014-2109'. *Irish Birds* 9:523-544

<sup>4</sup> Amber listed species - Colhoun K and Cummins S (2013) 'Birds of Conservation Concern in Ireland 2014-2109'. *Irish Birds* 9:523-544

<sup>5</sup> Pearce-Higgins, J. W et al. (2009): The distribution of breeding birds around upland wind farms: Effects of wind farms on upland breeding birds. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins, J.W et al. (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394).

<sup>6</sup> [http://www.detini.gov.uk/strategic\\_energy\\_framework\\_sef\\_2010\\_-3.pdf](http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf)

RSPB welcomes the fact that any subsequent review of the SPPS will be the subject of Strategic Environmental Assessment (SEA). Any such review must be set within the SPPS's overarching context of 'The Purpose of Planning', 'Furthering Sustainable Development, and the Core Planning Principles'.

Our response to the following questions is outlined below:

- 1. How should the Northern Ireland planning system best facilitate sustainable renewable energy development in appropriate locations without compromising our natural and built environment, and other assets of acknowledged importance?**
- 2. How can strategic planning policy best assist with addressing potential amenity issues that may arise as a result of facilitating all types of renewable energy development (e.g. wind, solar, water (hydropower), geothermal energy, biomass)?**

#### **A Sustainable Renewable Energy System for People and Wildlife**

RSPB is calling for an energy system in the UK that is low carbon and works for people and wildlife. A continued reliance on fossil fuels will drive us towards dangerous levels of climate change, and this one of the greatest long-term threats to wildlife and habitats.

While some progress has been made in the decarbonisation of our energy supply, much however remains to be done. Even to attain our existing renewables and emissions targets<sup>7</sup> a huge shift in where we source our energy from will be required. An increasing proportion of energy will need to be sourced from renewable and low carbon technologies, as well as reducing our overall energy demands. However, the meeting of such targets should not be at the expense of our biodiversity. As such there is a need for sustainable renewable energy to be the cornerstone of our energy systems. To put it simply, there is no either/or choice between cutting emissions and protecting wildlife – we have an obligation to do both if we are to leave a planet which is able to support people and the ecosystems upon which we and other species depend<sup>8</sup>.

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years<sup>9</sup>, poorly sited, designed or managed energy infrastructure can seriously harm wildlife – adding to the pressure already caused by climate change.

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<sup>7</sup> [http://www.detini.gov.uk/strategic\\_energy\\_framework\\_sef\\_2010\\_-3.pdf](http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf)

<sup>8</sup> BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

<sup>9</sup> State of Nature Partnership (2013) State of Nature report [http://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf)

However, conflicts between renewable energy and wildlife need not pose a challenge to meeting energy and emissions targets, if Government puts in place the right safeguards.

The RSPB is currently conducting a major project which looks at how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats, so that our climate change targets are delivered in harmony with nature. It uses DECC's 2050 Pathways Calculator and innovative mapping techniques<sup>10</sup> to assess the deployment potential for a range of renewable energy technologies. The results of this project are expected to be published in a peer-reviewed journal in Summer 2016 but the RSPB is happy to discuss its conclusions pre-publication.

The evidence from the project shows that with careful planning (see section below for further details), it is possible to meet the UK's climate targets and interim carbon budgets up to 2027 using high levels of renewable energy, without having negative impacts on nature. However, massive strides in demand reduction and energy efficiency are important, both to ensure that the energy system is affordable in the future, and to avoid significant ecological impacts meaning that investment in these is critical. Investment in well-sited onshore wind and solar, energy storage and smart grid networks as well as new technologies such as floating wind turbines will all also be necessary.

To overcome the challenges posed as we meet our carbon budgets and transition to a low carbon economy in harmony with nature, the RSPB has developed the following set of recommendations.

1. Set the ambition: 100% low carbon energy by 2050
2. Develop roadmaps for decarbonisation in harmony with nature
3. Eliminate energy waste
4. Plan for nature
5. Improve the evidence base
6. Promote low carbon, low ecological impact innovation
7. Transform low carbon heat and transport
8. Make economic incentives work for nature and the climate
9. Ensure bioenergy supplies are sustainable
10. Build the grid network.

The RSPB would be happy to provide further details on these recommendations on request.

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<sup>10</sup> RSPB has developed a mapping methodology to support strategic planning at national and local levels. The methodology employed in this Report can be easily be replicated at the finer scale. See Summary Report for methodology outline, more details are available within the Technical Report (publication due Summer 2016).

### **Need for Strategic/Spatial Planning**

As indicated above, if we are to meet the targets without causing significant harm to biodiversity, and taking account of other restrictions on development, there will be an increased need to plan strategically and identify areas which are and are not suitable for sustainable renewable energy development. With the right strategy and planning safeguards, and with co-operation between developers and conservationists, renewable targets can be achieved without significant detrimental effects on our biodiversity.

A comprehensive and structured approach, identifying areas that are more or less suitable for deployment, would offer a valuable steer to developers. It would also help build public support, reduce risks for all stakeholders, from financiers to conservation groups. This would in turn speed up the consenting process, reducing the risk of contentious and unsuitable projects coming to the application stage. Notably, examination of the latest DOE planning statistics on renewable energy proposals<sup>11</sup> indicates a decreasing approval rate, increasing number of withdrawals, and a decline in total number of renewable energy applications submitted (this is explored further below). With regard to the latter, the DOE 2015-16 Statistics Report<sup>12</sup> notes that such declines could possibly be linked to government funding reductions and grid capacity issues.

It is not only the RSPB's current renewable energy project (as discussed previously, with further details to follow upon publication) which advocates *inter alia* the development of a roadmap for decarbonisation in harmony with nature. Recent publications including 'Meeting Europe's Renewable Energy Targets in Harmony with Nature (2011)<sup>13</sup> sets out a number of comparable principles for renewable deployment:

1. Renewables must be low carbon
2. A strategic approach to deployment is needed
3. Harm to birds and biodiversity must be avoided
4. Europe's most important sites for wildlife must be protected

It is recommended that the DOE also examine this report further as part of its call for evidence.

With ambitious targets for renewable energy, developing plans of where these developments can best be accommodated is integral to the successful roll-out of renewable energy technologies.

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<sup>11</sup><https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>  
<https://www.doeni.gov.uk/publications/northern-ireland-planning-renewable-energy-monthly-statistics-april-2015>

<sup>12</sup> Ibid.

<sup>13</sup> BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

### **Integrated Planning and Assessment**

Strategic spatial planning must be informed by a robust and appropriate assessment process to ensure that delivery of our renewable energy network is in harmony with nature. In this regard, a report prepared by Birdlife International on behalf of the Bern Convention<sup>14</sup> (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

While it is acknowledged that this Report relates to wind energy development, the general principles of its vital elements are however readily transferrable to other renewable energies, for example:

- *Strategic planning of the wind energy industry and the use of best practice protocols for individual project site selection, to avoid or minimise conflicts with nature conservation interests ;*
- *Robust Environmental Impact Assessment, including baseline studies, impact assessment and post construction monitoring; and*
- *Integrated, inclusive and iterative project development taking full account of potential interactions with nature conservation through the entire project development process’ (Page 5).*

The report also sets out a number of recommendations, and again while written with regards to the effects of wind farms on birds, they are again largely transferrable to other sustainable renewable energy technologies. It is recommended that the DOE should also review the contents of this report in full as part of its call for evidence. The report clearly states that implementation of the following recommendations would *‘facilitate the smooth further development of the wind energy industry in Europe, whilst ensuring the protection of our internationally important bird populations.’* The recommendations can be summarised as follows:

1. Need for coordinated and targeted strategic research on the impacts of wind farms on birds, and the efficacy of mitigation measures so as to inform future project development and decision-making, and reduce uncertainties over wind energy impacts.
  - As part of this, regulator requirement for developers to carry out comparable pre, during and post construction monitoring.
  - Governments and industry partnership working to provide a single web-based resource for this information to inform future research and project development.

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<sup>14</sup><https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2515528&SecMode=1&DocId=2012800&Usage=2>

- In light of increasing interest of wind energy projects in upland forests, further research is required to identify the effects of these on forest habitats and sensitive forest bird species.
2. Strategic Planning and associated Strategic Environmental Assessment is a key tool for governments to reduce potential conflicts between protected bird populations and wind energy development. Effective use of spatial zoning and site policy criteria can mediate between biodiversity and wind energy interests and ensure that targets are met in both spheres.
    - Sensitivity mapping should be used by the regulators and industry to inform locational decisions for wind energy development
  3. Environmental Impact Assessment is the key process to enable informed and transparent decision-making. Regulators need to ensure that all potentially damaging projects undergo EIA, that EIAs are scoped properly and undertaken by professionally competent ecologists. Inadequate EIA needs to be challenged by regulators who have suitably qualified staff to understand and critically assess these documents.
    - Cumulative impact assessment continues to be generally poorly addressed in wind energy EIAs in Europe. Regulators should ensure EIAs assess this adequately, and work with academics and industry to support further work to facilitate the development of workable assessment methodologies.
  4. Precautionary approach used by regulators in decision-making when there is significant uncertainty as to the impacts of a wind energy proposal on sensitive bird populations. Adaptive management in post-construction monitoring and mitigation should not be used to justify consent of development in unsuitable locations where key bird populations may be put at risk.
    - Need for proper implementation of the tests of Article 6 of the Habitats Directive, where wind energy development is likely to have a significant effect on a Natura 2000 site. National governments and the European Commission should act to ensure training and oversight is provided to address this.
  5. Developers should seek to apply an integrated planning approach to project development. A collaborative, open and transparent approach, adopted very early in project development with all

relevant stakeholders, has been shown to improve project outcomes, and to reduce costs, delays and uncertainties.

6. Innovative mitigation measures such as increased cut-in speeds and radar-based on-demand shut-down systems should be investigated for inclusion in project proposals when relevant. However, further research is needed into these and other mitigation measures to prove their efficacy.
7. The Standing Committee of the Bern Convention and other relevant Conventions should encourage co-operation between Contracting Parties on migration routes to evaluate cumulative impacts and safeguard key corridors and stop-over sites.

Notably, we urged the Department in the consultation exercises of both the Draft SPPS, and Draft PPS 18 to provide guidance on 'cumulative impact'. For example, in Scotland, cumulative impact on birds is considered within Natural Heritage Zones (NHZs) for which data on bird populations are available from Scottish Natural Heritage (SNH). The RSPB currently requests that developers provide an assessment of the cumulative impact on protected species such as hen harrier by considering local, regional and national impacts on the population, but this is problematic where there are insufficient data to run population models for those species. To date this has not occurred. The recommendations contained within the Birdlife International Report detailed above, underscore this requirement.

In general terms, the RSPB strongly contends that the recommendations of this Report should be reflected in any revision to the existing planning policy and guidance in order to ensure it remains fit for purpose.

### **Learning by Example**

A number of the references cited in this response provide illustrations of a positive approach to spatial planning. In this context, the RSPB is disappointed that the Environment Committee of the NI Assembly during its recent inquiry into Wind Energy<sup>15</sup> came to the following conclusion with regards to a spatial approach to onshore wind:

*'18. The Committee considered whether a strategic approach that advocated zoning, or the identification of most appropriate locations for wind turbines, would be effective. However, it was agreed that it was now too late for introducing zoning in Northern Ireland as some areas, notably West Tyrone, had already*

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<sup>15</sup> <http://www.niassembly.gov.uk/assembly-business/committees/environment/reports/report-on-the-committees-inquiry-into-wind-energy/>

*reached saturation point in terms of the number of wind developments either operational or planned for the region’.*

While it is accepted that a considerable number of proposals have already been approved, it is not too late to seek to redress the matter – for example, if the bungalow blitz which occurred in our countryside during the 1970’s had not been stemmed and regulated by policy, then the proliferation of single houses in the countryside would be significantly greater than it is today. While the legacy of those ‘early days’ lives in on in our rural landscape, imagine what our countryside would look like today without the introduction of strategic spatial policy and guidance for houses in the countryside?

RSPB therefore considers the out of time argument to be both unsustainable and weak. Using the most recently published renewable energy application data<sup>16</sup> it is worth noting that there were 532 live renewable energy applications, mainly comprising 426 single wind turbines, 31 wind farms and 31 solar farms’ at the end of December 2015 . Within this context, it is worth exploring the approach adopted to renewable energy planning in other jurisdictions:

### Wales

Within the context of Planning Policy Wales (PPW), seven Strategic Search Areas (SSAs) have been established on the basis of substantial empirical research. While these areas are considered to be the most appropriate locations for large scale (over 25 MW) wind farm development, it further establishes that Natura 2000 sites and Sites of Special Scientific Interest (SSSIs) as ‘absolute constraints’. (Please refer to Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005) and its annexes for further details<sup>17</sup>).

Notably, PPW acknowledges that not only should an integrated approach be adopted towards planning renewable and low carbon energy development, a similar approach should be adopted for the additional electricity grid network infrastructure to support SSAs. TAN 8 illustrates the geographical extent of each of the seven SSAs and provides details of the various characteristics which are all displayed in each of the SSAs (Paragraph 29).

With regards to onshore wind in other areas, TAN 8 notes that ‘most areas outside SSAs should remain free of large wind power schemes’ (paragraph 2.13). More importantly, TAN 8 states that ‘local planning authorities may wish to consider the cumulative impacts of small schemes in areas outside the SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes or the SSAs. In these

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<sup>16</sup> <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

<sup>17</sup> <http://gov.wales/topics/planning/policy/tans/tan8/?lang=en>

areas, there is a balance to be struck between the desirability of renewable energy and landscape protection. While that balance should not result in severe restriction on the development of wind power capacity, **there is a case for avoiding a situation where wind turbines are spread across the whole of the County** (our emphasis). As a result, the Assembly Government would support local planning authorities in introducing local policies in their development plans that restrict almost all wind energy developments, larger than 5MW, to within SSAs and urban/industrial brownfield sites. It is acceptable in such circumstances that planning permission for developments over 5MW outside SSAs and urban/industrial brownfield sites may be refused'. (Paragraph 2.13).

### Scotland

Current planning policy in the form of the Scottish Planning Policy<sup>18</sup> (SPP) requires planning authorities to set out a spatial framework which identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities following the approach set out in Table 1 of the SPP (refer to paragraph 161 onwards of the SPP for details). The document published in June 2014 places a ban on wind farms in national parks and national scenic areas and wild land was added as a constraint.

It is also worth noting that RSPB Scotland is a partner in the Scottish Government led *GP Wind* project<sup>19</sup>, which seeks to reconcile renewable energy objectives with wider environmental objectives. It has highlighted existing good practice in Scotland and across Europe, barriers to deployment, and lessons that should be learnt. The project has developed a set of good practice guidelines which can be used to facilitate sustainable growth in the renewables sector in support of the 2020 targets. This is a useful reference tool for the DOE in moving forward.

### The Northern Ireland Context

#### Need for a strategic and integrated approach

As previously stated, the RSPB is very supportive of wind farm, and other sustainable renewable energy developments, but this must not be at the expense of wildlife and our most special places. To this end there is an overriding need to have a strategic and integrated approach to renewable energy deployment in Northern Ireland.

While it is acknowledged that a detailed wind mapping exercise<sup>20</sup> was commissioned by the Department of Enterprise Trade and Investment (DETI) in 2003 to help identify areas of particular potential, and although a useful

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<sup>18</sup> <http://www.gov.scot/Resource/0045/00453827.pdf>

<sup>19</sup> <http://www.project-gpwind.eu/>

<sup>20</sup> <http://www.actionrenewables.co.uk/resources/windmap/> This map was derived from the windmapping project and has predicted mean wind speed and power in many locations within the range of 8 to 10.5 metres per second which is regarded as sufficient to support economical wind energy projects.

tool, it alone cannot generate the strategic framework necessary to create a comprehensive and structured approach to on-shore wind development. Indeed, this is recognised in the Report 'Positive Planning for Onshore Wind – expanding onshore wind energy capacity while conserving nature' (Bowyer *et al* 2009)<sup>21</sup> as follows: *'Land use planning is an essential mechanism for integrating the pressures for development with broader societal concerns. Planning is, however, only one element of a wide-ranging policy chain that needs to function effectively to deliver both nature conservation and a step change in renewable energy development'*.

Against this background, the absence of any coordinated or strategic approach to the siting of on-shore wind turbines in Northern Ireland is evidenced by both the Northern Ireland single turbine map<sup>22</sup> and wind farm map<sup>23</sup> which have been prepared by DOE depicting the spread of single turbines and wind farms from April 2002 to March 2015. In this context, it becomes apparent that Northern Ireland is well on its journey to the situation resisted by Welsh Planning Guidance *'where wind turbines are spread across the whole of the Country'* (Paragraph 2.13 of TAN 8).

The need for such an approach is further apparent when set within the context of the recent statistics available from the following DOE publications: Northern Ireland planning renewable energy monthly statistics - April 2015 and Northern Ireland Planning Statistics 2015/16 Combined Second & Third Quarterly Bulletins (July – December 2015: Provisional Figures)<sup>24</sup>. In this regard, the statistics are relevant:

1. At the end of December 2015, there were 532 live renewable energy applications, mainly comprising 426 single wind turbines, 31 wind farms and 31 solar farms
2. The overall Northern Ireland approval rate for renewable energy was 72.9% in Q3, a decrease of 12.5 percentage points over the quarter and a fall of 3.0 percentage points on the same period last year
3. The overall Northern Ireland approval rate in quarter 3 for all planning applications was 93.3%
4. Table 7.1 of Northern Ireland planning renewable energy monthly statistics - April 2015 shows a general downward trend in approvals, a general rising trend in the number of applications withdrawn, and a downward trend in the number of renewable energy applications submitted<sup>25</sup>

At a time when Northern Ireland should be looking towards meeting its emission reduction and renewable energy targets, it is considered significant that these latest statistics are depicting a scenario of piecemeal development,

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<sup>21</sup> [https://www.rspb.org.uk/Images/Positive%20Planning%20for%20Onshore%20Wind\\_tcm9-213280.pdf](https://www.rspb.org.uk/Images/Positive%20Planning%20for%20Onshore%20Wind_tcm9-213280.pdf)

<sup>22</sup> <https://www.doeni.gov.uk/sites/default/files/publications/doe/single-wind-turbines-map-march-2015.pdf>

<sup>23</sup> <https://www.doeni.gov.uk/sites/default/files/publications/doe/wind-farms-map-march-2015.pdf>

<sup>24</sup> <https://www.doeni.gov.uk/publications/northern-ireland-planning-renewable-energy-monthly-statistics-april-2015> and <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

<sup>25</sup> Bulletin states decline in number of applications is possibly linked to government funding reductions and grid capacity issues

increased uncertainty in the consenting regime process with a situation of reduced application numbers (possibly linked to government funding reductions and grid capacity issues<sup>26</sup>), a lower approval rate and a higher number of withdrawals.

Moving forward, this should not result in a situation where every application for renewable energy is approved. On the contrary, the need to have the right development in the right place at the right time based on a robust evidence base of potential to generate energy, alongside consideration of other social and environmental factors remains paramount. While strategic planning has a key role to play in enabling the renewable energy industry to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes, the absence of a stable incentive regime, as demonstrated by the latest set of planning statistics<sup>27</sup> can undermine any such benefits.

In this context, the publication Meeting Europe's Renewable Energy Targets in Harmony with Nature<sup>28</sup> recognises *'the right policy frameworks for renewable-particularly strategic planning and adequate, stable incentive regimes – will enable rapid and sustainable deployment while safeguarding the natural environmental for generations to come'*. Northern Ireland unfortunately has neither of these elements – this is of concern. The planning system alone cannot be responsible for the delivery of Northern Ireland's emissions and greenhouse targets.

Looking ahead, it is therefore imperative that there is greater cross-departmental working to ensure that one government department is not countering the work of another in order to restore confidence to this sector.

To this end we would support the introduction of a similar approach to that adopted in Wales, where *"the most appropriate scale at which to identify areas for large scale on shore wind energy development is at an all-Wales level"* Paragraph 12.8.13, Planning Policy Wales (PPW) Edition 5 (2012)<sup>29</sup>.

The DOE should also refer to the report 'Towards a Land Strategy for Northern Ireland'<sup>30</sup> which presents proposals and recommendations, and aims to progress the planning, development and implementation of a Land Strategy for Northern Ireland by 2020. It sets out the following vision *'for land and landscapes to be managed for the benefit of people's wellbeing and prosperity, reflecting the views of communities, groups and individuals, striving for environmental excellence, and making best use of its multi-functionality'*. While not designating land uses to particular sites, it does however seek to ensure that local and regional public policy and decision-making contribute to the strategic needs of Northern Ireland.

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<sup>26</sup> <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

<sup>27</sup> <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

<sup>28</sup> BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

<sup>29</sup> <http://wales.gov.uk/topics/planning/policy/ppw/?lang=en>

<sup>30</sup> [http://www.nienvironmentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI\\_2015-Main-Report.pdf](http://www.nienvironmentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI_2015-Main-Report.pdf)

Implications of the Review of Public Administration (RPA) and Planning Reform

While the geography and climate of an area will determine its likely capacity to generate renewable energy, these elements however, have no regard to administrative boundaries such as local government districts. There will therefore be a need for local councils to use up to date and appropriate evidence and to work collaboratively in order to gather evidence on a sub-regional basis wherever possible (consistent with PPW, Section 12.9). In England for example, the Department of Energy and Climate Change (DECC) in 2010 funded nine regional energy capacity studies<sup>31</sup> to help local authorities and local communities in England identify and maximise opportunities for the deployment of renewable and local carbon energy technologies in their areas.

If we are to meet our on-shore renewable targets in a truly sustainable way, there is an urgent need for similar strategic capacity assessments to be undertaken, particularly given the fact that we have now moved to a two-tier planning system under the Review of Public Administration, where the crossing of administrative boundaries by on-shore proposals could potentially be a greater issue for example, bird populations (and individuals) do not respect borders and as a consequence cumulative impacts are unlikely to either.

Strategic policy should require local authorities to work together to ensure that policies are put in place that deliver sustainable renewable energy in accordance with this evidence base. Collecting a robust evidence base of capacity must be done in conjunction with the collection of evidence for other key planning objectives, so as to enable a coordinated approach to spatial policies.

Need for Regional / Sub-regional Spatial Capacity Data

As noted above, in the absence of either an all Northern Ireland or sub-regional spatial capacity data, it is worth noting one of the five key actions which were identified in the DETI Draft Onshore Renewable Electricity Action Plan 2011 – 2020 (October 2011)<sup>32</sup> as follows:

Action 1 states that there was the need for capacity studies and data gaps to be addressed. The Plan stated *'in order to identify the overall level of development that could be accommodated in existing areas of development and other areas, more detailed 'capacity studies' should be undertaken at a regional level/area specific level. These studies are essential for providing more specific guidance on where future developments should be located and to feed into the ongoing monitoring of potential significant adverse effects'* (Page 25).

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<sup>31</sup> <https://www.gov.uk/government/news/decc-publishes-methodology-for-renewable-and-low-carbon-capacity-assessment>

<sup>32</sup> <http://www.nigridenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>

Such an approach is consistent with the findings of Birdlife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature – Summary Report<sup>33</sup>. This report identifies '*eight areas where policy makers must help to enable a renewable revolution in harmony with nature, of which one is to "introduce strategic spatial planning for renewables...maps indicating where the most sensitive habitats and species are located are a valuable planning too; for identifying broad zones where renewable development is most appropriate*' (Section 3, Page 11).

With regards to the recommendations for national and EU policy makers within the main report<sup>34</sup>, and Northern Ireland in particular, the following is recommended:

1. Support development of bird sensitivity maps and targeted habitat restoration for Northern Ireland; and,
2. Develop a spatial plan for all renewables on and offshore in Northern Ireland, and include spatial planning for renewables in Local Development Plans (Page27).

### **Need for Continued Investment**

Continuing investment in research into the environmental impacts of renewable technologies will be critical, particularly to ensure that the cumulative impacts are monitored in order to know when the thresholds of impacts on species/habitats may be reached. Government must take a lead role in ensuring that post construction monitoring is carried out and critical research is delivered, thereby delivering a nationally coordinated and consistent approach which will assist the industry as a whole.

### **PPS18 - Best Practice Guidance**

With regards to the narrative contained within Paragraph 1.3.7 of the PPS 18 Best Practice Guidance, and further to our comments made in respect of the draft SPPS consultation on the matter, the RSPB would reiterate that it does not agree that cows are necessarily a good indicator that wild animals are not affected by renewable energy development. There is, for example, good peer-reviewed scientific evidence<sup>35</sup> that wild birds can be disturbed by, and avoid, wind turbines. This reiterates our comments in respect of the same statement contained within the draft PPS 18 documentation.

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<sup>33</sup> <http://www.birdlife.org/europe/pdfs/RenewableSummaryreportfinal.pdf>

<sup>34</sup> [http://www.rspb.org.uk/Images/Renewable\\_energy\\_report\\_tcm9-297887.pdf](http://www.rspb.org.uk/Images/Renewable_energy_report_tcm9-297887.pdf)

<sup>35</sup> Pearce-Higgins, J. W et al. (2009): The distribution of breeding birds around upland wind farms: Effects of wind farms on upland breeding birds. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins, J.W et al. (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394).

Furthermore the same paragraph goes on to state *'beyond designated sites and peatland habitats the impact of a wind farm on local nature conservation interests should be minimal'* and while this may generally be the case, this statement needs to be qualified that assessment of impacts on wildlife and habitats need to be undertaken to quantify the risk, for example wild bird collision, displacement and disturbance risks all need to be quantified.

### **Decommissioning and Reinstatement**

Within this context, Paragraph 1.3.87 of the PPS 18 Best Practice Guidance states *'developers should demonstrate that funding to implement decommissioning will be available when required'*. The RSPB, however is of the opinion that this wording is not sufficiently strong, and as such would reiterate our previous comments made in respect of the Draft PPS18 and SPPS consultation responses. In this regard, we have suggested the following revised wording *'The planning authority should ensure that sufficient finances to support decommissioning activities are set aside by the developer until the decommissioning date, through a bond or similar. This is already done for offshore wind farm developers who have to prove that decommissioning will take place (e.g. financial guarantees). Conditions of consent outlining decommissioning requirements would allow this to be enforced onshore'*.

### **Reconciling National Priorities with Local Interests**

#### **Stakeholder Engagement**

The RSPB believes that an integrated planning process which facilitates co-operation and joint-working between the various stakeholders is key to ensuring the successful delivery of sustainable renewable energy development in Northern Ireland. Wind turbines for example, can impact on the amenity value of local wildlife and features valued by local communities. Local support is essential for the successful roll out of onshore wind, and other low carbon renewable sources. The RSPB recommends early and proactive engagement with stakeholders as an important way of increasing public acceptability of such projects.

With specific regard to the current approach to deploying onshore wind energy, it is market-led in terms of technology choice and locations for new developments. As a consequence, the deployment of onshore wind in Northern Ireland has remained ad hoc and uncoordinated, and is determined by individual planning decisions. This has led to conflicts over individual developments that could otherwise have been avoided. As previously detailed, the RSPB recommends a more structured and spatially explicit approach to the planning and deployment of onshore wind, and other low carbon renewable technologies that distinguishes the potential areas where development should be prioritised or avoided. This approach not only offers clarity to developers, but it also supports the early engagement of stakeholders and creates a clear framework for debate between various

interests, without which discussions can be divisive and dominated by responses to individual planning applications. Gaining support from local communities at this stage can be valuable in reducing the scale of opposition to individual projects further down the line.

In this regard, the RSPB welcomes the recent community consultation requirements which have come about as a result of the recent reform in planning. For major or regionally significant development proposals, applicants must now submit a pre-application community consultation report together with their planning application which provides details of the local community consultation undertaken, and how comments received from the community have been responded to indicating whether any changes or mitigation measures have been included.

### Community Benefits

The RSPB believes that large renewable energy developments should offer community benefits. However, the provision of community benefits should be considered more strategically than at present. Community benefits should also encompass biodiversity benefits, for example through habitat restoration or enhancement, both to meet biodiversity targets and for the ecosystem services that such habitats provide to the local and regional communities. In this context, a formula of £/MW/year specifically for biodiversity-related community benefit for on-shore wind is suggested.

In our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DOE about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act)<sup>36</sup> process by both planners and developers.

We also previously advocated that there should be guidance on when a planning agreement is likely to be required, as opposed to when an agreement could be used to facilitate a developer offer. Where a developer offer proceeds entirely outside the planning process, there needs to be security that the offer will result in tangible community benefits and not 'greenwash' or superficial unsustainable community projects. There is a danger, particularly in areas where there are many wind farms or other projects, that there will be no strategic overview of planning agreements or developer offers, such that small piecemeal projects will proceed and the opportunity for larger scale benefits or environmental enhancement through cooperation between developers and communities

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<sup>36</sup> <http://www.legislation.gov.uk/nia/2011/25/section/76>

will be missed. Reliance on developer offers may also mean that less scrupulous developers will not offer or deliver, leading to inequality between receiving communities.

The RSPB's experience of Community Benefit Schemes in Scotland has led RSPB Scotland to question whether it is perhaps a missed opportunity that community benefit schemes typically only benefit a small locality. RSPB Scotland believes that the current ad-hoc nature of community benefit schemes has been a missed opportunity to deliver benefits to the wider natural environment, as such RSPB Scotland believe that there is a need to review this approach to ensure that all of Scotland's communities benefit from the renewables revolution.

*RSPB Response to DECC's Call for Evidence in Onshore Wind – Part A Community Engagement and Benefits (November 2012)*

The RSPB, in preparing its response to the DECC's call for evidence spoke to a number of its Local Groups in GB to collect their views as members of the public and local communities. The following comments are based on those discussions in 2012:

The general perspective was one of concern and lack of confidence in developers, planners and the Government more generally to be transparent and to act in their best interest when it comes to wind farm developments. For example, our Local Groups felt that developers were following the letter of the law in regard to community engagement but not necessarily the spirit of it, by, for example, arranging consultation meetings for school holidays when many people would be unable to attend.

An RSPB local group also mentioned that a parish council had been approached by a developer and offered community benefits in exchange for a letter of support.

DOE Planning and the Local Authorities must avoid situations where community benefit is seen to be used essentially as an enticement to secure planning permission. If a wind farm application, for example, is consented for sound planning reasons, the community should be eligible for any community benefits agreed, regardless of whether they supported the application or not.

A transparent and nationally-agreed protocol on how and when discussions about community benefit should take place could help to support a more strategic approach to delivering community benefits at a greater scale and which could have more effective and longer term positive impacts.

### Summary of Recommendations

1. A more structured, strategic and spatially explicit approach should be taken to the planning and deployment of renewable energy proposals avoiding our most important areas for wildlife (Natura 2000 sites, ASSIs etc - similar to the Strategic Search Areas in Planning Policy Wales).
2. Include spatial planning for renewables at the finer scale in local development plans.
3. Continuance of the precautionary approach used by regulators in decision-making when there is significant uncertainty as to the impacts of a wind energy proposal on sensitive bird populations.
4. Continued need for investment into the environmental impacts of renewable technologies, and Governmental role in ensuring delivery of post construction monitoring and critical research.
5. Reinforce the need for full and proper scoping at strategic planning SEA, EIA and project levels.
6. Need for consideration of cumulative effects on birds and other wildlife.
7. Need for regional and sub-regional strategic capacity assessments.
8. Need for sensitivity mapping to indicate where our most sensitive habitats and species are located.
9. Need for local councils to work collaboratively and use up to date evidence to gather evidence on a sub-regional basis.
10. All developers should ensure early and proactive engagement with stakeholders.
11. Determining authority to ensure developers set aside sufficient financial requirements to support decommission activities, this needs to be strengthened through a bond or similar.
12. A transparent and nationally-agreed protocol should be developed that sets out how and when discussions about community benefit should take place.
13. Community benefits should encompass biodiversity benefits – e.g. through habitat restoration or enhancement.
14. Development of a formula of £/MW/year specifically for biodiversity-related community benefit for on-shore wind.
15. Strategic consideration of community benefits required.
16. Need for the recommendations of the following publications to be incorporated into the SSPS review:
  - (i) 2013 Birdlife International Report 'Wind Farms and Birds: An updated analysis of the effects of wind farms on birds, and best practice guidance on integrated planning and impact assessment' for the Bern Convention
  - (ii) BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature
  - (iii) RSPB current major project examining how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats (due for publication Summer 2016)



- (iv) Positive Planning for Onshore Wind – expanding onshore wind energy capacity while conserving nature (Bowyer *et al* 2009)

**For further information contact:**

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## Review of Strategic Planning Policy on Renewable Energy

This survey questionnaire seeks your views on existing (and future) strategic planning policy for renewable energy development in Northern Ireland as contained within the Strategic Planning Policy Statement (SPPS):

[www.planningni.gov.uk/spps](http://www.planningni.gov.uk/spps) (pages 90 - 93)

It is a key element of independent research being undertaken on behalf of the Department for Infrastructure. The overall research project aims to provide an updated evidential context to inform the best strategic planning policy approach for renewable energy development which furthers sustainable development and which is appropriate for the two-tier planning system.

The survey will close on Friday 22nd September at 5pm.

### Wind Energy

Wind power makes the greatest single contribution to renewable energy generation in Northern Ireland and is recognised as a sustainable and mature technology for generating power. However, it is also recognised that there are strong and contrasting opinions in relation to this type of development around issues such as noise, visual amenity and environmental impacts.

*2. Is the current strategic planning policy approach for wind energy development (both single wind turbines and wind farms) fit for purpose? If not, how could this be improved?*

- Yes
- No

Comment

### Introduction

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. Working to protect birds and their habitats through direct land management, education and policy advocacy, the RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

The RSPB is unusual amongst UK NGOs because we engage with individual applications for renewable and other energy infrastructure across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Our professional planning and conservation staff are regularly involved with individual project proposals and we comment on numerous

individual proposals for wind farms and single turbines in Northern Ireland each year. This gives us an almost unique perspective into the implications of new policy for development on the ground. In Northern Ireland we show our commitment to promoting good planning through involvement with developers and the public on proposed development from wind farms to housing.

Climate change is one of the most pressing challenges facing our society. With the appropriate policies in place, the planning system can help deliver the necessary levels of renewable generation needed for the country to meet its targets on reducing carbon emissions.

Delivering renewable energy infrastructure at the scale required to reduce our emissions and meet our commitments, whilst remaining sensitive to environmental considerations, is a significant challenge. To achieve this, the planning system in Northern Ireland needs to be more than a consent procedure for development; it should also provide a robust and proactive framework enabling sensitive deployment.

The RSPB is very supportive of wind farm and other renewable energy developments, provided they are sustainable, and not located in areas damaging to wildlife - we have a long track record of working positively with developers to ensure that these proceed in a sustainable way.

**The RSPB therefore welcomes the Department of Infrastructure's (DfIs) Review of Strategic Planning Policy on Renewable Energy (via Element Consulting)**

## **Background**

Climate change is one of the most pressing challenges facing our society. With the appropriate policies in place, the planning system can help deliver the necessary levels of renewable generation needed for the country to meet its targets on reducing carbon emissions.

Delivering renewable energy infrastructure at the scale required to reduce our emissions and meet our commitments, whilst remaining sensitive to environmental considerations, is a significant challenge. To achieve this, the planning system in Northern Ireland needs to be more than a consent procedure for development; it should also provide a robust and proactive framework enabling sensitive deployment. To this end, any review of the Strategic Planning Policy Statement (SPPS) must be the subject of a Strategic Environmental Assessment (SEA).

The RSPB is very supportive of wind farm and other renewable energy developments, provided they are sustainable, and not located in areas damaging to wildlife - we have a long track record of working positively with developers to ensure that these proceed in a sustainable way.

## **Need for a Strategic Spatial Approach**

Northern Ireland should seek to have a strategic spatial approach to wind and solar energy. In order to deliver on all three pillars of sustainable development, and to promote high quality developments

that do not negatively affect biodiversity at the scale needed, site planning must be undertaken at a strategic spatial level (SPPS, paragraph 3.3, 4.38). This will also help to meet the SPPS's aim to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment (para 6.218). Furthermore, given that the councils are now in the early stages of their Local Development Plan (LDP) development, there is now an opportunity to integrate spatial planning for renewable energy into the LDP spatial strategies that are currently being prepared (SPPS, para 5.7). (Please see additional comments at Q 32 in this regard).

While the RSPB agrees that climate change mitigation is vital to a sustainable future, this mitigation must be done in harmony with nature. By undertaking spatial mapping in order to identify suitable sites for renewable energy can help to ease the development process by identifying ecologically low-risk sites ahead of time, helping to avoid the need to invoke the precautionary approach (SPPS, para 3.9).

This spatial mapping, with nature in mind, will help to enable future renewable energy development and to meet carbon reduction goals with minimised effect on nature (SPPS, para 6.215). The Planning Policy Statement 18 on Renewable Energy does provide a reasonable list of the possible nature conservation issues that must be accounted for during planning and several of these issues, and these (and others) can be included into the strategic mapping as constraints.

It is also worth highlighting that we recently produced a report 'The RSPB's 2050 Energy Vision: Meeting the UK's climate targets in harmony with nature' which analyses and demonstrates how the UK can deliver its 2050 climate targets and transition to low carbon energy with lowest risk to sensitive species and habitats, this can provide a useful guide in how to undertake spatial strategic mapping for renewable sites. This Report can be viewed here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

The RSPB recommends the following approach (as demonstrated in the RSPB's 2050 Energy Vision report):

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);
3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;

4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-37).

*3. Do you consider that Northern Ireland has lessons to learn from other jurisdictions on strategic planning policy for wind energy development overall and specifically in relation to material considerations such as landscape, visual amenity, shadow flicker, separation distances, siting, site restoration and de-commissioning? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.*

Yes

No

Comment

The following examples cited below provide illustrations of a positive approach to spatial planning, both in policy and guidance, decommissioning and reinstatement, and community benefit. Further commentary on guidance is provided at Q.36.

#### Wales

##### Spatial Approach

Within the context of Planning Policy Wales (PPW), seven Strategic Search Areas (SSAs) have been established on the basis of substantial empirical research. While these areas are considered to be the most appropriate locations for large scale (over 25 MW) wind farm development, it further establishes that Natura 2000 sites and Sites of Special Scientific Interest (SSSIs) as 'absolute constraints'. (Please refer to Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005) and its annexes for further details <http://gov.wales/topics/planning/policy/tans/tan8/?lang=en><sup>1</sup>).

Notably, PPW acknowledges that not only should an integrated approach be adopted towards planning renewable and low carbon energy development, a similar approach should be adopted for the additional electricity grid network infrastructure to support SSAs. TAN 8 illustrates the geographical extent of each of the seven SSAs and provides details of the various characteristics which are all displayed in each of the SSAs (Paragraph 29).

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<sup>1</sup> <http://gov.wales/topics/planning/policy/tans/tan8/?lang=en>

With regards to onshore wind in other areas, TAN 8 notes that ‘most areas outside SSAs should remain free of large wind power schemes’ (paragraph 2.13). More importantly, TAN 8 states that ‘local planning authorities may wish to consider the cumulative impacts of small schemes in areas outside the SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes or the SSAs. In these areas, there is a balance to be struck between the desirability of renewable energy and landscape protection. While that balance should not result in severe restriction on the development of wind power capacity, **there is a case for avoiding a situation where wind turbines are spread across the whole of the County** (our emphasis). As a result, the Assembly Government would support local planning authorities in introducing local policies in their development plans that restrict almost all wind energy developments, larger than 5MW, to within SSAs and urban/industrial brownfield sites. It is acceptable in such circumstances that planning permission for developments over 5MW outside SSAs and urban/industrial brownfield sites may be refused’ (Paragraph 2.13).

### Scotland

#### Spatial Approach

Current planning policy in the form of the Scottish Planning Policy<sup>2</sup> (SPP) (<http://www.gov.scot/Resource/0045/00453827.pdf>) requires planning authorities to set out a spatial framework which identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities following the approach set out in Table 1 of the SPP (refer to paragraph 161 onwards of the SPP for details). The document published in June 2014 places a ban on wind farms in national parks and national scenic areas and wild land was added as a constraint. Other areas of constraint include designations such as SPAs/SSSIs, deep peat and priority peatland habitat. Such an approach ensures a consistent approach is taken to the deployment of onshore wind. However, given the geographical scale of Northern Ireland, it is considered that it would be more appropriate for DfI to develop this spatial framework.

An example of Spatial Guidance for wind energy that has been prepared by the Local Authority in Scotland has been produced by South Ayrshire Council (as required by para 161 of SPP).

<http://www.south-ayrshire.gov.uk/documents/adopted%20wind%20energy-supplementary%20guidance.pdf>

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<sup>2</sup> <http://www.gov.scot/Resource/0045/00453827.pdf>

It is also worth noting that RSPB Scotland is a partner in the Scottish Government led *GP Wind* project (<http://www.project-gpwind.eu/>)<sup>3</sup>, which seeks to reconcile renewable energy objectives with wider environmental objectives. It has highlighted existing good practice in Scotland and across Europe, barriers to deployment, and lessons that should be learnt. The project has developed a set of good practice guidelines which can be used to facilitate sustainable growth in the renewables sector in support of the 2020 targets. This is a useful reference tool for the DOE (now DfI) in moving forward.

#### Site Restoration and Decommissioning

In terms of site restoration and decommissioning, East Ayrshire Council (<https://www.east-ayrshire.gov.uk/Resources/PDF/P/Planning-SG-FinancialGuarantees.pdf>)<sup>4</sup> has developed some very useful guidance on financial guarantees. This was based on their experience of failure to restore, site abandonment, and lack of financial guarantees in the open cast coal sector which ultimately resulted in significant restoration costs falling to the tax payer or remaining outstanding. Such guidance is considered particularly relevant where there are significant restoration, or decommissioning of ongoing mitigation requirements e.g. habitat restoration commitments, peat restoration etc.

In addition it worth highlighting that Scottish Natural Heritage (SNH) has recognised the importance of statutory guidance to support the assessment of sites, even with the best spatial guidance there will still be a need to consider detailed issues at the site level. In this regard, SNH has produced a wide range of guidance documents (for example <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/>)<sup>5</sup> which has helped with the consenting process including complex issues such as cumulative assessment.

#### Community Benefit

The RSPB's experience of Community Benefit Schemes in Scotland has led RSPB Scotland to question whether it is perhaps a missed opportunity that community benefit schemes typically only benefit a small locality. RSPB Scotland believes that the current ad-hoc nature of community benefit schemes has been a missed opportunity to deliver benefits to the wider natural environment, as such RSPB Scotland believe that there is a need to review this approach to ensure that all of Scotland's communities benefit from the renewables revolution. (See further details in our response to Q37).

#### England

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<sup>3</sup> <http://www.project-gpwind.eu/>

<sup>4</sup> <https://www.east-ayrshire.gov.uk/Resources/PDF/P/Planning-SG-FinancialGuarantees.pdf>

<sup>5</sup> <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/>

The Central Bedfordshire Plan (Renewables Capacity Mapping (pg 37) - [http://www.centralbedfordshire.gov.uk/Images/renewable-report\\_tcm3-12981.pdf](http://www.centralbedfordshire.gov.uk/Images/renewable-report_tcm3-12981.pdf))<sup>6</sup> is an example of a UK plan that has undergone strategic spatial mapping for siting renewable energy resources, taking into account ecologically sensitive areas.

*4. Do you have any views and/or suggestions on the strategic planning policy for where best to locate wind energy development?*

Yes

No

Comment

We believe that the best way to determining wind energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The main steps are outlined below and in question 2 and further described under the General Questions section (Q.s 31 to 37).

Please see details below on the mapping methodology that the RSPB has developed to support strategic spatial planning for renewable energy in harmony with nature. The methodology has been peer-reviewed and full information is available here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

- Step 1: Map where the energy resource is technically viable (e.g. where there is sufficient average wind speed for wind turbines).
- Step 2: Exclude areas with physical constraints that prevent deployment (e.g. buildings, roads and other infrastructure).
- Step 3: Exclude areas where there are policy constraints to deployment (e.g. heritage designations, Ministry of Defence areas).
- Step 4: Exclude areas of high and medium ecological sensitivity (e.g. designated Natura 2000 sites, ASSIs, ancient woodland habitat).
- Result: indicative area where the technology may be located with low ecological risk, based on current understanding and available data.

As the Councils start to publish their Preferred Options Papers for their Local Development Plan (7 out of 11 published to date), the need for a spatial approach to wind energy (and other renewables) has become even more apparent, with councils varying in their approach to accommodating wind energy development within their respective council area. However, for the majority of the Councils, the

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<sup>6</sup> Renewables Capacity Mapping (pg 37)- [http://www.centralbedfordshire.gov.uk/Images/renewable-report\\_tcm3-12981.pdf](http://www.centralbedfordshire.gov.uk/Images/renewable-report_tcm3-12981.pdf)

preferred approach advocated seeks to continue to rely on a market-led approach to technology choice and locations for new developments. As a consequence, the deployment of onshore wind (and indeed other renewables e.g. solar) in Northern Ireland will continue to remain ad hoc and uncoordinated, determined by individual planning decisions. Such an approach in no way contributes to the furthering of sustainable development.

As previously detailed, a more structured and spatially explicit approach to the planning and deployment of onshore wind, and other low carbon renewable technologies that distinguishes the potential areas where development should be prioritised or avoided, will not only offer clarity to developers, but will also support the early engagement of stakeholders and create a clear framework for debate between various interests, without which discussions can be divisive and dominated by responses to individual planning applications. Gaining support from local communities at this stage can be valuable in reducing the scale of opposition to individual projects further down the line.

Furthermore, in developing more structured and spatially explicit approach, regard will also need to be had to the biodiversity that falls outside the protected area network, thereby avoiding areas which are sensitive in both species and habitat terms. This is necessary because only a very small proportion of our biodiversity falls within the protected site network. For example, breeding waders have declined substantially from the 1980's. In this regard, conclusions from a recent publication (Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI) <sup>7</sup> found that breeding populations of Eurasian Curlew, Northern Lapwing and Common Snipe (known as breeding waders, and both of Conservation Concern)) have declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside. However, one of the few remaining hotspots for breeding Curlew is in the Antrim Hills, yet it remains outwith the statutory site protection network. This situation becomes even more relevant as this is an area which is under pressure from wind farm and single turbine development (and associated cumulative impacts) coupled with the fact that scientific research has shown that Curlew are particularly vulnerable to disturbance from wind turbines. This research can be found here:

Pearce-Higgins, J. W et al. (2009): The distribution of breeding birds around upland wind farms: Effects of wind farms on upland breeding birds. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins, J.W et al. (2012): Greater impacts of wind farms on bird populations during construction than

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<sup>7</sup> Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394).

Other species such as Hen harriers, Whooper swans, and Greenland white-fronted geese (which are Annex 1 of the European Birds Directive) have also been shown to be vulnerable to wind farm development, and as such would also be of particular concern to the RSPB.

We would also seek to prevent the loss or damage of active blanket bog, a priority habitat under the Habitats Directive.

These matters should therefore be robustly addressed in any strategic spatial approach.

*5. Do you have any views and/or suggestions on the current use of ETSU-R-97 for the assessment of noise from wind turbines?*

Yes

No

Comment

*6. How should strategic planning policy address the repowering of existing wind energy sites?*

Yes

No

Comment

Strategic spatial planning should encourage repowering of existing wind energy sites *in principle*, to help minimise the amount of new sites needed for windfarms. However, any attempts to encourage this, must not allow repowering to be permitted without sufficient scrutiny of whether the impact of new equipment would be greater, or where serious concerns have been raised in relation to the impacts of the original project.

*7. Do you have any other comments or suggestions to inform the future strategic planning policy approach for wind energy development?*

Yes

No

Comment

### **Spatial Planning**

The SPPS recognises that a successful implementation of the SPPS requires planning authorities to focus on delivering spatial planning, including a positive and proactive approach to planning a

coherent long-term policy framework to guide and influence future development across the region (SPPS, paragraph 5.4). In order to fulfil the visionary nature of spatial planning envisioned in paragraph 5.4, SPPS, this must include integrated spatial planning for renewable energy sites in harmony with nature and local needs.

In this regard, the front-loading of the conversation about the location of renewables by promoting a spatial strategic approach which creates a transparent discussion through the mapping process should not only achieve greater stakeholder support when applications are submitted, but also reduce the potential for planning official recommendations for refusals to be overturned at planning committee. A comprehensive and structured approach to identifying areas which are more or less suitable for deployment (methodology as advocated in our 2050 Energy Vision peer-reviewed publication), would offer a valuable steer to developers. It would also help build public support, reduce risks for all stakeholders from financiers to conservation groups.

### Community Benefits

RSPB NI believes that large renewable energy developments should offer community benefits. However, the provision of community benefits should be considered more strategically than at present. Community benefits should also encompass biodiversity benefits, for example through habitat restoration or enhancement, both to meet biodiversity targets and for the ecosystem services that such habitats provide to the local and regional communities. In this context, a formula of £/MW/year specifically for biodiversity-related community benefit for on-shore wind is suggested.

In our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DfI about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act) (<http://www.legislation.gov.uk/nia/2011/25/section/76>)<sup>8</sup> process by both planners and developers.

We also previously advocated that there should be guidance on when a planning agreement is likely to be required, as opposed to when an agreement could be used to facilitate a developer offer. Where a developer offer proceeds entirely outside the planning process, there needs to be security that the offer will result in tangible community benefits and not 'greenwash' or superficial unsustainable community projects. There is a danger, particularly in areas where there are many wind farms or other projects, that there will be no strategic overview of planning agreements or developer offers, such that small piecemeal projects will proceed and the opportunity for larger scale benefits or

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<sup>8</sup> <http://www.legislation.gov.uk/nia/2011/25/section/76>

environmental enhancement through cooperation between developers and communities will be missed. Reliance on developer offers may also mean that less scrupulous developers will not offer or deliver, leading to inequality between receiving communities.

The RSPB's experience of Community Benefit Schemes in Scotland has led RSPB Scotland to question whether it is perhaps a missed opportunity that community benefit schemes typically only benefit a small locality. RSPB Scotland believes that the current ad-hoc nature of community benefit schemes has been a missed opportunity to deliver benefits to the wider natural environment, as such RSPB Scotland believe that there is a need to review this approach to ensure that all of Scotland's communities benefit from the renewables revolution.

*RSPB Response to DECC's Call for Evidence in Onshore Wind – Part A Community Engagement and Benefits (November 2012)*

The RSPB, in preparing its response to the DECC's call for evidence spoke to a number of its Local Groups in GB to collect their views as members of the public and local communities. The following comments are based on those discussions in 2012:

The general perspective was one of concern and lack of confidence in developers, planners and the Government more generally to be transparent and to act in their best interest when it comes to wind farm developments. For example, our Local Groups felt that developers were following the letter of the law in regard to community engagement but not necessarily the spirit of it, by, for example, arranging consultation meetings for school holidays when many people would be unable to attend.

An RSPB local group also mentioned that a parish council had been approached by a developer and offered community benefits in exchange for a letter of support.

DfI Planning and the Local Authorities must avoid situations where community benefit is seen to be used essentially as an enticement to secure planning permission. If a wind farm application, for example, is consented for sound planning reasons, the community should be eligible for any community benefits agreed, regardless of whether they supported the application or not. In this context there is important case law to support this in *R (Wright) v Forest of Dean District Council* [2016] EWHC 1349 (Admin) re-affirms a fundamental principle of planning law that, as Lloyd LJ put it in *City of Bradford Metropolitan Council v Secretary of State* [1987] 53 P&CR 55, "planning consent cannot be bought or sold" (<http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf> accessed 25/01/2017).<sup>9</sup>

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<sup>9</sup> <http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf> accessed 25/01/2017

A transparent and nationally-agreed protocol on how and when discussions about community benefit should take place could help to support a more strategic approach to delivering community benefits at a greater scale, and ultimately could have more effective and longer term positive impacts.

### **Cumulative Impact**

The issue of cumulative impact, including single turbines needs to be robustly and comprehensively addressed in strategic policy and guidance. For example, under current policy, single turbines which develop (as a result of individual planning decisions) in clusters can in effect create a wind farm by stealth without ever having to under go the cumulative environmental rigors of an individual windfarm application comprising the same number of turbines as that created by the multiple applications for single turbines.

In the circumstances, guidance, and thresholds require to be addressed to avoid the creating of windfarms by stealth through multiple individual planning decisions in the absence of full environmental assessment of the windfarm totality.

Notably, we urged the Department in the consultation exercises of both the Draft SPPS, and Draft PPS 18 to provide guidance on 'cumulative impact'. For example, in Scotland, cumulative impact on birds is considered within Natural Heritage Zones (NHZs) for which data on bird populations are available from Scottish Natural Heritage (SNH). The RSPB currently requests that developers provide an assessment of the cumulative impact on protected species such as hen harrier by considering local, regional and national impacts on the population, but this is problematic where there are insufficient data to run population models for those species. To date this has not occurred. The recommendations contained within the Birdlife International Report <sup>10</sup> detailed above, underscore this requirement. This Report was prepared by Birdlife International on behalf of the Bern Convention (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

### **Addressing Data Gaps**

It is most disappointing that Northern Ireland has failed to acknowledge or implement one of the five key actions which were identified in the Draft Onshore Renewable Electricity Action Plan 2011 – 2020

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<sup>10</sup> prepared by Birdlife International on behalf of the Bern Convention (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

(October 2011) (<http://www.nigridentenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>)<sup>11</sup> as follows:

Action 1 states that there was the need for capacity studies and data gaps to be addressed. The Plan stated *'in order to identify the overall level of development that could be accommodated in existing areas of development and other areas, more detailed 'capacity studies' should be undertaken at a regional level/area specific level. These studies are essential for providing more specific guidance on where future developments should be located and to feed into the ongoing monitoring of potential significant adverse effects'* (Page 25).

Furthermore, as new technologies emerge, or existing ones modified, it will be necessary for continued research into the potential effects (including cumulative) of such technologies on species and habitats – see section below on continued investment for further details).

In moving forward, it will be imperative that policy and decision makers address these data gaps as a matter of urgency.

#### **Continued Investment and Robust Enforcement of Post-Construction Monitoring Requirements**

Continuing investment in research into the environmental impacts of renewable technologies will be critical, particularly to ensure that the cumulative impacts are monitored in order to know when the thresholds of impacts on species/habitats may be reached.

Government must take a lead role in ensuring that post-construction monitoring is carried out and critical research is delivered, thereby delivering a nationally coordinated and consistent approach which will assist the industry as a whole. To this end, planning authorities will need to adopt a much stronger and proactive role (than that currently adopted) in ensuring post-condition monitoring is carried out in accordance with planning approval conditions. RSPB NI is currently aware of a number of windfarm cases in Northern Ireland where post-construction monitoring data has not been submitted to the planning authority in compliance with approval condition, we are currently liaising with the respective councils on the matter. Our initial findings suggest that the lack of a robust approach to post-construction monitoring requirements is more prevalent in some council areas than others. In the circumstances, a robust approach to the proper and effective enforcement of planning conditions should be adopted by all planning authorities, and sufficient resource should be made available to conduct such a task. A failure to do so undermines the use of mitigation measures and conditions within development management.

#### **Resourcing and Access to Experts**

Planners must also have access to competent experts in all stages of the assessment process and the appropriate authorities must be properly resourced to facilitate this service provision. This will

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<sup>11</sup> <http://www.nigridentenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>

become more pertinent as the full effects of the transposition requirements of the 2014 EIA Directive Review take effect, having been recently transposed into our Planning EIA Regulations, particularly when set against the backdrop of ever diminishing public sector resources.

### **Integrated Planning and Assessment**

Strategic spatial planning must be informed by a robust and appropriate assessment process to ensure that delivery of our renewable energy network is in harmony with nature.

As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

8 NA

### **Solar Energy**

**Solar power development is a growing renewable energy generating technology which now makes a measurable contribution to Northern Ireland's energy mix.**

*9. Is the current strategic planning policy approach for solar energy development fit for purpose? If not, please explain how improvements could be made?*

- Yes
- No

Comment

### **Background**

Climate change is one of the most pressing challenges facing our society. With the appropriate policies in place, the planning system can help deliver the necessary levels of renewable generation needed for the country to meet its targets on reducing carbon emissions.

Delivering renewable energy infrastructure at the scale required to reduce our emissions and meet our commitments, whilst remaining sensitive to environmental considerations, is a significant challenge. To achieve this, the planning system in Northern Ireland needs to be more than a consent procedure for development; it should also provide a robust and proactive framework enabling sensitive deployment. To this end, any review of the Strategic Planning Policy Statement (SPPS) must be the subject of a Strategic Environmental Assessment (SEA).

The RSPB is very supportive of wind farm and other renewable energy developments, provided they are sustainable, and not located in areas damaging to wildlife - we have a long track record of working positively with developers to ensure that these proceed in a sustainable way.

### **Need for a Strategic Spatial Approach**

Northern Ireland should seek to have a strategic spatial approach to wind and solar energy. In order to deliver on all three pillars of sustainable development, and to promote high quality developments that do not negatively affect biodiversity at the scale needed, site planning must be undertaken at a strategic spatial level (SPPS, paragraph 3.3, 4.38). This will also help to meet the SPPS's aim to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment (para 6.218). Furthermore, given that the councils are now in the early stages of their Local Development Plan (LDP) development, there is now an opportunity to integrate spatial planning for renewable energy into the LDP spatial strategies that are currently being prepared (SPPS, para 5.7). (Please see additional comments at Q 32 in this regard).

While the RSPB agrees that climate change mitigation is vital to a sustainable future, this mitigation must be done in harmony with nature. By undertaking spatial mapping in order to identify suitable sites for renewable energy can help to ease the development process by identifying ecologically low-risk sites ahead of time, helping to avoid the need to invoke the precautionary approach (SPPS, para 3.9).

This spatial mapping, with nature in mind, will help to enable future renewable energy development and to meet carbon reduction goals with minimised effect on nature (SPPS, para 6.215). The Planning Policy Statement 18 on Renewable Energy does provide a reasonable list of the possible nature conservation issues that must be accounted for during planning and several of these issues, and these (and others) can be included into the strategic mapping as constraints.

It is also worth highlighting that we recently produced a report 'The RSPB's 2050 Energy Vision: Meeting the UK's climate targets in harmony with nature' which analyses and demonstrates how the UK can deliver its 2050 climate targets and transition to low carbon energy with lowest risk to sensitive species and habitats, this can provide a useful guide in how to undertake spatial strategic mapping for renewable sites. This Report can be viewed here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

The RSPB recommends the following approach (as demonstrated in the RSPB's 2050 Energy Vision report):

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);

3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-38).

The RSPB strongly supports the deployment of solar arrays on roofs and other built infrastructure, such as car parks and bridges, where few if any risks are posed to the natural environment. Policy should seek to maximize installations in such locations.

There is little scientific evidence for fatality risks to birds associated with solar PV arrays. However, birds can strike any fixed object so this lack of evidence might reflect absence of monitoring effort, rather than absence of collision risk. Structurally the risk is broadly similar to many other man-made features, though PV arrays may be more likely to be developed in sensitive locations. Developments will need to be connected to the grid, and there would be concerns where overhead wires and supports pass through areas used by birds susceptible to collision risk or electrocution. As such, the RSPB would like to see investment in monitoring and developing our understanding of the collisions risks associated with solar PV.

Consideration also needs to be given within policy for floating solar farms, particularly with regards to situations where such developments are located within an area of multiple water bodies, here some of these bodies may be designated and others not; this may mean that undesignated bodies are developed upon yet perform an important supporting role to the designated site. As such, there will be a need for a robust strategic policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

The application of a strategic and spatial approach to renewable energy does not however negate the need for each development proposal to be considered on a case-by-case basis.

With regards to ground-mounted solar arrays, strategic policy should also have regard to potential impacts due to land use change through direct habitat loss; habitat fragmentation and/or

modification; and disturbance / displacement of species (e.g. through construction/ maintenance activities).

Furthermore, if the site is already valuable for wildlife, particularly if it is in or near a protected area, policy should facilitate a greater scrutiny of the scheme as there is potential for significant impact.

Suitable sites for large PV arrays are limited in terms of climate, topography, access, existing land use (usually lower-grade agricultural land), shading and proximity to grid connections. Therefore, proposed developments are likely to cluster together and potentially give rise to concerns about cumulative environmental impacts, in the same way as windfarms and single turbines. Ideally, cumulative impacts should be assessed at the district or county level, to inform site selection.

Please refer to Q.36 regarding the need for provision of guidance on mitigation and enhancement at a strategic level.

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*10. Do you consider that Northern Ireland has lessons to learn from other jurisdictions on strategic planning policy for solar energy development overall and specifically in relation to material considerations such as landscape, visual amenity, separation distances, glint and glare, noise, siting, site restoration and de-commissioning? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.*

Yes

No

Comment

There is growing interest in how solar farms can be managed to benefit wildlife include managing the land to boost insect numbers, providing feeding and nesting opportunities for small animals and birds, and building wildlife connectivity corridors through the site. In seeking to further sustainable development and halt the loss of biodiversity, we believe that all new renewable developments should provide habitat enhancement alongside the developments. Please see examples in the response to questions 36 and 37.

Notably Natural England (2017) has suggested that solar farms should be avoided on protected sites due to concerns about the impact on biodiversity.

The RSPB collaborated on the BRE biodiversity guidance for solar farm developers (BRE (2014) Biodiversity Guidance for Solar Developments. Eds G E Parker and L Greene)<sup>12</sup>. This guide provides examples of planning for biodiversity gains at solar farms. Including how to take advantage of the varied light and moisture levels on solar farms to grow a range of local plants and provide microhabitats for insects like bumbles.

The RSPB also has detailed advice (<http://www.rspb.org.uk/our-work/conservation/conservation-and-sustainability/farming/advice/details.aspx?id=367959>)<sup>13</sup> for using solar panel sites to provide farmland birds with insect rich habitat in the breeding season (nectar flowers), seed rich habitat in winter (wild bird seed mix), and in-field nesting habitat (fine grasses). These measures are aimed at priority species such as the skylark and yellowhammer but will also benefit small mammals, arachnids and pollinating insects.

Please also refer to Question 3 above, while relating to wind energy, the approach to spatial mapping, decommissioning and reinstatement and community benefits for example are equally applicable and transferable to solar energy.

*11. Do you have any views and/or suggestions on the strategic planning policy for where best to locate solar energy development?*

- Yes
- No

Comment

As for wind energy, we believe that the best way to determining solar energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The main steps are outlined below and in question 2 and further described under the General Questions section (Q.31-37).

Please see details below on the mapping methodology that the RSPB has developed to support strategic spatial planning for renewable energy in harmony with nature. The methodology has been peer-reviewed and full information is available here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

- Step 1: Map where the energy resource is technically viable (e.g. where there is sufficient average wind speed for wind turbines).

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<sup>12</sup> BRE (2014) Biodiversity Guidance for Solar Developments. Eds G E Parker and L Greene.

<sup>13</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-and-sustainability/farming/advice/details.aspx?id=367959>

- Step 2: Exclude areas with physical constraints that prevent deployment (e.g. buildings, roads and other infrastructure).
- Step 3: Exclude areas where there are policy constraints to deployment (e.g. heritage designations, Ministry of Defence areas).
- Step 4: Exclude areas of high and medium ecological sensitivity (e.g. designated Natura 2000 sites, SSSIs, ASSIs, ancient woodland habitat).
- Result: indicative area where the technology may be located with low ecological risk, based on current understanding and available data.

As the Councils start to publish their Preferred Options Papers for their Local Development Plan (7 out of 11 published to date), the need for a spatial approach to solar energy has become even more apparent, with councils varying in their approach to accommodating wind energy development and remaining silent on solar energy within their respective council area. For the majority of the Councils, the preferred approach advocated (for wind energy, no specific direction on solar) seeks to continue to rely on a market-led approach to technology choice and locations for new developments. As a consequence, the deployment of onshore wind (and indeed other renewables e.g. solar) in Northern Ireland will continue to remain ad hoc and uncoordinated, determined by individual planning decisions. Such an approach in no way contributes to the furthering of sustainable development.

As previously detailed, a more structured and spatially explicit approach to the planning and deployment of low carbon renewable technologies (including solar) that distinguishes the potential areas where development should be prioritised or avoided, will not only offer clarity to developers, but will also support the early engagement of stakeholders and create a clear framework for debate between various interests, without which discussions can be divisive and dominated by responses to individual planning applications. Gaining support from local communities at this stage can be valuable in reducing the scale of opposition to individual projects further down the line.

Furthermore, in developing more structured and spatially explicit approach, regard will also need to be had to the biodiversity that falls outside the protected area network, thereby avoiding areas which are sensitive in both species and habitat terms. This is necessary because only a very small proportion of our biodiversity falls within the protected site network.

We would also seek to prevent the loss or damage of active blanket bog, a priority habitat under the Habitats Directive.

These matters should therefore be robustly addressed in any strategic spatial approach.

*12. Do you have any other comments or suggestions to inform the future strategic planning policy approach for solar energy development?*

Yes

No

Comment

As with wind energy, the RSPB believes that the best way to determining solar energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The outline of how we undertook spatial mapping for renewables is further detailed in our Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to solar energy.

13 NA

**Energy from waste - Biomass**

**Biomass fuels can be utilised to provide energy either by combustion or fermentation/digestion technologies. This includes wood, biodegradable waste and energy crops. Like other renewable energy technologies biomass development is covered by the SPPS and PPS18.**

*14. Is the current policy approach for biomass development fit for purpose? If not, please explain how improvements could be made?*

Yes

No

Comment

**Need for a Strategic Spatial Approach**

Northern Ireland should seek to have a strategic spatial approach to renewable energy. In order to deliver on all three pillars of sustainable development, and to promote high quality developments that do not negatively affect biodiversity at the scale needed, site planning must be undertaken at a strategic spatial level (SPPS, paragraph 3.3, 4.38). This will also help to meet the SPPS's aim to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment (para 6.218). Furthermore, given that the councils are now in the early stages of their Local Development Plan (LDP) development, there is now an opportunity to integrate spatial

planning for renewable energy into the LDP spatial strategies that are currently being prepared (SPPS, para 5.7). (Please see additional comments at Q 32 in this regard).

While the RSPB agrees that climate change mitigation is vital to a sustainable future, this mitigation must be done in harmony with nature. By undertaking spatial mapping in order to identify suitable sites for renewable energy can help to ease the development process by identifying ecologically low-risk sites ahead of time, helping to avoid the need to invoke the precautionary approach (SPPS, para 3.9).

This spatial mapping, with nature in mind, will help to enable future renewable energy development and to meet carbon reduction goals with minimised effect on nature (SPPS, para 6.215). The Planning Policy Statement 18 on Renewable Energy does provide a reasonable list of the possible nature conservation issues that must be accounted for during planning and several of these issues, and these (and others) can be included into the strategic mapping as constraints.

It is also worth highlighting that we recently produced a report 'The RSPB's 2050 Energy Vision: Meeting the UK's climate targets in harmony with nature' which analyses and demonstrates how the UK can deliver its 2050 climate targets and transition to low carbon energy with lowest risk to sensitive species and habitats, this can provide a useful guide in how to undertake spatial strategic mapping for renewable sites. This Report can be viewed here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

The RSPB recommends the following approach (as demonstrated in the RSPB's 2050 Energy Vision report):

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);
3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-37).

More specifically, Bioenergy can play at most a limited role in Northern Ireland's energy mix. Developments that make use of bioenergy feedstocks and technologies would help to protect the natural environment by relying on only the most sustainable feedstocks. However, the supply of sustainable feedstock will be limited and competing industries could also be relying on the same resource.

There are two key risks associated with many bioenergy feedstocks. First, they create pressure on land or result in the direct loss of habitat through practices such as deforestation. This can result in the degradation or loss of habitat. The use of woody biofuel from forests, monoculture maize for anaerobic digestion and crops for biofuels have all resulted in significant environmental impacts. Some of these have been well documented in case studies by BirdLife Europe<sup>14</sup>.

Second, many direct changes in land use or indirect changes (such as the displacement of other crops) can result in significant emissions. The use of woody biomass can result in loss of carbon stocks and sinks, and regrowth of forests means it can take years or even decades to repay this debt. Because of this, many types of bioenergy can result in meagre emissions savings compared to fossil fuel alternatives, or even in emissions increases.

Recent research by the European Academies Science Advisory Council concludes that many types of forest-based biomass could have long carbon repayment periods that mean they should be ruled out ([www.easac.eu/fileadmin/PDF\\_s/reports\\_statements/Forests/EASAC\\_Forests\\_web\\_complete.pdf](http://www.easac.eu/fileadmin/PDF_s/reports_statements/Forests/EASAC_Forests_web_complete.pdf))<sup>15</sup>.

The research institute Chatham House recently published reports reaching the same conclusion (<https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-02-23-woody-biomass-global-climate-brack-final2.pdf>)<sup>16</sup>. The UK Government's own scientific evidence shows that some types of woody biomass can result in emissions several orders of magnitude greater than those from coal power

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/349024/BEAC\\_Report\\_290814.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349024/BEAC_Report_290814.pdf))<sup>17</sup>.

Crop-based bioenergy can result in similar effects and this has been the experience with biofuels made from crops

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<sup>14</sup> [http://www.birdlife.org/sites/default/files/bbb\\_3.2\\_web\\_lowres.pdf](http://www.birdlife.org/sites/default/files/bbb_3.2_web_lowres.pdf)

<sup>15</sup> [www.easac.eu/fileadmin/PDF\\_s/reports\\_statements/Forests/EASAC\\_Forests\\_web\\_complete.pdf](http://www.easac.eu/fileadmin/PDF_s/reports_statements/Forests/EASAC_Forests_web_complete.pdf)

<sup>16</sup> <https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-02-23-woody-biomass-global-climate-brack-final2.pdf>

<sup>17</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/349024/BEAC\\_Report\\_290814.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349024/BEAC_Report_290814.pdf)

([https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report\\_GLOBIOM\\_publication.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report_GLOBIOM_publication.pdf))<sup>18</sup>.

All developments would need to comply with UK sustainability criteria on bioenergy (links below)

[1]. (1) <https://www.ofgem.gov.uk/publications-and-updates/october-2015-changes-non-domestic-rhi-regulations-sustainability-and-biomass-suppliers-list>

(2)

[https://www.ofgem.gov.uk/system/files/docs/2016/03/ofgem\\_ro\\_sustainability\\_criteria\\_guidance\\_march\\_16.pdf](https://www.ofgem.gov.uk/system/files/docs/2016/03/ofgem_ro_sustainability_criteria_guidance_march_16.pdf)

(3)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/403105/Biomass\\_Sustainability\\_Requirements\\_-\\_Info\\_Sheet\\_-\\_Domestic\\_RHI\\_Feb\\_15\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403105/Biomass_Sustainability_Requirements_-_Info_Sheet_-_Domestic_RHI_Feb_15_Final.pdf)

N.B. It is important to note though that in all these criteria biomass is counted as ‘carbon neutral’ and that the only emissions that are accounted for are transport and processing emissions, not the ones released when the bioenergy is burned.

However, it should be noted that in many cases, the RSPB considers that these criteria provide insufficient environmental protection and do not guarantee that bioenergy will deliver meaningful emissions reductions.

The most energy efficient installations should be prioritised, ideally those that deliver both heat or heat and power at a community, neighbourhood or household level. In some cases, the use of materials from genuine wastes or residues or from material arising from nature conservation management could have an environmentally positive effect.

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<sup>18</sup> [https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report\\_GLOBIOM\\_publication.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report_GLOBIOM_publication.pdf)

[1] Links to bioenergy criteria: (1) <https://www.ofgem.gov.uk/publications-and-updates/october-2015-changes-non-domestic-rhi-regulations-sustainability-and-biomass-suppliers-list>

(2) [https://www.ofgem.gov.uk/system/files/docs/2016/03/ofgem\\_ro\\_sustainability\\_criteria\\_guidance\\_march\\_16.pdf](https://www.ofgem.gov.uk/system/files/docs/2016/03/ofgem_ro_sustainability_criteria_guidance_march_16.pdf)

(3) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/403105/Biomass\\_Sustainability\\_Requirements\\_-\\_Info\\_Sheet\\_-\\_Domestic\\_RHI\\_Feb\\_15\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403105/Biomass_Sustainability_Requirements_-_Info_Sheet_-_Domestic_RHI_Feb_15_Final.pdf)

It's important to note though that in all these criteria biomass is counted as ‘carbon neutral’ and that the only emissions that are accounted for are transport and processing emissions, not the ones released when the bioenergy is burned.

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*15. Do you consider that Northern Ireland has lessons to learn (positive and/or negative) from strategic planning policy for biomass development in other jurisdictions? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.*

Yes

No

Comment

The UK's Bioenergy Strategy attempts to set out the principles for the use of biomass for energy in the UK. While the document contains sound principles, the policies that enact it are flawed and are failing to ensure that biomass is sustainable or to deliver guaranteed emissions savings.

The UK Government's recent Bioeconomy Strategy call for evidence will help to explore competing uses for a limited sustainable biomass resource. However, a quantification of that resource will be needed.

Please also refer to comments at Q3 above in respect of wind energy which are also relevant in this context.

*16. Do you have any other comments or suggestions to inform the future strategic planning policy approach for biomass development?*

Yes

No

Comment

We also need to ensure that bioenergy supplies are sustainable and do not impact on important habitats. Evidence suggests that many types of biomass can result in harmful impacts on the natural environment caused by both direct and indirect land use change. Thus the cost-effectiveness of biomass as a carbon reduction strategy should be reviewed. A study undertaken for the Natural Resources Defence Council shows that, by 2020, biomass will be a more expensive renewable choice than onshore wind or solar, even when the grid balancing costs of these less flexible renewable technologies are taken into account.

For example, bioenergy should play at most a limited role in the decarbonisation of heat, whether used in domestic boilers, in combined heat and power boilers for local heat networks or as biomethane injected into the grid. This is because many types of biomass used for energy can result in significant adverse impacts on the natural environment and also fail to deliver their promised

emissions savings; some types of biomass can even result in emissions increases relative to fossil fuels (<http://www.birdlife.org/europe-and-central-asia/black-book>)<sup>19</sup>.

Evidence produced by the UK Government has shown that some types of biomass can result in emissions up to three times greater than those of coal, even forty years after combustion [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/349024/BEAC\\_Report\\_290814.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349024/BEAC_Report_290814.pdf)<sup>20</sup>. There is only a limited supply of sustainable biomass available and heat is one of the most efficient ways of using this limited supply <https://europeanclimate.org/wp-content/uploads/2014/02/WASTED-final.pdf><sup>21</sup>. Only the most sustainable types of bioenergy should be used (for example wood should be restricted to FSC only-wood) and all biomass for energy needs to fully account for all of its emissions, including those released upon combustion.

As with wind energy, the RSPB believes that the best way to determining biomass energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The outline of how we undertook spatial mapping for renewables is further detailed in our Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to biomass energy.

17 NA

#### **Energy from Waste - Anaerobic Digestion**

**Anaerobic Digestion is the process whereby organic material (plant and animal matter) is broken down by micro-organisms in a controlled, oxygen free environment (the anaerobic digester or 'bio-digester'). Planning policy for anaerobic digestion development is covered in the renewable energy section of the SPPS, PPS 18 and Draft Supplementary Guidance (June 2013).**

*18. Is the current strategic policy approach for anaerobic digestion development fit for purpose? If not, please explain how improvements could be made?*

Yes

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<sup>19</sup> <http://www.birdlife.org/europe-and-central-asia/black-book>

<sup>20</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/349024/BEAC\\_Report\\_290814.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349024/BEAC_Report_290814.pdf)

<sup>21</sup> <https://europeanclimate.org/wp-content/uploads/2014/02/WASTED-final.pdf>

○ No

Comment

### **Need for a Strategic Spatial Approach**

Northern Ireland should seek to have a strategic spatial approach to renewable energy. In order to deliver on all three pillars of sustainable development, and to promote high quality developments that do not negatively affect biodiversity at the scale needed, site planning must be undertaken at a strategic spatial level (SPPS, paragraph 3.3, 4.38). This will also help to meet the SPPS's aim to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment (para 6.218). Furthermore, given that the councils are now in the early stages of their Local Development Plan (LDP) development, there is now an opportunity to integrate spatial planning for renewable energy into the LDP spatial strategies that are currently being prepared (SPPS, para 5.7). (Please see additional comments at Q 32 in this regard).

While the RSPB agrees that climate change mitigation is vital to a sustainable future, this mitigation must be done in harmony with nature. By undertaking spatial mapping in order to identify suitable sites for renewable energy can help to ease the development process by identifying ecologically low-risk sites ahead of time, helping to avoid the need to invoke the precautionary approach (SPPS, para 3.9).

This spatial mapping, with nature in mind, will help to enable future renewable energy development and to meet carbon reduction goals with minimised effect on nature (SPPS, para 6.215). The Planning Policy Statement 18 on Renewable Energy does provide a reasonable list of the possible nature conservation issues that must be accounted for during planning and several of these issues, and these (and others) can be included into the strategic mapping as constraints.

It is also worth highlighting that we recently produced a report 'The RSPB's 2050 Energy Vision: Meeting the UK's climate targets in harmony with nature' which analyses and demonstrates how the UK can deliver its 2050 climate targets and transition to low carbon energy with lowest risk to sensitive species and habitats, this can provide a useful guide in how to undertake spatial strategic mapping for renewable sites. This Report can be viewed here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

The RSPB recommends the following approach (as demonstrated in the RSPB's 2050 Energy Vision report):

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological

sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);

3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-37).

More specifically, anaerobic digestion can provide emissions savings in a sustainable way. However, the use of monoculture maize can result in significant environmental impacts through land use change and the impact of chemicals associated with it. This can also reduce the emissions savings it provides. The use of genuine wastes and residues (such as slurry or sewage sludge) or of material arising from the management of nature reserves, should be prioritised.

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*19. Do you consider that Northern Ireland has lessons to learn from other jurisdictions in relation to anaerobic digestion development overall and specifically in relation to material considerations such as: the types of material that can be used as a feedstock; landscape and visual impact; transport; traffic and access; odour; emissions and dust control; noise; and water environment? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.*

Yes

No

Comment

As previously stated for wind and solar energy developments, a strategic spatial approach should be used in identifying potential suitable areas/sites with low ecological risk. Please see questions 2-7 and 31-37 for further details.

*20. Do you have any other comments or suggestions to inform the future strategic planning policy approach for anaerobic digestion development?*

Yes

No

Comment

As with wind energy, the RSPB believes that the best way to determining anaerobic digestion energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The outline of how we undertook spatial mapping for renewables is further detailed in our Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to anaerobic digestion energy development.

21 na

### **Hydropower**

*22. Is the current strategic planning policy approach for hydropower development fit for purpose? If not, please explain how improvements could be made.*

Yes

No

Comment

### **Need for a Strategic Spatial Approach**

Northern Ireland should seek to have a strategic spatial approach to renewable energy. In order to deliver on all three pillars of sustainable development, and to promote high quality developments that do not negatively affect biodiversity at the scale needed, site planning must be undertaken at a strategic spatial level (SPPS, paragraph 3.3, 4.38). This will also help to meet the SPPS's aim to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment (para 6.218). Furthermore, given that the councils are now in the early stages of their Local Development Plan (LDP) development, there is now an opportunity to integrate spatial planning for renewable energy into the LDP spatial strategies that are currently being prepared (SPPS, para 5.7). (Please see additional comments at Q 32 in this regard).

While the RSPB agrees that climate change mitigation is vital to a sustainable future, this mitigation must be done in harmony with nature. By undertaking spatial mapping in order to identify suitable sites for renewable energy can help to ease the development process by identifying ecologically low-risk sites ahead of time, helping to avoid the need to invoke the precautionary approach (SPPS, para 3.9).

This spatial mapping, with nature in mind, will help to enable future renewable energy development and to meet carbon reduction goals with minimised effect on nature (SPPS, para 6.215). The Planning Policy Statement 18 on Renewable Energy does provide a reasonable list of the possible nature conservation issues that must be accounted for during planning and several of these issues, and these (and others) can be included into the strategic mapping as constraints.

It is also worth highlighting that we recently produced a report 'The RSPB's 2050 Energy Vision: Meeting the UK's climate targets in harmony with nature' which analyses and demonstrates how the UK can deliver its 2050 climate targets and transition to low carbon energy with lowest risk to sensitive species and habitats, this can provide a useful guide in how to undertake spatial strategic mapping for renewable sites. This Report can be viewed here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

The RSPB recommends the following approach (as demonstrated in the RSPB's 2050 Energy Vision report):

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);
3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-37).

Hydropower developments vary in size, type and operation, and the specifics of the design and management have a major influence on the severity of environmental impacts – though it is recognised that only small-scale opportunities exist in Northern Ireland.

Notwithstanding, even small to medium scale hydro schemes can have significant and lasting impacts on wildlife due to disturbance during construction, permanent loss of habitat, drainage of wetlands and bogs, and disturbance to river continuity and natural river flows.

We believe that development of any form of energy, renewable or otherwise, must not compromise the achievement of nature conservation objectives, and be in line with the strict tests established by the Water Framework Directive. Given the requirements of the Water Framework Directive, the RSPB believes that modernisation and the upgrading of existing infrastructure should be considered as the first option for increasing capacity in hydropower generation. Upgrading of infrastructure should also play a key role in addressing environmental impacts of the existing schemes.

*23. Do you consider that Northern Ireland has lessons to learn (positive and/or negative) from strategic planning policy for hydropower development in other jurisdictions? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.*

Yes

No

It is worth highlighting that some existing hydropower schemes in Great Britain are already having a negative impact on habitats and wildlife, and are a major cause of failure to achieve Water Framework Directive objectives.

Comment

*24. Do you have any views and/or suggestions on the strategic planning policy for where best to locate hydropower development?*

Yes

No

Comment

As with wind energy, the RSPB believes that the best way to determining hydropower energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The outline of how we undertook spatial mapping for renewables is further detailed in our

Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to hydropower energy.

Like all other forms of renewable energy development, sensitive sites (both habitats and species should be avoided), and a strategic and spatial approach applied.

*25. Do you consider that current strategic planning policy is adequately integrated with the process of obtaining an Abstraction and Impoundment licence? If not, how could this be improved?*

Yes

No

Comment

*26. Do you have any other comments or suggestions to inform the future strategic planning policy approach for hydropower development?*

Yes

No

If so how should this be monitored?

27 na

### **Energy Storage**

**Energy storage is an emerging technology which is playing an increasingly significant role in energy networks and is particularly relevant to some renewable energy technologies such as wind and solar power which cannot provide continuous generation. There are a number of very different storage systems available, ranging from very small scale (car batteries) to major industrial-scale developments (pumped storage hydro and compressed air storage).**

*28. Do you consider that Northern Ireland has lessons to learn (positive and/or negative) from strategic planning policy for energy storage in other jurisdictions? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.*

Yes

No

Comment

We consider that the Scottish Planning Policy <http://www.gov.scot/Resource/0045/00453827.pdf><sup>22</sup> is a clear example of supporting energy storage facilities and how to outline this. The Scottish Planning Policy which is broadly supportive of 'energy storage' is a positive and helpful framework that makes clear that the development of storage facilities is desired.

The development of energy storage needs to go hand in hand with the NI Government building a grid network fit for the future while developing a smarter system management in order to collectively ensure security of supply in 2050.

*29. What are the key factors that should be taken into account in developing future strategic planning policy for energy storage if appropriate?*

Yes

No

Comment

#### **Need for a Strategic Spatial Approach**

Northern Ireland should seek to have a strategic spatial approach to renewable energy. In order to deliver on all three pillars of sustainable development, and to promote high quality developments that do not negatively affect biodiversity at the scale needed, site planning must be undertaken at a strategic spatial level (SPPS, paragraph 3.3, 4.38). This will also help to meet the SPPS's aim to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment (para 6.218). Furthermore, given that the councils are now in the early stages of their Local Development Plan (LDP) development, there is now an opportunity to integrate spatial planning for renewable energy into the LDP spatial strategies that are currently being prepared (SPPS, para 5.7). (Please see additional comments at Q 32 in this regard).

While the RSPB agrees that climate change mitigation is vital to a sustainable future, this mitigation must be done in harmony with nature. By undertaking spatial mapping in order to identify suitable sites for renewable energy can help to ease the development process by identifying ecologically low-risk sites ahead of time, helping to avoid the need to invoke the precautionary approach (SPPS, para 3.9).

This spatial mapping, with nature in mind, will help to enable future renewable energy development and to meet carbon reduction goals with minimised effect on nature (SPPS, para 6.215). The Planning Policy Statement 18 on Renewable Energy does provide a reasonable list of the possible nature

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<sup>22</sup> <http://www.gov.scot/Resource/0045/00453827.pdf>.

conservation issues that must be accounted for during planning and several of these issues, and these (and others) can be included into the strategic mapping as constraints.

It is also worth highlighting that we recently produced a report 'The RSPB's 2050 Energy Vision: Meeting the UK's climate targets in harmony with nature' which analyses and demonstrates how the UK can deliver its 2050 climate targets and transition to low carbon energy with lowest risk to sensitive species and habitats, this can provide a useful guide in how to undertake spatial strategic mapping for renewable sites. This Report can be viewed here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

The RSPB recommends the following approach (as demonstrated in the RSPB's 2050 Energy Vision report):

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);
3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-37).

More specifically we support, in general, efforts to allow energy storage to play a greater role in the energy system, thus helping to better balance supply and demand as the energy generation mix becomes increasingly varied and decentralised. It is essential that the planning system protects against environmental degradation that may be caused by energy storage, including strategic planning around where energy storage will be located in order to minimise ecological risk as outlined above.

Particular care should therefore be taken with the consideration of any 'exemptions' to having to follow due process so that sufficient scrutiny is maintained, determination should take into account

the scale of impact on the environment, both local (e.g. physical size, design, construction) and global (e.g. component material life-cycle analysis).

*30. Do you have any other comments or suggestions to inform the future strategic planning policy approach for energy storage?*

Yes

No

Comment

As with wind energy, the RSPB believes that the best way to determining energy storage development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. As mentioned in our response to Q29 particular care should be taken with the consideration of any spatial planning for energy storage and any siting to follow due process so that sufficient scrutiny is maintained, determination should take into account the scale of impact on the environment, both local (e.g. physical size, design, construction) and global (e.g. component material life-cycle analysis).

An outline of how we undertook spatial mapping for renewables is further detailed in our Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to energy storage development.

Like all other forms of renewable energy development, sensitive sites (both habitats and species should be avoided), and a strategic and spatial approach applied.

More specifically on the sustainability of different types of storage facilities, we would like to highlight evidence in relation to the life-cycle impacts of lithium-ion batteries. The reserves of concentrated lithium of the world are mainly in shallow saline lakes in the high-elevation Andean deserts of Argentina, Chile and Bolivia. These lakes are important sites for three flamingo species including the globally threatened Andean Flamingo (*Phoenicoparrus andinus*). Research on the wider sustainability of batteries (including toxicity, scalability and recycling) is also ongoing (Larcher, D. & Tarascon, J-M. Towards greener and more sustainable batteries for electrical energy storage. *Nature Chemistry*. **7**, 19–29 (2015) - <http://www.nature.com/nchem/journal/v7/n1/full/nchem.2085.html>)<sup>23</sup>. These potential challenges remain a hurdle to ensuring a truly clean and sustainable flexible future energy

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<sup>23</sup> Larcher, D. & Tarascon, J-M. Towards greener and more sustainable batteries for electrical energy storage. *Nature Chemistry*. **7**,19–29 (2015) - <http://www.nature.com/nchem/journal/v7/n1/full/nchem.2085.html>

system and we consider that planning has a responsibility to ensure that end-to-end environmental impact of developments are considered.

### General Questions

*31. Are the aim and objectives of the SPPS' Renewable Energy policy (reproduced below) appropriate under the reformed two-tier planning system?*

The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.

The regional strategic objectives for renewable energy are to:

- ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
- ensure adequate protection of the region's built, natural, and cultural heritage features; and
- facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

Yes

No

Comment

We strongly support efforts to increase renewable energy technology into new developments while addressing any possible environmental impacts. Our concern is that while the two-tiered system may increase the incorporation of renewable energy within other developments (a positive step); it is imperative that the planning system also provides space for individual renewable energy developments. In order to deliver the scale of renewable energy necessary for the future, we believe there must be strategic spatial planning that incorporates renewable energy, as outlined in question 32 and the wind energy (specifically question 7) and solar energy sections.

A further suggestion is to introduce an objective around scope for biological enhancement in new developments as outlined in question 10.

While RSPB NI supports the aim of facilitating renewable energy development facilities in appropriate locations, policy must also recognise the need for securing the right development in the right place, at the right time. In the circumstances, the aim should also include reference to the appropriate type and scale of development, as the identification of an appropriate location is only one of the aspects for consideration.

Furthermore, under a two-tier system the subjective terms of ‘adequately address’ and ‘adequate protection’ are not considered to be helpful as they are likely to carry different interpretations across the 11 councils areas, thereby potentially undermining any strategic and spatial approach conveyed and advocated by the DfI. In the circumstances, the use of such vague statements at strategic level is to be discouraged and replaced by wording which provides clarity on the parameters to be applied including the use of criteria or definitions as appropriate.

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*32. Is the current level of strategic planning policy prescription for renewable energy development within the SPPS appropriate to ensure effective local operational planning policy and guidance within Local Development Plans?*

Yes

No

Comment

Fundamental to meeting the outlined renewable energy targets are the massive strides required in demand reduction and increase in energy efficiency, both to ensure that energy is affordable in future, and to avoid significant ecological impacts. Reducing overall energy demand reduces ecological risks, as energy-saving measures lower the need for new energy infrastructure which can pose risks to biodiversity. Our research has shown that reducing energy demand and improving energy efficiency are also important to ensure that the energy system is affordable in the future. This finding is supported by other studies, which suggest that reducing energy demand is likely to be a cost-effective way of reducing emissions and meeting the UK’s climate targets (Steward T (2014). *Demand and Decarbonisation in 2050: Themes from Scenarios*. EPG Working Paper 1401. [www.projects.exeter.ac.uk/igov/wpcontent/uploads/2014/02/WP-6-Demand-and-Decarbonisation-in-2050.pdf](http://www.projects.exeter.ac.uk/igov/wpcontent/uploads/2014/02/WP-6-Demand-and-Decarbonisation-in-2050.pdf))<sup>24</sup>. Local Development Plans have a key role in facilitating and securing our ability to meet the renewable energy targets.

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<sup>24</sup> Steward T (2014). *Demand and Decarbonisation in 2050: Themes from Scenarios*. EPG Working Paper 1401. [www.projects.exeter.ac.uk/igov/wpcontent/uploads/2014/02/WP-6-Demand-and-Decarbonisation-in-2050.pdf](http://www.projects.exeter.ac.uk/igov/wpcontent/uploads/2014/02/WP-6-Demand-and-Decarbonisation-in-2050.pdf)

For example, RSPB NI supports the encouragement of Local Development Plans in Northern Ireland to be more ambitious and to be ideally aiming for delivering zero carbon buildings. In this regard, our general overarching policy ask relating to energy efficiency is that UK Government and devolved administrations should designate energy efficiency as a National Infrastructure Priority and implement ambitious policies to improve energy efficiency and reduce demand, including through robust energy efficiency standards for new buildings.

However, the introduction of a spatial planning approach solely at the Local Development Plan level, in the absence of a bigger picture strategic view at country level brings serious limitations. While it is acknowledged that the Local Plan process can help to identify specific locations for specific renewable energy development, this scale of spatial planning will however not be sufficient to facilitate the delivery of Northern Ireland's renewable energy infrastructure to meet our energy targets.

To be effective, planning of renewable energy deployment needs to consider potential resources, and do so at a larger spatial scale than local authority areas. Crucially, planning renewables at a larger scale can help maximise the renewable energy deployment potential in the area and facilitate more efficient grid planning to ensure the network can better support the future energy system.

Having an overarching strategic spatial strategy for renewable energy deployment in Northern Ireland will assist the LDPs in integrating renewable energy siting into their strategic spatial planning. Mapping exercises like the one undertaken for the RSPB's 2050 Energy Vision help to give an indication of the low-ecological risk areas for potential development which can inform strategic planning. However, thorough environmental assessment of potential site-specific impacts (alone and in combination with other developments) should always be carried out, and relevant stakeholders consulted. LDP's should consider the finer grain data they have available to their teams. With biodiversity in trouble, we cannot afford to allow development to damage our environment ([https://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](https://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf) ).<sup>25</sup> Poorly planned energy infrastructure can seriously harm wildlife, adding to existing pressures, including those caused by climate change (Pearce-Higgins J & Green R (2014). *Birds and Climate Change: Impacts and Conservation Responses*. Cambridge University Press, Cambridge).<sup>26</sup> A power sector which does not take into account impact on biodiversity, and therefore consequently damages the health of the UK's natural capital, would not be an effective or sustainable power sector in the long-term. Development

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<sup>25</sup> [https://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](https://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf)

<sup>26</sup> Pearce-Higgins J & Green R (2014). *Birds and Climate Change: Impacts and Conservation Responses*. Cambridge University Press, Cambridge.

that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

Please see details below on the mapping methodology that the RSPB has developed to support strategic spatial planning for renewable energy in harmony with nature. **It is emphasised that our maps are not intended for individual site selection and local environmental assessments such as EIA must still be applied and that we recommend areas to carry out their own strategic spatial planning with finer grain data than was available to the RSPB team.** However, the maps do provide a high-level indicative estimate of the capacity of technologies that is likely to be able to be delivered without conflicting with nature conservation, and indicate areas that are more and less likely to be suitable for renewable energy development. The methodology has been peer-reviewed and full information is available here:

<http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956>

- Step 1: Map where the energy resource is technically viable (e.g. where there is sufficient average wind speed for wind turbines).
- Step 2: Exclude areas with physical constraints that prevent deployment (e.g. buildings, roads and other infrastructure).
- Step 3: Exclude areas where there are policy constraints to deployment (e.g. heritage designations, Ministry of Defence areas).
- Step 4: Exclude areas of high and medium ecological sensitivity (e.g. designated Natura 2000 sites, SSSIs, ASSIs, ancient woodland habitat).
- Result: indicative area where the technology may be located with low ecological risk, based on current understanding and available data.

*33. Do you have any views and/or suggestions on the introduction of a strategic planning policy that requires all new developments to meet a percentage of its energy needs from on-site renewable energy sources?*

- Yes
- No

Comment

RSPB NI supports the introduction of a planning policy that requires all new developments to meet a percentage of its energy needs from on-site renewable energy resources. While we do not have a specific percentage to suggest, it must be high enough to meaningfully contribute to renewable energy and climate change mitigation goals. For the UK to meet its Carbon Budgets both off-site renewable energy generation as well as on-site renewable energy resources within developments will be required.

The Carbon Budget only stands to get tighter in order to align with the Paris Agreement, which enshrines a commitment to pursue efforts to limit global temperature rise to 1.5C rather than the previously agreed 2C. This implies zero carbon emissions by 2050, so carbon reduction work undertaken by Northern Ireland now will set it up to meet future carbon reduction goals <https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law><sup>27</sup>.

To this end, all new developments in the UK should, in our view, be zero carbon (i.e. a combination of the best energy efficiency measures available and onsite generation) as any development being built now that are not zero carbon will only add to the scale of retrofit problem that will need to be addressed by the 2040s, the time by which the UK will need to achieve net zero emissions in order to play its part in keeping temperature rises to 1.5 degree. Local authorities and their respective Local Development Plans have a role to play in helping the UK to deliver the low carbon future that is needed to mitigate climate change.

*34. Do you consider that current strategic planning policy appropriately addresses the terrestrial elements of off-shore marine developments? If not, how could this be improved?*

Yes

No

Comment

There needs to be a greater integration between the terrestrial planning and marine licensing consenting regimes, with respective applications being submitted and assessed simultaneously in order to fully consider any environmental effects. Given that both elements are inextricably linked, *the terrestrial elements of off-shore marine developments should not be permitted where there is no prospect of the marine element securing a marine construction license and vice versa.*

*35. Do you consider that there is sufficient connection between Energy Policy and Planning Policy for Renewable Energy? If not, how could this be improved?*

Yes

No

Comment

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<sup>27</sup> <https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law>

Currently, decisions about land-use are made by different organisations and government departments, each with their own priorities and interests. To tackle cross-sectoral issues such as biodiversity loss and climate change, policies affecting land-use must be taken forward in a co-ordinated way. In general terms, there is a need to join up the policies, targets and investment decisions of government departments on land, sea, and air, transport, energy, housing, employment, education, health, agriculture and food supply, protection and enhancement of natural resources, water management, energy generation and supply – all which have spatial implications, but which are dealt within in different departments; energy policy and planning policy is but only one such example. Planning should therefore be broad-ranging and integrated with other programmes, plans, policies and projects that affect the development and use of land.

Furthermore, the need for a grid network fit for the future has been highlighted above, along with the adoption of an integrated approach for the additional electricity grid network infrastructure to support those areas which have been identified as potential strategic areas for renewable development (as is currently the case in Wales with regards to Strategic Search Areas (SSAs)).

*36. Is existing Planning Guidance that supports the current policy approach for Renewable Energy development fit for purpose? If not, how could this be improved?*

- Yes
- No

Comment

In general terms, there is a need to review the Best Practice Guidance which was published in 2009, not only reflect changes in renewable energy technologies, but also to reflect the conclusions of additional scientifically robust research in the intervening years.

The guidance document, Wind Energy Developments in Northern Ireland's Landscapes while published in 2010, considers cumulative wind energy development in Northern Ireland's distinctive landscapes in 2007, highlighting the landscape issues that need to be carefully considered in the future. In light of the significant increase in wind energy development (both farms and single turbines) since the 2007 assessment, there is now a need to bring this assessment up to date. Furthermore, sensitive areas should also include reference to species and habitats.

In terms of site restoration and decommissioning, East Ayrshire Council (<https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law>)<sup>28</sup> has developed some very useful guidance on financial guarantees. This was based

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<sup>28</sup> <https://www.east-ayrshire.gov.uk/Resources/PDF/P/Planning-SG-FinancialGuarantees.pdf>

on their experience of failure to restore, site abandonment, and lack of financial guarantees in the open cast coal sector which ultimately resulted in significant restoration costs falling to the tax payer or remaining outstanding. Such guidance is considered particularly relevant where there are significant restoration, or decommissioning of ongoing mitigation requirements e.g. habitat restoration commitments, peat restoration etc.

Within this context, Paragraph 1.3.87 of the PPS 18 Best Practice Guidance which states '*developers should demonstrate that funding to implement decommissioning will be available when required*' is not sufficiently strong. RSPB NI recommends that regard is made to the East Ayrshire Council guidance on such matters.

In addition it worth highlighting that Scottish Natural Heritage (SNH) has recognised the importance of statutory guidance to support the assessment of sites, even with the best spatial guidance there will still be a need to consider detailed issues at the site level. In this regard, SNH has produced a wide range of guidance documents, for example impact on birds (<http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/>)<sup>29</sup> which has helped with the consenting process including complex issues such as cumulative assessment. DfI should similarly have regard to this and other guidance produced by SNH.

An example of Spatial Guidance for wind energy that has been prepared by the Local Authority in Scotland has been produced by South Ayrshire Council (as required by para 161 of SPP).

<http://www.south-ayrshire.gov.uk/documents/adopted%20wind%20energy-supplementary%20guidance.pdf>

Please also refer to additional guidance provided by RSPB which is linked into Question 10.

With regards to Community Benefits, in our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DfI about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act) (<http://www.legislation.gov.uk/nia/2011/25/section/76>)<sup>30</sup> process by both planners and developers.

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<sup>29</sup> <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/>

<sup>30</sup> <http://www.legislation.gov.uk/nia/2011/25/section/76>

We also previously advocated that there should be guidance on when a planning agreement is likely to be required, as opposed to when an agreement could be used to facilitate a developer offer. Where a developer offer proceeds entirely outside the planning process, there needs to be security that the offer will result in tangible community benefits and not ‘greenwash’ or superficial unsustainable community projects. There is a danger, particularly in areas where there are many wind farms or other projects, that there will be no strategic overview of planning agreements or developer offers, such that small piecemeal projects will proceed and the opportunity for larger scale benefits or environmental enhancement through cooperation between developers and communities will be missed. Reliance on developer offers may also mean that less scrupulous developers will not offer or deliver, leading to inequality between receiving communities.

### **Strategic Guidance for Solar Energy Mitigation and Enhancement**

Guidance should be provided on mitigation and enhancement at a strategic level. The following are suggestions for mitigation and enhancement measures that can be adopted by solar developers to reduce their environmental impact and enhance biodiversity on solar sites. It is important to note, however, that mitigation and enhancement should be considered on a case-by-case basis, and not all of these measures will necessarily be relevant to any particular case. A more extensive document – produced by the BRE National Solar Centre in conjunction with the RSPB and other conservation organizations is also available:

<http://www.bre.co.uk/filelibrary/nsc/Documents%20Library/NSC%20Publications/National-Solar-Centre---Biodiversity-Guidance-for-Solar-Developments--2014-.pdf><sup>31</sup>.

### ***Mitigation***

- Avoid legally protected areas (SACs, SPAs, Ramsar sites, ASSIs etc.), and other ecologically sensitive sites such as Important Bird Areas (IBAs) and some freshwater aquatic features.
- Landscape features such as hedgerows and mature trees should not be removed to accommodate panels and/or avoid shading. If removal of a section of hedge is essential, any loss of hedges should be mitigated elsewhere on the site.
- All overhead power lines, wires and supports should be designed to minimise electrocution and collision risk (for example, bird deflectors may be necessary).
- Power lines passing through areas where there are species vulnerable to collision and/or electrocution should be undergrounded unless there is adequate evidence that mitigation measures will reduce the risk to an acceptable level.

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<sup>31</sup> <http://www.bre.co.uk/filelibrary/nsc/Documents%20Library/NSC%20Publications/National-Solar-Centre---Biodiversity-Guidance-for-Solar-Developments--2014-.pdf>

- Time construction and maintenance to avoid sensitive periods (e.g. during the breeding season).
- Whilst solar farms generally do not have moving parts, any risk to grazing animals or wildlife from moving parts that are present must be avoided.
- White borders and white dividing strips on PV panels may reduce attraction of aquatic invertebrates to solar panels (Horváth et al., 2010).

Vegetation will grow under the solar panels and this will require management. Grazing by sheep, chickens or geese should be acceptable, and are preferable to mowing, spraying or mulching. Ideally sites should be maintained without chemicals, fertilisers and pesticides. In terms of future management, it is important the current interest is maintained or enhanced in line with national and local planning policies. So whilst grazing may be appropriate, there may be more appropriate management options for arable wildlife and farmland birds that could be incorporated.

### ***Enhancement***

Consistent with the strategic aim of the Regional Development Strategy (RDS) 2035 and the SPPS of furthering sustainable development, the requirement for enhancement measures should also be incorporated within proposals.

Potential exists in this regard for solar PV as the panels are raised above the ground on posts, where generally greater than 95% of a field utilised for solar farm development is still accessible for plant growth and potentially for wildlife enhancements. Furthermore, solar sites are secure sites with little disturbance from humans and machinery once construction is complete. Most sites have a lifespan of at least 20 years which is sufficient time for appropriate land management to yield real wildlife benefits.

- Biodiversity gains are possible where intensively cultivated arable or grassland is converted to extensive grassland and/or wildflower meadows between and/or beneath solar panels and in field margins. The best results are likely to come from sites that contain both wild flower meadows and areas of tussocky un-cropped grassland.
- Planting wild bird seed or nectar mixes, or other cover crops could benefit birds and other wildlife. For example, pollen and nectar strips provide food for pollinating insects through the summer period, and wild bird seed mixes provide food for wild birds through the winter.

- Bare cultivated strips for rare arable plants, and rough grassland margins could also be beneficial. For instance, small areas of bare ground may benefit ground-active invertebrates.
- It may be possible for panels to be at a sufficient height for regular cutting or grazing to be unnecessary. Rough pasture could then develop, potentially providing nesting sites for birds.
- Boundary features such as hedgerows, ditches, stone walls, field margins and scrub can provide nesting and foraging areas, as well as a means for wildlife to move between habitats.
- A variety of artificial structures can be built to provide suitable habitat for nesting, roosting and hibernating animals such as hibernacula for reptiles and amphibians, log piles for invertebrates, and nesting or roosting boxes for birds and bats. Built structures such as control buildings can be designed to promote access e.g. by providing access to loft spaces.
- ‘Community benefit’ funds may provide money for local environmental enhancement such as energy conservation measures or nature conservation initiatives. (See also further comment at questions 7 and 37).
- Biodiversity enhancements should be selected to fit the physical attributes of the site and should tie in with existing habitats and species of value on and around the site.

*37. Do you have any other comments or suggestions to inform the best strategic planning policy approach for onshore renewable energy development overall?*

- Yes
- No

Comment

**A sustainable renewable energy system for people and wildlife**

RSPB is calling for an energy system in the UK that is low carbon and works for people and wildlife. A continued reliance on fossil fuels will drive us towards dangerous levels of climate change, and this one of the greatest long-term threats to wildlife and habitats.

While some progress has been made in the decarbonisation of our energy supply, much however remains to be done. Even to attain our existing renewables and emissions targets ([http://www.detini.gov.uk/strategic\\_energy\\_framework\\_sef\\_2010\\_-3.pdf](http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf))<sup>32</sup> a huge shift in where we source our energy from will be required. An increasing proportion of energy will need to be sourced from renewable and low carbon technologies, as well as reducing our overall energy

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<sup>32</sup> [http://www.detini.gov.uk/strategic\\_energy\\_framework\\_sef\\_2010\\_-3.pdf](http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf)

demands. However, the meeting of such targets should not be at the expense of our biodiversity. As such there is a need for sustainable renewable energy to be the cornerstone of our energy systems. To put it simply, there is no either/or choice between cutting emissions and protecting wildlife – we have an obligation to do both if we are to leave a planet which is able to support people and the ecosystems upon which we and other species depend (BirdLife Europe (2011) Meeting Europe’s Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK )<sup>33</sup>.

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years (State of Nature Partnership (2013) State of Nature report [http://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf))<sup>34</sup>, poorly sited, designed or managed energy infrastructure can seriously harm wildlife – adding to the pressure already caused by climate change.

However, conflicts between renewable energy and wildlife need not pose a challenge to meeting energy and emissions targets, if Government puts in place the right safeguards.

### **RSPB’s 2050 Energy Vision**

As noted throughout this consultation response, the RSPB’s 2050 Energy Vision: Meeting the UK’s climate targets in harmony with nature’ examines how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats, so that our climate change targets are delivered in harmony with nature. It uses DECC’s 2050 Pathways Calculator and innovative mapping techniques<sup>35</sup> to assess the deployment potential for a range of renewable energy technologies.

The evidence from the project shows that with careful planning (see section below for further details), it is possible to meet the UK’s climate targets and interim carbon budgets using high levels of renewable energy, without having negative impacts on nature. However, massive strides in demand reduction and energy efficiency are important, both to ensure that the energy system is affordable in the future, and to avoid significant ecological impacts meaning that investment in these is critical. Investment in well-sited onshore wind and solar, energy storage and smart grid networks as well as new technologies such as floating wind turbines will all also be necessary.

To overcome the challenges posed as we meet our carbon budgets and transition to a low carbon economy in harmony with nature, the RSPB has developed the following set of recommendations.

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<sup>33</sup> BirdLife Europe (2011) Meeting Europe’s Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB , Sandy, UK

<sup>34</sup> State of Nature Partnership (2013) State of Nature report [http://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf)

<sup>35</sup> RSPB has developed a mapping methodology to support strategic planning at national and local levels. The methodology employed in this Report can be easily be replicated at the finer scale. See Summary Report for methodology outline, more details are available within the Technical Report

1. Set the ambition: 100% low carbon energy by 2050
2. **Plan for nature: identify suitable sites**
3. Develop roadmaps for decarbonisation in harmony with nature
4. Improve the ecological evidence base
5. Eliminate energy waste
6. Promote low carbon, low ecological impact innovation
7. Transform low carbon heat and transport
8. Make economic incentives work for nature and the climate
9. Ensure bioenergy supplies are sustainable
10. Build a grid network fit for the future.

Suitable sites for renewable energy with low ecological sensitivity are a limited and valuable resource. Governments have a key role to play in facilitating strategic spatial planning, informed by robust strategic environmental assessment, in order to steer development towards the least ecologically sensitive sites, thereby ensuring that this resource is maximised. Good strategic planning also helps to minimise planning conflicts, leading to more efficient outcomes.

The RSPB's 2050 Energy Vision report sets out a mapping methodology that could support strategic planning at national, regional and local scales by identifying resource opportunities, constraints, and ecological sensitivities for renewable energy development. Developments should seek to avoid the most important sites for wildlife such as Natura 2000 sites, which are protected under the EU Birds and Habitats Directives, as well as nationally designated sites such as ASSIs and locally important wildlife sites. Thorough environmental assessment of potential site-specific impacts (alone and in combination with other developments) should be carried out, and a precautionary approach adopted if impacts on vulnerable species or habitats are unclear or unknown. As well as identifying the least ecologically sensitive sites, it is important to identify opportunities for biodiversity enhancement alongside renewable energy generation. For example, onshore wind and solar farms can be managed to provide habitat for wildlife, and power lines can be managed to support "wildlife corridors".

Additional guidance provided by RSPB is linked in question 10.

Managing renewable sites for the improvement of biodiversity is an excellent way to achieve the goals of prioritising climate change mitigation and adaptation as well as conservation and enhancement of the natural environment. In particular:

- Assessments and maps of existing and potential ecological networks should be taken into account as part of the evidence base for climate change mitigation. These should be expressed as positive ‘Spatial Visions’ within plans.
- Areas of potential biodiversity enhancement and specific policies and actions to strengthen and/or create ecological networks should also be clearly set out and mapped within these spatial visions. In order to minimise impacts on biodiversity and provide net gains where possible.
- Management plans in line with the objective of the ecological network should be required as part of planning conditions for renewable energy development.
- The remote locations of many renewable energy developments can provide a safe haven for a range of species if actively managed with a range of habitats and organisms in mind.

#### Strategic approach to Community Benefits

RSPB NI believes that large renewable energy developments should offer community benefits. However, the provision of community benefits should be considered more strategically than at present. Community benefits should also encompass biodiversity benefits, for example through habitat restoration or enhancement, both to meet biodiversity targets and for the ecosystem services that such habitats provide to the local and regional communities. In this context, a formula of £/MW/year specifically for biodiversity-related community benefit for on-shore wind is suggested.

In our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DfI about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act) (<http://www.legislation.gov.uk/nia/2011/25/section/76>)<sup>36</sup> process by both planners and developers.

We also previously advocated that there should be guidance on when a planning agreement is likely to be required, as opposed to when an agreement could be used to facilitate a developer offer. Where a developer offer proceeds entirely outside the planning process, there needs to be security that the offer will result in tangible community benefits and not ‘greenwash’ or superficial unsustainable

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<sup>36</sup> <http://www.legislation.gov.uk/nia/2011/25/section/76>

community projects. There is a danger, particularly in areas where there are many wind farms or other projects, that there will be no strategic overview of planning agreements or developer offers, such that small piecemeal projects will proceed and the opportunity for larger scale benefits or environmental enhancement through cooperation between developers and communities will be missed. Reliance on developer offers may also mean that less scrupulous developers will not offer or deliver, leading to inequality between receiving communities.

The RSPB's experience of Community Benefit Schemes in Scotland has led RSPB Scotland to question whether it is perhaps a missed opportunity that community benefit schemes typically only benefit a small locality. RSPB Scotland believes that the current ad-hoc nature of community benefit schemes has been a missed opportunity to deliver benefits to the wider natural environment, as such RSPB Scotland believe that there is a need to review this approach to ensure that all of Scotland's communities benefit from the renewables revolution.

*RSPB Response to DECC's Call for Evidence in Onshore Wind – Part A Community Engagement and Benefits (November 2012)*

The RSPB, in preparing its response to the DECC's call for evidence spoke to a number of its Local Groups in GB to collect their views as members of the public and local communities. The following comments are based on those discussions in 2012:

The general perspective was one of concern and lack of confidence in developers, planners and the Government more generally to be transparent and to act in their best interest when it comes to wind farm developments. For example, our Local Groups felt that developers were following the letter of the law in regard to community engagement but not necessarily the spirit of it, by, for example, arranging consultation meetings for school holidays when many people would be unable to attend.

An RSPB local group also mentioned that a parish council had been approached by a developer and offered community benefits in exchange for a letter of support.

DfI Planning and the Local Authorities must avoid situations where community benefit is seen to be used essentially as an enticement to secure planning permission. If a wind farm application, for example, is consented for sound planning reasons, the community should be eligible for any community benefits agreed, regardless of whether they supported the application or not. In this context there is important case law to support this in *R (Wright) v Forest of Dean District Council* [2016] EWHC 1349 (Admin) re-affirms a fundamental principle of planning law that, as Lloyd LJ put it in *City of Bradford Metropolitan Council v Secretary of State* [1987] 53 P&CR 55, "planning consent cannot

be bought or sold”  
(<http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf>).<sup>37</sup>

A transparent and nationally-agreed protocol on how and when discussions about community benefit should take place could help to support a more strategic approach to delivering community benefits at a greater scale and which could have more effective and longer term positive impacts.

### **Cumulative Impact**

The issue of cumulative impact, including single turbines needs to be robustly and comprehensively addressed in strategic policy and guidance. For example, under current policy, single turbines which develop (as a result of individual planning decisions) in clusters can in effect create a wind farm by stealth without ever having to under go the cumulative environmental rigors of an individual windfarm application comprising the same number of turbines as that created by the multiple applications for single turbines.

In the circumstances, guidance, and thresholds require to be addressed to avoid the creating of windfarms by stealth through multiple individual planning decisions in the absence of full environmental assessment of the windfarm totality.

Notably, we urged the Department in the consultation exercises of both the Draft SPPS, and Draft PPS 18 to provide guidance on ‘cumulative impact’. For example, in Scotland, cumulative impact on birds is considered within Natural Heritage Zones (NHZs) for which data on bird populations are available from Scottish Natural Heritage (SNH). The RSPB currently requests that developers provide an assessment of the cumulative impact on protected species such as hen harrier by considering local, regional and national impacts on the population, but this is problematic where there are insufficient data to run population models for those species. To date this has not occurred. The recommendations contained within the Birdlife International Report <sup>38</sup> detailed above, underscore this requirement. This Report was prepared by Birdlife International on behalf of the Bern Convention (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

### **Addressing Data Gaps**

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<sup>37</sup> <http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf> accessed 25/01/2017

<sup>38</sup> prepared by Birdlife International on behalf of the Bern Convention (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

It is most disappointing that Northern Ireland has failed to acknowledge or implement one of the five key actions which were identified in the Draft Onshore Renewable Electricity Action Plan 2011 – 2020 (October 2011) (<http://www.nigridentenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>)<sup>39</sup> as follows:

Action 1 states that there was the need for capacity studies and data gaps to be addressed. The Plan stated *‘in order to identify the overall level of development that could be accommodated in existing areas of development and other areas, more detailed ‘capacity studies’ should be undertaken at a regional level/area specific level. These studies are essential for providing more specific guidance on where future developments should be located and to feed into the ongoing monitoring of potential significant adverse effects’* (Page 25).

Furthermore, as new technologies emerge, or existing ones modified, it will be necessary for continued research into the potential effects (including cumulative) of such technologies on species and habitats – see section below on continued investment for further details).

In moving forward, it will be imperative that policy and decision makers address these data gaps as a matter of urgency.

#### **Continued Investment and Robust Enforcement of Post-Construction Monitoring Requirements**

Continuing investment in research into the environmental impacts of renewable technologies will be critical, particularly to ensure that the cumulative impacts are monitored in order to know when the thresholds of impacts on species/habitats may be reached.

Government must take a lead role in ensuring that post-construction monitoring is carried out and critical research is delivered, thereby delivering a nationally coordinated and consistent approach which will assist the industry as a whole. To this end, planning authorities will need to adopt a much stronger and proactive role (than that currently adopted) in ensuring post-condition monitoring is carried out in accordance with planning approval conditions. RSPB NI is currently aware of a number of windfarm cases in Northern Ireland where post-construction monitoring data has not been submitted to the planning authority in compliance with approval condition, we are currently liaising with the respective councils on the matter. Our initial findings suggest that the lack of a robust approach to post-construction monitoring requirements is more prevalent in some council areas than others. In the circumstances, a robust approach to the proper and effective enforcement of planning conditions should be adopted by all planning authorities, and sufficient resource should be made available to conduct such a task. A failure to do so undermines the use of mitigation measures and conditions within development management.

#### **Resourcing and Access to Experts**

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<sup>39</sup> <http://www.nigridentenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>

Planners must also have access to competent experts in all stages of the assessment process and the appropriate authorities must be properly resourced to facilitate this service provision. This will become more pertinent as the full effects of the transposition requirements of the 2014 EIA Directive Review take effect, having been recently transposed into our Planning EIA Regulations, particularly when set against the backdrop of ever diminishing public sector resources.

### **Integrated Planning and Assessment**

Strategic spatial planning must be informed by a robust and appropriate assessment process to ensure that delivery of our renewable energy network is in harmony with nature.

As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard. With ambitious targets for renewable energy, developing plans of where these developments can best be accommodated is integral to the successful roll-out of renewable energy technologies.

38. Thank you for contributing to the survey.

We intend to hold review meetings for consultees to discuss the findings of this survey.

We would welcome your attendance.

If you would like to attend an open meeting to review the survey please complete the fields below



## **Strategic Planning Policy Statement (SPPS) for Northern Ireland (Draft)**

*A response from The RSPB, 29 April 2014*

### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate. In Northern Ireland we show our commitment to promoting good planning through the joint RTPI/RSPB Northern Ireland Sustainable Planning Awards, and by involvement with developers and the public on proposed development from wind farms to housing.

The RSPB welcomes the opportunity to comment on the draft SPPS for Northern Ireland.

### **Summary**

While containing some positive environmental policies and a welcome intention to increase local participation in decision-making, these however are undermined by the inherent presumption in favour of sustainable economic development and an overriding emphasis on short-term economic growth. The document requires a more even-handed expression of environmental, social and

economic needs , which would be more effective in encouraging the system to deliver on integrated sustainable development objectives.

We have found that references to the environment are often timid in comparison to those used for the economy, particularly within the 'Economic Development, Industry and Commerce' Subject Planning Policy.

The RSPB considers that the draft SPPS in its current form is a missed opportunity to provide a spatial, and strategic policy framework. Such a framework is the optimum way to reconcile increasing population and associated development needs within its finite space and environmental capacity. The link between strategic planning and local planning is a tremendous opportunity, yet the draft SPPS does not provide a 'map' of how the environmental system works. It fails to depict how all the land uses ink up (biodiversity, transportation, infrastructure etc.) In this regard, the RSPB believes that the document is not sufficiently ambitious, it should give users of the planning system a direction of travel, a place where we want to get to in the future, a 'business as usual' land management strategy will not achieve this vision or direction.

### **Response to consultation questions**

Below we respond to the specific consultation questions. Please note we have not answered all of the questions, where we have no comment, we have omitted the question altogether.

#### ***Question 1: The Purpose of Planning***

The RSPB agrees that sustainability should be at the heart of decision-making, and that the draft SPPS has a critical role to play in delivering sustainable development through the planning system. Planning is an essential tool for managing the use of our natural resources and for minimising the impacts of development on the environment.

While we welcome the statement that planning authorities should simultaneously pursue economic, and social priorities alongside the careful management of our and natural environments for the overall benefit of both current and future generations (paragraph 1.1), paragraph 1.3 goes on to contradict the aforementioned text at paragraph 1.1. In this regard, the overriding emphasis on economic growth within paragraph 1.3 seriously undermines the purpose contained within the opening paragraph.

The RSPB does not object to increased levels of development, such as housing and low carbon energy infrastructure that the country needs. Development is not, however, inherently sustainable. It only becomes sustainable if it incorporates environmental and social consideration. Likewise economic growth alone does not constitute sustainable development. There is a clear distinction between economic growth and sustainable economic growth that it compatible with, and ideally enhances social and environmental objectives. It is vitally important that the draft SPPS does not conflate, nor substitute, sustainable development with economic growth.

Furthermore, we are concerned that paragraph 1.3 focuses only on providing protection to the things we cherish most about our built and natural environment. This sentence should be amended to include enhancement, consistent within the policy objectives of PPS 2 'Natural Heritage'.

### ***Question 2: Core Planning Principles***

In general terms, the RSPB broadly agrees with the core principles.

We welcome a planning system that is more open, more accountable and more inclusive and would recommend the inclusion of the document 'Planning naturally - Spatial planning with nature in mind: in the UK and beyond'<sup>1</sup> as a key document within this section. This document is structured around 12 principles of good spatial planning, and illustrates them with case studies from all four countries of the UK, as well as some international examples. It recognises that the principles are not the last word on planning, but they capture a broad range of issues that are critical for all effective planning systems.

The twelve principles of good spatial planning are:

1. Planning should be positive, setting out a clear vision for how areas should look and function in the long-term.
2. Spatial plans should integrate all the issues that affect the development and use of land within a specific territorial area, whether social, economic or environmental.
3. Plans should consider strategic issues that may affect a wider area than the individual plan, including functional ecological areas.
4. Plans should contribute to sustainable development by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits.

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<sup>1</sup> <http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx>

5. Plans and projects should be based on up-to-date and scientifically robust evidence, including evidence on the value of the natural environment.
6. Plans and projects should be rigorously assessed for their environmental impacts, and the results used to improve the plan.
7. Alternative options should be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public.
8. Public participation is essential. It should be both timely and inclusive of civil society, whether community groups or other stakeholders.
9. Decision-making must be transparent and made by a democratically accountable body or person.
10. Those adversely affected by a planning decision should have a fair opportunity to challenge it.
11. Public authorities should be given the legal powers and resources to enforce planning laws, especially where illegal development is resulting in environmental damage.
12. Plans should be monitored and reviewed regularly.

It is considered that the draft SPPS reflects these principles with varying degrees of success, with principles 1-4 being the weakest - justification in this conclusion will be addressed in answers to subsequent questions.

**Question 3: Furthering Sustainable Development**

Although not within the remit of the current consultation exercise, the RSPB does not fully understand why the NI Executive 's Sustainable Development Strategy was not able to fully endorse the guiding principles of the UK Sustainable Development Strategy<sup>2</sup> in the same way that the Coalition Government was able to in their publication *Mainstreaming Sustainable Development*<sup>3</sup>.

Notwithstanding, the inclusion of the NI Executive's six guiding principles are welcomed.

However, bullet points 4-6 underpin *living within environmental limits; and ensuring a strong, healthy just and equal society*. Achieving a sustainable economy; using sound science responsibly;

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<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69412/pb10589-securing-the-future-050307.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69412/pb10589-securing-the-future-050307.pdf)

<sup>3</sup> *Mainstreaming Sustainable Development: The Government's vision and what this means in practice*, Defra 2011

promoting opportunity and innovation; and, promoting good governance are all means to an end. This 'hierarchy' is the way the guiding principles are approached in both the NI Executive's Sustainable Development Strategy and the UK Sustainable Development Strategy.

For the draft SPPS then to go on and discuss the three pillars of sustainable development is considered somewhat confusing.

These six guiding principles should be at the heart of the planning system and be seen as a golden thread running through both plan-making and decision-taking. Within this context, paragraphs 3.4 and 3.5 require to be amended to allow the six principles to be pursued in an integrated way, which can allow multiple goals to be delivered.

The RSPB firmly believes that planning, especially plan-making should seek to integrate these objectives rather than balancing, as this could potentially result in environmental trade-offs, particularly when viewed in the context of the economic emphasis detailed in the 'Purpose of Planning' section.

The section on mitigating and adapting to climate change is welcomed. Climate change is one of the most pressing challenges facing our society. With the appropriate policies in place, the planning system can help to deliver the necessary levels of renewable generation needed for the country to meet its targets on reducing carbon emissions.

#### ***Question 4: Improving Health and Wellbeing***

The RSPB welcomes this section, particularly in light of the evidence of health benefits of green spaces. While we welcome the recognition of the environmental benefits of green spaces as habitats for wildlife, there should also be a recognition of wellbeing through wildlife. In this regard, we would refer the Department to the following useful reports, and request that they be listed as key documents within this section:

- (i) Wellbeing through wildlife, RSPB<sup>4</sup>***
- (ii) Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012***

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<sup>4</sup> [http://www.rspb.org.uk/Images/wellbeing\\_tcm9-132872.pdf](http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf)

At paragraph 3.11 the draft SPPS states *'this infrastructure should be designed and managed as a multifunctional resource capable of delivering on a wide range of environmental and quality of life benefits for communities'*. In this context however there should be the recognition by the decision makers that sometimes particular functions will require precedence e.g. some species will require undisturbed habitat.

A further publication of relevance is UK National Ecosystem Assessment: Technical Report<sup>5</sup>, and in particular Chapter 23: Health Values from Ecosystems<sup>6</sup>. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic intervention (Hine et al. 2009; Haubenhofer et al. 2010); that planners and architects should improve access to greenspace (green design); and that children should be encouraged to spend more time engaging with nature and be given opportunities to learn in outdoor settings (green education). Some of the substantial mental health challenges facing society (Foresight 2008; HSE 2008), and physical challenges arising from modern diets and sedentary lifestyles (Wanless 2002; Wanless 2004; DH 2005a; Sport England 2006; Wells et al. 2007; NICE 2008; DH & DCSF 2009; NICE 2009), could be addressed by increasing physical activity in green settings. If children are encouraged and enabled to undertake more green exercise, then they are more likely to have active exposure to nature embedded in their lifestyle as adults and they will reap the associated health benefits'* (Paragraph 23.8, page 1173).

A key omission from the first two core planning principles is the reference to water quality. Similar consideration should be give to this topic as managing noise and improving air quality for example.

#### **Question 5: Creating and Enhancing Shared Spaces**

RSPB recommends that all opportunities to reconnect people with their natural surroundings should be promoted. Please refer to comments in respect of the health benefits of green spaces above.

#### **Question 6: Delivering Spatial Planning**

The RSPB welcomes the move towards a positive and more proactive approach to planning, though requests that further clarity is provided with regards to how the new community planning powers will assist in moving planning in this directions, as detailed at paragraph 3.31.

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<sup>5</sup> <http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82>

<sup>6</sup> <http://www.cbd.int/financial/values/unitedkingdom-health.pdf>

Currently, decisions about land-use are made by different organisations and government departments, each with their own priorities and interests. To tackle cross-sectoral issues such as biodiversity loss and climate change, policies affecting land-use must be taken forward in a co-ordinated way. There is a need to join up the policies and investment decisions of government departments on land, sea, and air transport, energy, housing, employment, education, health, agriculture and food supply, protection and enhancement of natural resources, water management, energy generation and supply – which have spatial implications but which are dealt within in different departments. The Executive should consider developing those mechanisms in the context of its Sustainable Development Strategy – Everyone's involved. In this context we welcome the first bullet point of paragraph 3.30 which means planning should be *'broad-ranging and integrated with other programmes, plans, policies and projects that affect the development and use of land'*.

**Question 7: Observing a Plan-Led System**

The RSPB strongly supports a plan-led system. It underpins an intelligent, strategic planning system and is crucial to the delivery of sustainable development, public participation, and ultimately public faith in the planning system. The initial success of this system will be both dependant upon the Local Development Plans (LDPs) being in place as soon as possible following Reform and the quality of the plans.

**Question 8: Supporting Good Design, Positive Place-Making, and Urban and Rural Stewardship**

The written narrative at paragraph 3.36, and in particular the ten qualities of successful urban places should be accurately sourced to the 'Living Places: An Urban Stewardship and design Guide for Northern Ireland'. The RSPB welcomes these qualities especially the recognition of climate change through the responsible and hospitable qualities.

In addition at paragraph 3.38, we welcome the inclusion of guiding principles of good place making in the countryside, including the avoidance of development that impacts adversely upon natural ecosystems.

**Question 9: Enhancing Stakeholder Engagement and Front-Loading**

The RSPB welcomes the fact that Councils and the Department must each prepare a Statement of Community Involvement (SCI) in respect of their individual functions. In the absence of third party right of appeals, enhancing stakeholder engagement and front-loading will go some way in providing clarity and transparency for stakeholder and community involvement in the planning process.

**Question 10: Enhancing Local Democratic Accountability**

While we view enhancing local democratic accountability as a positive step, it will be necessary for Councillors to remain focused on the major/primary issues and not get caught up in lengthy debating over minor issues e.g. house extensions.

The Councillors Code of Conduct is a key document in Planning Reform and as such we would advocate that it is in place as soon as possible. Furthermore, given the absence of any planning decision making function within Councils for the past 40 years, there remains a significant amount of capacity building to be undertaken in order to fully maximise the potential of this approach.

**Question 11: Decision-taking Principles and Practices**

**LDPs**

The draft SPPS does not identify strategic priorities for LDPS nor does it set out detail on using a proportionate robust evidence base by which the local planning authorities can have a clear understanding of the needs and requirements in their area.

A section should also be included within the Local Development Plans section on environmental assessment.

Paragraph 4.3 should also include a reference to the addition of environmental designations.

On transparency (paragraph 4.15), we welcome public and stakeholder participation at the start of the plan-making process.

We would recommend that the key issues contained within the 'Preferred Options Paper' should include other issues such as:

- Provision of health, security, community and green infrastructure, and local facilities; and,
- Climate change mitigation and adaptation, protection and enhancement of the natural and built environment including biodiversity and landscape, and where relevant coastal management.

With regards to soundness, it would be extremely beneficial if the draft SPPS were to detail what the soundness tests comprise (similar to the way such tests are contained within the NPPF). Currently, the draft SPPS only states *'the Independent Examination will include soundness tests to ensure....'*

## **Development Management**

Once again there is an imbalance in the language used for the economy, society and the environment in paragraph 5.1. *'central purpose of growing a dynamic, innovative economy alongside efforts to improve our society, and protect and enhance our environment'*. A more even-handed expression of environmental, social and economic needs is required to address the more timid language used in references to the environment and society.

With regards to development hierarchy, and while the RSPB welcomes a fairer, faster and more transparent planning system, speedier planning decisions should not be at the expense of quality decisions. Any risk to investment decisions, should be viewed in the context that the planning application must be fully and competently assessed with regards to all other risks, including environmental.

Paragraph 5.9 should be clarified so as to reflect the contents of paragraph 5.7. In this regard, major development should be qualified as that not deemed to be regionally significant.

The RSPB welcomes the statutory requirements for pre-application community consultation for all major (including regionally significant) development proposals and the power of Councils to decline to determine applications which have not fully met the statutory requirement for pre-application community consultation.

## **Planning Enforcement**

At paragraph 5.15, the RSPB considers that effective enforcement is **essential** to ensure the credibility and integrity of the planning system is not undermined.

## **Call-in**

At paragraph 5.20 we would question the statement that call-ins *'will be used sparingly'* given that applications for determination will either have sub regional/regional impacts, or they will not. If they do, such applications will then be subject to a call-in, to use the term sparingly suggests that there could be another filter which has not been referred to in the narrative.

## **Developer Contributions and Community Benefits**

At paragraph 5.32 we suggest that additional text should be inserted to reference that 'communities should be eligible for any community benefit agreed regardless of whether they supported the

application or not'. Furthermore, such benefits need to be tangible community benefits and not 'greenwash' or superficial unsustainable community projects.

## **STRATEGIC PLANNING POLICIES**

### ***Question 13: Coastal Development***

It is recommended that aim of the draft SPPS in relation to coastal development be amended to protect all the coast from inappropriate development, regardless of whether it has been developed or not.

Coastal areas support some of our most spectacular wildlife in Northern Ireland, including many of our internationally important wildlife sites, with many of these habitats relying on complex biological relationships between marine and terrestrial habitats. Marine resources are also set to play an increasing role in delivering a sustainable, low-carbon economy. This should be addressed within this subject planning policy.

Integrated coastal zone management (ICZM) is therefore crucial in enabling a joined up approach to the management of the many different interests in coastal areas, both terrestrial and marine. The draft SPPS should include such provision.

### ***Question 15: Development in the Countryside***

While the RSPB welcomes the recognition of ecosystem services in the countryside, we are concerned about the adoption of a positive approach to new development in the countryside in the absence of the precautionary principle. The adoption of a positive approach to new development in the countryside could undermine the plan-led system, and the ability of local authorities to determine applications in accordance with the development plan and all other material considerations (Article 6.3 of the Planning Act (Northern Ireland) 2011). It is difficult to reconcile a plan-making process that has gone through a Strategic Environmental Assessment (SEA), before allocating sites strategically and often sequentially to ensure sustainable patterns of development - with the positive approach as it is currently worded.

At paragraph 6.63 we are similarly concerned that there is a premature presumption in its wording. In this regard, we recommend that it is amended to include the wording 'where appropriate' (as

contained within paragraph 6.61) as not all Dispersed Rural Communities (DRCs) will have the capacity to include everyone of the listed development activities.

In addition, we recommend that paragraph 6.64 makes reference to the consideration of cumulative impact.

***Question 16: Economic Development, Industry and Commerce***

It is unclear where the environment sits within this subject planning policy, particularly with regards to all of the ecosystem services upon which the economy relies. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within this subject policy. Paragraph 6.71 in discussing the environment fails to recognise ecosystem services.

Furthermore, we are concerned with the emphasis placed in the second policy objective for economic development to ensure '*a **generous** supply of land suitable for economic development*' (our emphasis).

In this regard, paragraph 3.3 of the draft SPPS recognises development must be within environmental limits. As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

Furthermore, within this subject policy as a whole, inconsistent language is used with regards to the supply of land suitable for economic development. The language as currently used is not considered to be interchangeable. In this regard, '*ample*', '*generous*' and '*sufficient*' have all been used. As a consequence, there needs to be a consistency exercise carried out in the use of the language, in accordance with the comments detailed in the paragraph above.

Within this section there appears to be an inherent tension between public good and private interests, as stated in paragraph 1.2 of the draft SPPS, the planning system operates in the public good, this must be addressed in any subsequent revision.

With regards to decision-taking, and in particular paragraph 6.78, it is recommended that the reference to the adoption of a generally positive approach in determining applications should be removed. The inclusion of this 'presumption' is an unnecessary repetition (which is already stated within The Purpose of Planning section) and implies a weakening of the force of environmental policies. In addition, a plan-led system must be predicated on the ability of planning authorities, *where necessary*, to refuse development that sits outside that which is planned for, where it would not constitute sustainable development.

A similar 'presumption' is found at paragraph 6.82, which should be amended accordingly. In addition, the final sentence of this paragraph requires stronger links with the contents of paragraph 6.83 in order to ensure that both paragraphs are read together, so as to avoid any misinterpretation.

#### **Question 17: Flood Risk**

For comments in response to this question, please refer to our consultation response submitted to the Department in response to the draft Revised PPS15 earlier this year (January 2014). (A further copy of same can be made available upon request).

Planning has a crucial role to play in delivering climate change mitigation and adaptation. This includes factors such as heat stress and potential for increased flooding. This should be explicitly recognised at paragraph 6.87, alongside the need for a robust evidence base to inform relevant policies. To state *'there remains much uncertainty as to the degree of climate change that will occur and the implications for particular areas of Northern Ireland'* is somewhat of a weak excuse and needs to be replaced by a statement encompassing likely predications based on the best available data at this time.

While we welcome the comments at paragraph 6.93 with regards to the opportunity presented by the preparation of a LDP for engagement with other relevant government departments and agencies, it however fails to recognise the need for a joined up approach between council areas when there are potential and recognised implications beyond plan areas. Such a requirement for council areas in such circumstances requires be added to this subject policy.

The use of the word *'should'* within paragraphs 6.96 and 6.102 needs to be replaced by 'must' or 'will' to remain true to PPS 15. The use of the word 'should' represents a weakening of the requirements set out in this paragraph. The use of the word 'should' could be interpreted as a

suggestion, whereas, the use of the word 'will' is a firm commitment. In this context, the RSPB recommends that 'should' be replaced by 'will' in this paragraph to be consistent with the tenor of PPS 15.

We would reiterate our PPS 15 consultation response comments in respect of paragraph 6.104 in that there should be no land raising within coastal flood plains, consistent with the restriction in fluvial flood plains.

We would also recommend that Figure 1 is amended as follows (additional text underlined) - this additional text is consistent with PPS 15, and necessary to retain the integrity of its policies:

***Defended Areas***

*'Previously developed land protected by minimum standard flood defences'*

***Undefended Areas***

*'replacement of an existing building - proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be permissible.*

***Question 18: Housing in Settlements***

The RSPB recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degrees of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

It is therefore crucially important that the planning system ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environment with more housing than is actually needed. In this regard, housing allocations should therefore be based on a robust evidence base.

While we welcome the sequential approach applied to the identification of suitable sites with the use of previously developed land, we recommend that the priorities of Brownfield land, wherever possible, should be further explicitly stated within the subject planning policy, as it plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration. A requirement should be added to the policy which requires local authorities to deliver as much housing as possible on Brownfield land.

However, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the Statement, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and excludes minerals workings and landfill or soil dredging and landfill.

**Question 19: Minerals**

This subject policy needs to be set in the context which ensures that levels of extraction do not exceed environmental limits, or serve to undermine the environmental integrity of wider ecosystems.

Furthermore, we recommend that the final sentence of paragraph 6.132 is amended to replace the word '*effectively*' with 'sustainably'.

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration. RSPB research has shown that focusing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets. It is important that the draft SPPS recognises this potential and we therefore recommend that paragraph 6.137 be amended to include the following narrative with regards to the final bullet point which seeks to 'secure sites are restored to a high quality, seeking to achieve other objectives such as the enhancement of biodiversity wherever possible'.

With regards to Local Development Plans we recommend that the first bullet point be amended to include reference to sustainable local supplies which include the use of recycled materials. The future needs over the plan period requires to set in a robust evidential context and not just on '*likely future development needs*' if we are to sustainably use such finite resources.

There is no reference to peat extraction within this strategic policy. In the circumstances we recommend the inclusion of the following bullet point 'not grant planning permission for peat extraction from new or extended sites , or renew extant permissions'.

Lowland raised bogs are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO<sub>2</sub>) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

**Question 20: Natural Heritage**

With regard to Local Development Plans, paragraph 6.151 of the draft document states *'where appropriate, policies should also be brought forward for their protection and / or enhancement'*. This should not be an 'and/or' situation as both can occur together. PPS 2 'Natural Heritage' at paragraph 4.3 states *'local designations arising from the plan should be identified and policies brought forward for their protections and, where possible their enhancement'*. Paragraph 6.151 of the draft SPPS should therefore be amended to remove the and / or scenario, and replicate the text contained within paragraph 4.3 of PPS 2.

It is also recommended that paragraph 4.8 of PPS 2 regarding other considerations be added to the Local Development Plans section within the draft SPPS to ensure that full account is given to natural heritage objectives contained within other legislation, policies, strategies and guidance.

We welcome the reference to the promotion of the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

In this regard, a useful reference document is 'The *Making Space for Nature*' report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

1. Get sites into favourable condition
2. Increase the size of protected sites
3. Create new sites
4. Improve the connectivity between sites
5. Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystems-scale', through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

The statement contained within paragraph 6.155 is considered to be somewhat bold and inconsistent with the precautionary principle. While it is accepted that adverse impacts can, on occasion, be minimised through careful planning and design, such mitigation may not be sufficient or appropriate to render the proposal acceptable. Within this context, there is an inherent presumption in favour of development within this paragraph, which suggests that careful planning and design will allow any development to proceed even where there is adverse impacts. This is not the case and each case will need to be assessed on its individual merits. This paragraph requires to be amended to remove the inherent presumption.

At paragraph 6.172 there is a weakening of the force of the policy when compared with PPS 2. In this regard, at paragraph 6.172 '*planning permission should only be granted*' (our emphasis), whereas the comparative policy statement in PPS2 at Policy NH5 states '*planning permission will only be granted*' (our emphasis).

The use of the word 'should' could be interpreted as a suggestion, whereas, the use of the word 'will' is a firm commitment. In this context, the RSPB recommends that 'should' be replaced by 'will' in this paragraph to be consistent with the tenor of PPS 2. Similar comments apply at paragraph 6.175.

It is recommended that a reference link is included at paragraph 6.172 to state where the terms priority habitats and priority species is found (as per the existing PPS 2).

**Question 21: Open Space Sport and Recreation**

The RSPB recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

Please refer to the RSPB's publication 'Wellbeing through Wildlife'<sup>7</sup>, and our comments at Question 4 above for further details.

**Question 22: Renewable Energy**

Climate change is one of the most pressing challenges facing our society. The need to mitigate against climate change must be one of the crucial areas that local plans should cover. Doing so will require the identification of suitable sites for the delivery of renewable energy based on a robust evidence base. This must be reflected in paragraph 6.194 and wording will require the identification of sites for the deployment of renewable energy infrastructure added - a spatial element to the strategic approach is also necessary.

Strategic planning has a key role to play in enabling the renewable energy industry, particularly onshore wind, to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes. Doing so will involve the collection of a robust evidence base not only of potential to generate energy, but also of the social and environmental factors that need to be considered.

Paragraph 6.194 requires to be amended to include a reference to that fact that renewable energy development must not result in an unacceptable adverse impact on the factors listed, consistent with Policy RE 1 contained within PPS 18.

Furthermore paragraph 6.199 should be amended to include reference to the restoration of the site to '*generally to a condition as close as possible to its original state as appropriate to its condition*' consistent with paragraph 4.16 of PPS 18.

**Question 24: Tourism**

Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to their local economies.

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<sup>7</sup> [http://www.rspb.org.uk/Images/wellbeing\\_tcm9-132872.pdf](http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf)

Paragraph 6.217 includes a general presumption in favour of tourism development within settlements. The inclusion of this 'presumption' is an unnecessary repetition (which is already stated within The Purpose of Planning section) and implies a weakening of the force of other policies e.g. environmental. Furthermore, a plan-led system must be predicated on the ability of planning authorities, *where necessary*, to refuse development that sits outside that which is planned for, where it would not constitute sustainable development .

Within the countryside, a similar presumption is also contained within paragraph 6.218.

Furthermore, no regard is had to the environment or the ecosystem services it provides. Tourism in rural areas will often be related to the enjoyment of the natural environment, and this is something we strongly advocate. However, human activity, can in some instances, have a negative impact on biodiversity. In this regard a line should be added to this paragraph which clearly states that proposals should not have an adverse impact on biodiversity. In addition, the final sentence of this paragraph is somewhat open ended and requires some form of qualification of the circumstances and scale of development which may be appropriate.

### ***Question 32: Transportation***

The transportation of people and goods has a crucial role to play in fostering economic prosperity and social integration. However, it also accounts for 21% of the total greenhouse gas emissions for the UK, with cars alone accounting for 12%<sup>8</sup>. Planning can make a significant contribution to reducing these emissions through decision-making on the location, scale, mix and character of development. In particular, new development should be located so as to enable and support the use of public transport provision and reduce dependence on the private motor vehicle.

However this current strategic policy fails to require local authorities to include the necessary policies to achieve the above goals. Reducing carbon emissions is not a matter of practicability, it is a necessity. In this context we would recommend the inclusion of the following additional objective (paragraph 6.240) to provide a far stronger steer to local authorities:

- Support radial reductions in greenhouse gas emissions

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<sup>8</sup> Greenhouse gas emissions by Transport Mode, Department for Transport 2008

Furthermore, we are concerned that within paragraph 6.239, the aims of this draft SPPS (with regards to transportation) fails to acknowledge its requirement to deliver sustainable development. This should be added to the aims within this paragraph.

The RSPB appreciates the difficulty of reconciling the need for some development in rural areas with an ability to serve that development with good public transport provision. However, any development that is likely to generate 'significant movement' and that cannot be served adequately by public transport provision should be refused. The wider implications of climate change dictate that local development cannot be allowed where it compromises the objective of minimising carbon emissions associated with new development. The first bullet point of paragraph 6.240 should therefore be amended accordingly.

***Question 34: Implementation and Transitional Arrangements***

Until such time as local authorities have their own local plans in place, the RSPB strongly recommends that the current Planning Policy Statements remain as material considerations . As a result of having a unitary planning system, our Planning Policy Statements (PPSs) contain more than strategic policy, to therefore remove the effect of the PPSs before the new local development plans have been adopted, and rely solely on the draft SPPS could lead to a policy vacuum.

Furthermore, paragraph 7.8 states that detailed Departmental Guidance is currently being considered as a separate exercise. The RSPB recommends that such guidance is brought forward as soon as possible in order to provide guidance and clarity for all users of the planning system.

At paragraph 7.5, the RSPB requests that the sentence be strengthened to state that 'Department will undertake a fundamental review of the SPPS within 5 years', as an 'intention' is not considered sufficiently strong.

***Q 35: Other SPPS Comments***

Please see introduction and summary text for further comments.

***Q 36: Interactive Digital Engagement***

The RSPB believes that while the provision of a digital consultation has been partly successful, there are a number of issues with the consultation response setup which we believe to be problematic:

- The availability of text formatting within each of the response boxes is extremely basic and does not allow for highlighting or underling text for example. The availability of such formatting is critical in presenting responses in order to make them easy to read and coherent.
- There is no provision for footnotes or references within the consultation response text boxes - to have to resort to including such references within the main body of the response is disruptive to the flow of the response.
- The 'yes or no tick' boxes to the questions is somewhat basic, and on occasion neither response was directly applicable, an 'in between / in part' option would have been useful.
- Once the yes or no box has been highlighted there is no opportunity to de-select both options, it has to be either a yes or a no- yet neither may be the most appropriate (see comments above).
- Comments should be invited even where support for the policy is registered (we did this anyway, even though the text just invited responses where there was no agreement/support).
- Uploading of consultation responses was rather straight forward, albeit cumbersome having to respond on an question by question basis - though it is appreciated that such a format allows for easier processing by the Department on a question by question basis.
- No opportunity to include introductory or summary text - though we included this in our response to Q 35.

For further information contact:

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## **Fermanagh and Omagh Local Development Plan Preferred Options Paper**

*A response from The RSPB, 28 November 2016*

### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

The RSPB welcomes the opportunity to comment on the Fermanagh and Omagh Local Development Plan Preferred Options Paper.

**General Comments** – for convenience paragraph numbers refer to POP numbering

**Para 2.11**

RSPB NI questions when the Urban Capacity Study will be undertaken/completed? Given the timeframe as set out in paragraph 1.6, there is a real possibility that it will not be available in time to help inform/shape the new Local Development Plan.

**Para 2.19**

RSPB NI seeks clarification on the current status of the Habitats Regulation Assessment (HRA) which is required under the Habitats Directive<sup>1</sup>. It is understood from the Sustainability Appraisal – Scoping Report (paragraph 1.7) that *‘A Habitats Regulations Assessment (HRA) is undertaken alongside the sustainability appraisal process to ensure both processes inform each other. The HRA will be produced by the Shared Environmental Services in conjunction with the Council and will be reported upon separately.’* No timescales have been provided for this assessment. Now is the ideal time to establish what the key sensitivities of the various protected sites (both within and those with linkages outwith the Council area) to ensure that their needs are reflected in the design of the Plan.

Now is the time to employ effective avoidance techniques, as opposed to mitigation measures.

**Para 2.29**

This paragraph outlines a number of fairly significant constraints in terms of waste water treatment. Further clarification is sought on the time frame for the proposed upgrade works at Clabby i.e. will it start or be delivered ahead of 2021? Furthermore, a co-ordinated approach to identifying where the proposed development areas are in relation to the various waste water treatment plants should be adopted. In addition, it should be ascertained whether there are any environmental implications associated with these plants either now or anticipated as the result of any upgrade works either currently or in the future.

**Para 4.2**

While RSPB NI understands where the Vision for the LDP has originated from, it does not necessarily share the view that the Vision for the both the Community Plan and the LDP should be identical on account of its statutory link. Rather, the Community Plan Vision can flow to and inform the LDP Vision. In the context of the LDP, the current vision is somewhat vague and generic – it contains

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<sup>1</sup> EU (1992) Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC, Habitats Directive) Article 6 (3)

nothing specific which relates it to the Fermanagh and Omagh Council Area. An area which is exceptional in its richness of wildlife and diversity of habitat types.

### **Response to consultation questions**

Below we respond to the specific consultation questions. Please note we have not answered all of the questions, where we have no comment, we have omitted the question altogether.

#### ***Question 1: Do you agree with the Council's list of objectives? If not, what alternative objectives would you suggest?***

While the three pillars of sustainability are welcomed as strategic objectives, within their current format they remain three isolated silos – there needs to be a greater inter-relationship between them. The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs. For example, the accommodation of the predicted housing growth under the social pillar, or the economic growth in jobs under the social pillar, should be more than the cognisance of accessibility alone if it is to be truly sustainable and in keeping with both the RDS and SPPS. Development is not inherently sustainable. It only becomes sustainable if it incorporates environmental and social considerations. Likewise economic growth alone does not constitute sustainable development. The new LDP should be within environmental limits.

The objectives do not go far enough in mitigating and adapting to climate change – a reference to meeting Climate Change targets and place –making is not sufficient. This deals only with aspects of the built environment, building sustainable homes/businesses alone will not contribute to the necessary reduction in green house gases. No consideration has been given to energy, waste, use of natural materials or the importance of eco-systems services within these objectives.

Furthermore, there should be an objective which steers development to less environmentally sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

## Overarching Principles

### Para 4.7

RSPB NI requests that the evidence underpinning these overarching principles is both referred to and made available for inspection/comment.

### Para 4.10

Sustainable development is at the heart of the planning system and such is expressed in both the RDS and the SPSS. Within this context, there needs to be a stronger expression of this requirement within the LDP's overarching principles.

Furthermore, the reference to 'appropriate measures to protect and enhance the natural, built and cultural heritage designations and link to and integrate green infrastructure where possible', should be extended to include reference to steering development to less sensitive locations (please refer to comments above on this matter).

In addition, the appropriate measures to protect the area's assets in terms of *inter alia* biodiversity, does not go far enough to meet the biodiversity duty on public bodies, as contained within Section 1 of the Wildlife and Natural Environment Act (NI) 2011, which includes the furthering of conservation of biodiversity and enhancement of species or habitat. This overarching principle should be amended to reflect this requirement (see Article 1 extract below).

#### *Duty to conserve biodiversity*

*1—(1) It is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.*

*(2) In complying with subsection (1), a public body must in particular have regard to any strategy designated under section 2(1).*

*(3) Conserving biodiversity includes—*

*(a) in relation to any species of flora or fauna, restoring or enhancing a population of that species;*

*(b) in relation to any type of habitat, restoring or enhancing the habitat.*

Recognition of the importance of ecosystem services should also be included within the overarching principles. As noted in the SPPS, *'the careful management, maintenance and enhancements of ecosystem services are therefore an integral part of sustainable development'*. The SPPS goes on to note that where appropriate, identifying the condition of ecosystems, the provision of services and their relationship to human well-being should be integrated into plan-making and decision-taking processes'(Page 14). As such RSPB NI recommends that the careful management, maintenance and enhancement of ecosystem services are incorporated in the overarching principles of the LDP.

## **5.0 Spatial Options for Development**

Currently, decisions about land-use are made by different organisations and government departments, each with their own priorities and interests. To tackle cross-sectoral issues such as biodiversity loss and climate change, policies affecting land-use must be taken forward in a co-ordinated way. There is a need to join up the policies and investment decisions of government departments on land, sea, and air transport, energy, housing, employment, education, health, agriculture and food supply, protection and enhancement of natural resources, water management, energy generation and supply – which have spatial implications but which are dealt within in different departments. Planning should therefore be broad-ranging and integrated with other programmes, plans, policies and projects that affect the development and use of land.

Against this background, RSPB NI would recommend reference to the document 'Planning naturally - Spatial planning with nature in mind: in the UK and beyond'<sup>2</sup> as a key document within this section. This document is structured around 12 principles of good spatial planning, and illustrates them with case studies from all four countries of the UK, as well as some international examples. It recognises that the principles are not the last word on planning, but they capture a broad range of issues that are critical for all effective planning systems.

The twelve principles of good spatial planning are:

1. Planning should be positive, setting out a clear vision for how areas should look and function in the long-term.
2. Spatial plans should integrate all the issues that affect the development and use of land within a specific territorial area, whether social, economic or environmental.
3. Plans should consider strategic issues that may affect a wider area than the individual plan, including functional ecological areas.

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<sup>2</sup> <http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx>

4. Plans should contribute to sustainable development by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits.
5. Plans and projects should be based on up-to-date and scientifically robust evidence, including evidence on the value of the natural environment.
6. Plans and projects should be rigorously assessed for their environmental impacts, and the results used to improve the plan.
7. Alternative options should be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public.
8. Public participation is essential. It should be both timely and inclusive of civil society, whether community groups or other stakeholders.
9. Decision-making must be transparent and made by a democratically accountable body or person.
10. Those adversely affected by a planning decision should have a fair opportunity to challenge it.
11. Public authorities should be given the legal powers and resources to enforce planning laws, especially where illegal development is resulting in environmental damage.
12. Plans should be monitored and reviewed regularly.

Please also refer to the Lawton principles, as noted under the Natural Heritage section of this response towards the end of this document (page 24).

## **The Countryside**

### **Para 5.4**

The reference to the natural environment is rather oblique within this section. No mention is made of its complex variety of wildlife and habitats and the ecosystems services it provides. There is no recognition that the environment, in terms of its natural heritage is one of Northern Ireland's and indeed FODC greatest assets. Greater cognisance should be given the natural environment and recognition of the fact that areas particularly sensitive to change should be avoided.

It is considered that this paragraph falls short of the SPPS requirement to bring forward a strategy for sustainable development in the countryside (SPPS, 6.6.8). It places an over emphasis on growth in the absence of sustainability (see para 6.61of SPPS).

The wording within this paragraph, as currently presented, reads at odds with The Preferred Spatial Growth Option, which seeks to focus major population and economic growth in the two main hubs and sustain the small towns, villages and countryside. As such, it should be amended to reflect the sustaining growth option in the countryside, as advocated by Option 3.

Please also refer to the RSPB's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (attached in submission email).

**Q03 Do you agree with the Council's preferred option for a spatial growth strategy? If not, what are your planning related reasons?**

RSPB NI agrees with the proposed spatial growth strategy providing that it steers development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites, for example areas of lowland grassland, so important for NI's declining breeding wader population, or the contribution fully intact/functioning blanket bog makes to our greenhouse gas targets, or the ecosystem services it provides in respect of flood management and water quality.

**Q04 Do you agree with the Council's preferred option for the allocation of housing? If not, what are your planning related reasons?**

RSPB NI is of the opinion that the FODC LDP should be more ambitious in its approach to accommodating housing growth within the two main hubs and on Brownfield land. The RDS advocates a target of 60%; such a target should therefore be better reflected within the LDP in order to achieve general conformity with the RDS and to promote sustainable development.

The RSPB recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore,

increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

It is therefore crucially important that the planning system ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environment with more housing than is actually needed. In this regard, housing allocations should therefore be based on a robust evidence base.

A sequential approach should be applied to the identification of suitable sites with the use of previously developed land, we recommend that the priorities of Brownfield land, wherever possible, should be further explicitly stated within the subject planning policy, as it plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration. A requirement should be added to the policy which requires as much housing as possible to be delivered on Brownfield land.

However, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the LDP or strategic policy, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and excludes minerals workings and landfill or soil dredging and landfill.

In this context, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

**Q05 Do you agree with the Council's preferred option for the allocation of economic development land? If not, why not?**

No. In terms of economic development land allocation *per se*, particularly outwith the two main hubs, it is considered that the 2 options presented are much too simplistic and do not adequately

allow the capacity of the environment to accommodate the proposed rate of growth to be factored into the assessment.

**Para 5.18**

RSPB NI advocates that the approach set out here needs to be evidence led, and include identification of the original intention reasons for their zoning, timescales, and prospect of delivery within the new LDP timeframe.

Furthermore, clarification is sought with regards to the 'best employment sites' reference, does this include sites currently in use, plan allocations or a mixture of both , as it is unclear from the current wording?

It is unclear where the environment sits within the economic development land allocation options, particularly with regards to all of the ecosystem services upon which the economy relies. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within the various options.

In this context, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

**Q06 Do you agree with the Council’s preferred option for sustaining rural communities? If not, why not? Or, do you have an evidence based alternative of your own to suggest?**

RSPB NI cannot comment upon the options in their current form as they have failed to relate the protected interest features to the policy options – this approach would be most helpful in assessing the level of likely impact. This needs to be revisited in early course. While Maps 8 (page 53) provides some information, it does not go far enough and needs to breakdown the designation information further – the breakdown could follow the approach as adopted in PPS2 ‘Natural Heritage’. (Please note that a Ramsar site is not a European designation, but one of international designation – this should be amended within the POP text).

Levels of designation within the SPPS:

- European and Ramsar Sites - International
- Species Protected by Law
- Sites of Nature Conservation Importance - National
- Sites of Nature Conservation Importance – Local
- Habitats, Species or Features of Natural Heritage Importance
- Areas of Outstanding Natural Beauty

RSPB NI can provide information on important sites outwith the designated areas network.

All development must be within environmental limits (as supported by the SPPS (page 11). As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

**Q07 Do you agree with the Council's preferred option for addressing deprivation/regeneration in urban areas? Do you know of any areas within FODC which would benefit from this approach?**

With regards to regeneration in urban areas, RSPB NI would make the following points:

- The State of Nature 2016 report<sup>3</sup> highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years.
- RSPB NI believes that the protection and enhancement of urban biodiversity can be achieved through careful planning and development.
- To achieve this, RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.
- RSPB NI advocates that FODC should adopt the principles outlined within the Exeter residential design code and in The wildlife Trust's- planning for healthy environment- good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include
  - Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pippistrelle and house sparrow;
  - Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
  - Green/living roofs and green walls;
  - A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,

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<sup>3</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>  
[http://www.rspb.org.uk/Images/210-2470-15-16\\_StateOfNature2016\\_NorthernIreland\\_7%20Sept%20pages\\_tcm9-425322.pdf](http://www.rspb.org.uk/Images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf) - this is the NI specific element of the report

- Wildlife friendly lighting.

**Q09 Do you agree with the Council's preferred option for addressing minerals development? If not, why not?**

**Q09b Are there any other areas that should be considered as ACMDs?**

Planning is an essential tool for managing the use of our natural resources and for minimising the impacts of development on the environment.

With regards to LDPs, minerals policy should include reference to sustainable local supplies which include the use of recycled materials. The future needs over the plan period requires to be set in a robust evidential context and not just on likely future development needs, if we are to sustainably use such finite resources.

Further consideration within the LDP should be given to a more site-specific policy on Magnesium Limestone to safeguard wintering geese, and the avoidance of sensitive nature features.

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration. RSPB research has shown that focusing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets.

As such FODC's LDP should ensure sites are restored to a high quality, seeking to achieve other objectives such as the enhancement of biodiversity wherever possible.

To this end, reference should be made to the RSPB's publication, Habitat Creation for the Minerals Industry. This covers a range of topics in detail and makes an excellent quick reference guide, for example:

Restoration plan detail – we believe it is the applicant's responsibility to provide as much detail as possible in restoration plans at the early stages of planning. Submitted plans may lack detail to allow for future flexibility but we believe that a greater level of detail is required to allow necessary conditioning and is essential to help the biodiversity of the site.

Restoration fits with natural landscape – restoration design should tie in with the natural landscape. If there are unnatural features to the landscape such as improved grassland or conifer plantations, we advise against adding into these features.

Phasing - it is best to restore in phases as extraction continues. In addition to this, working quarries can host specialist species that utilise this temporary habitat such as sand martins, peregrines many species of invertebrates.

Management – management should be detailed in any restoration plan so operators are aware of what is involved post habitat creation. Many operators have seeded fields with wildflowers, only for these same fields to succeed into fields of unmanaged scrub within 3-5 years.

Natural regeneration – while initially not looking visibly pleasing, natural regeneration is usually the most beneficial form of restoration when land forming is carried out correctly and the right management is in place.

Soil nutrients – many sites believe they are restoring to best practice by retaining and relaying topsoil. However, soil low in nutrients, particularly phosphorus, is more beneficial to habitats rich in biodiversity. Appropriate treatment and improvement of the substrate need only relate to preparing the site with a thin covering of subsoil.

Topography – the more varied the better. Diverse micro topography is important because it creates ecological niches and variable microclimates for different species. The worst case scenario is a typical 45° slope.

Bare earth – this is a rare habitat that can be beneficial in both hard rock and sand and gravel quarries. To leave areas 3-5% bare ground could really increase its value for biodiversity.

Woodland – many operators have a belief that trees are great for the environment. We believe trees are good for the environment, but only in the right places. We only recommend tree planting when there is no possibility to create more favourable habitats such as heath or species rich grassland. Trees in the wrong area can also host predators such corvids.

Hedgerows – these should be of local provenance and have a good mixture of species that will benefit invertebrates, birds and mammals. The management of these hedgerows are important for this wildlife and we would suggest a sympathetic cutting regime on a rotation of 3-4 years.

Improving habitat instead of giving back – we would encourage trying to improve habitats as oppose to restoring land to what it was previously. Areas where semi natural habitats have been removed for extraction and restored to less favourable habitats such improved grassland should not be considered restoration as it is a net loss for wildlife.

Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from artificial islands for ground nesting birds. Keeping the periphery free of scrub and trees is also desirable as this overshadows many aquatic plants.

RSPB NI recommends that the SPPS direction in relation to unconventional hydrocarbon extraction be incorporated in the FODC LDP.

With regards to commercial peat extraction, RSPB NI recommends planning permission should not be granted for peat extraction from new or extended sites, or renew extant permissions. While the SPPS fell short of this requirement, it nevertheless states *'permission for the extraction of peat for sale will only be granted where the proposals are consistent with the protection of boglands valuable to nature conservation interests, and with the protection of landscape quality particularly in AONBs'*. (SPPS 6.158). Notably, the English National Planning Policy Framework has clear requirements not to allow new or extended planning permission for peat extraction.

Lowland raised bogs are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO<sub>2</sub>) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

Within this context, for horticulture, RSPB NI would expect all countries to follow Defra's lead of phasing out peat, by 2020 for consumer gardening and by 2030 for commercial horticulture. These targets are stated in the government's [Natural Choice](#) report, 2011.

These positions are strengthened by more recent statements and initiatives to protect peatlands for both biodiversity and, perhaps more resonantly, climate change. During November 2016, the United Nations Environment Programme (UNEP) launched a [Global Peatlands Initiative](#) in Marrakesh at the climate change CoP, with more than a dozen partners, to retain greenhouse gases in peatlands and restore / maintain their other functions.

It is also worth noting that Scottish Natural Heritage (SNH) has a well articulated [peatland plan](#) that, again, should be a template for the other UK countries, including Northern Ireland.

Map 7 should also contain the full suite of environmental designations (international, European, national, local etc. as set out in our response to Q06).

FODC's LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

**Q10 Do you agree with the Council's preferred option to renewable energy? If not, why not?**

No. RSPB NI recommends that a hybrid of options 1 and 2 would be the most beneficial for the area.

The areas considered sensitive to wind energy developments should have their nature designations listed. This list is supported by RSPB NI. In moving forward, this list should not be seen as the definitive list for sensitive areas, as it is likely that other areas will come forward during the plan development process.

Climate change is one of the most pressing challenges facing our society. The need to mitigate against climate change must be one of the crucial areas that local plans should cover. Doing so will require the identification of suitable sites for the delivery of renewable energy based on a robust evidence base - a spatial element to the strategic approach is also necessary.

Strategic planning has a key role to play in enabling the renewable energy industry, particularly onshore wind, to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes. Doing so will involve the collection of a robust evidence base not only of potential to generate energy, but also of the social and environmental factors that need to be considered.

### General points

Reference should now be made to the new Programme for Government (2016 – 2021).

Best Practice Guidance to PPS 18 'Renewable Energy' should also be taken into account.

The policy context and options mention sensitive landscapes on a number of occasions, but there is no reference to sensitive nature features – this matter should be re-examined within the context of the LDP, as environmental capacity is more than a visual assessment, and includes habitats and species – many of which are located outwith designated areas.

Furthermore, the reference to ecological impacts in para 9.13 is somewhat underplayed and should receive further prominence given the potential for impact in respect of inappropriately sited development and cumulative impacts.

The RSPB believes that large renewable energy developments should offer community benefits. However, the provision of community benefits should be considered more strategically than at present. Community benefits should also encompass biodiversity benefits, for example through habitat restoration or enhancement, both to meet biodiversity targets and for the ecosystem services that such habitats provide to the local and regional communities. In this context, a formula of £/MW/year specifically for biodiversity-related community benefit for on-shore wind is suggested.

In our response to Draft PPS 18, and the more recent DoE Call for Evidence, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DfI (Department for Infrastructure) about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and

developers, and a clear understanding of the Section 76 (2011 Act)<sup>4</sup> process by both planners and developers.

We also previously advocated that there should be guidance on when a planning agreement is likely to be required, as opposed to when an agreement could be used to facilitate a developer offer. Where a developer offer proceeds entirely outside the planning process, there needs to be security that the offer will result in tangible community benefits and not 'greenwash' or superficial unsustainable community projects. There is a danger, particularly in areas where there are many wind farms or other projects, that there will be no strategic overview of planning agreements or developer offers, such that small piecemeal projects will proceed and the opportunity for larger scale benefits or environmental enhancement through cooperation between developers and communities will be missed. Reliance on developer offers may also mean that less scrupulous developers will not offer or deliver, leading to inequality between receiving communities.

The RSPB's experience of Community Benefit Schemes in Scotland has led RSPB Scotland to question whether it is perhaps a missed opportunity that community benefit schemes typically only benefit a small locality. RSPB Scotland believes that the current ad-hoc nature of community benefit schemes has been a missed opportunity to deliver benefits to the wider natural environment, as such RSPB Scotland believe that there is a need to review this approach to ensure that all of Scotland's communities benefit from the renewables revolution.

*RSPB Response to DECC's Call for Evidence in Onshore Wind – Part A Community Engagement and Benefits (November 2012)*

The RSPB, in preparing its response to the DECC's call for evidence spoke to a number of its Local Groups in GB to collect their views as members of the public and local communities. The following comments are based on those discussions in 2012:

The general perspective was one of concern and lack of confidence in developers, planners and the Government more generally to be transparent and to act in their best interest when it comes to wind farm developments. For example, our Local Groups felt that developers were following the letter of the law in regard to community engagement but not necessarily the spirit of it, by, for example, arranging consultation meetings for school holidays when many people would be unable to attend.

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<sup>4</sup> <http://www.legislation.gov.uk/nia/2011/25/section/76>

An RSPB local group also mentioned that a parish council had been approached by a developer and offered community benefits in exchange for a letter of support.

DfI Planning and the Local Authorities must avoid situations where community benefit is seen to be used essentially as an enticement to secure planning permission. If a wind farm application, for example, is consented for sound planning reasons, the community should be eligible for any community benefits agreed, regardless of whether they supported the application or not.

A transparent and nationally-agreed protocol on how and when discussions about community benefit should take place could help to support a more strategic approach to delivering community benefits at a greater scale and which could have more effective and longer term positive impacts.

We also attach our response to the Department of Environment's Call for Evidence: Strategic Planning Policy for Renewable Energy Development for your information.

Please also refer to the recently published RSPB's 2050 Energy Vision Report<sup>5</sup>. In 2008, the UK Government set a target to achieve an 80% reduction in greenhouse gas emissions (relative to 1990 levels) by 2050.

Achieving this will involve significant expansion of low-carbon, renewable energy technologies. Some of these will require large areas of land or sea for their deployment and may have negative impacts on wildlife,

It is important to understand where these technologies can be located with lowest risk for sensitive species and habitats, and to design energy policy so that the UK can meet emissions targets while having minimum impact on biodiversity.

The Energy Futures project was established in order to explore these complex issues and better understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details.

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<sup>5</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

**Q11 Do you agree with the Council's preferred option for integrated renewable energy and passive solar design in new development? If not, what alternative approach should the Council take?**

**Q11b Do you agree with the suggested thresholds of 1 hectare or greater in size or 1000m<sup>2</sup> or greater? Should they be higher or lower and if so, what would be your reason?**

RSPB NI supports the encouragement of Local Development Plans in Northern Ireland to be more ambitious and to be ideally aiming for delivering zero carbon buildings. For this reason, RSPB NI believes that FODC should be more ambitious with its targets in this regard.

Our general overarching policy ask relating to energy efficiency is that UK Government and devolved administrations should designate energy efficiency as a National Infrastructure Priority and implement ambitious policies to improve energy efficiency and reduce demand, including through robust energy efficiency standards for new buildings. Within this framework, we would support FODC's localised efforts to write equivalent ambition into local plans.

All new developments in the UK should in our view be zero carbon (ie a combination of the best energy efficiency measures available and onsite generation) as any development being built now that are not zero carbon will only add to the scale of retrofit problem that will need to be addressed by the 2040s, the time by which the UK will need to achieve net zero emissions in order to play its part in keeping temperature rises to 1.5 degree. Local authorities have a role to play in helping the UK to deliver the low carbon future that is needed to mitigate climate change.

**Q12 Do you agree with the Council's preferred approach to tourism? If not, why not?**

**Q13 Are there particular locations within the Council area that tourism facilities and accommodation should be developed?**

**Q13b Are there areas where there should be restrictions on such development?**

Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to their local economies.

Tourism in rural areas will often be related to the enjoyment of the natural environment, and this is something we strongly advocate. However, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides.

The FODC area is exceptional in its richness of wildlife and diversity of habitats. As noted above, biodiversity does not confine itself to protected sites. As such, it is imperative that the FODC LDP provides strong policy protection for those areas of natural and semi-natural habitat which lack formal designation (e.g areas of wet grassland, or blanket bog).

RSPB NI notes that para 10.16 has failed to address the sustainable element of Para 6.263 (p99) of the SPPS.

Again reference is made to landscapes within this paragraph, but regard should also be had to nature features, including habitats and species.

Issues of potential disturbance to key birds from recreational tourism should also be considered, particularly areas of wet grassland in close proximity to the Lough shore which would be important habitat for breeding waders, which have declined substantially from the 1980's. In this regard, conclusions from a recent publication<sup>6</sup> found that breeding populations of Eurasian Curlew, Northern Lapwing and Common Snipe (known as breeding waders) have declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented and restricted towards the western counties of Tyrone and Fermanagh. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside. Within this context, the FODC LDP has a critical role in protecting such species and their habitats from inappropriate development. RSPB NI can provide more detailed information on such areas.

RSPB NI is responsible for the management of a number of reserves throughout the FODC area. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

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<sup>6</sup> Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

**Q 14 Do you agree with the Council's preferred option for operational tourism? If not, why not?...**

**Q14b ...and what alternatives do you think the Council should take?**

**Q 14c Have you any suggestions for where 'Visitor Hubs' should be developed?**

RSPB NI agrees with preferred option 2.

RSPB NI suggests that as an extension to Q14c, consideration should be given to where 'visitor hubs' might be constrained. In this context, please refer to our previous response above.

**Q 15 Do you agree with the Council's preferred option to manage access opportunities to FODC's lakes and waterways? If not, why not and what alternatives would you suggest?**

RSPB NI agrees with the preferred Option 1 - there is a real opportunity here for the Plan to provide a strategic/spatial steer on this matter. Regard within Option 1 should extend to the full suite of environmental designations, including international, national etc. as previously set out above.

**Q16 Do you agree with the Council's preferred option for supporting good design and place-making? If not, why not?**

**Q 16b Do you think that there should be supplementary planning design guidance produced specifically for the Sperrin AONB in conjunction with adjoining 'AONB' Councils?**

Overall, this section appears to be primarily about the aesthetics of the building itself, and is limited on key design features from a biodiversity perspective. It fails to comprehensively address the wider built (either urban or rural settlement) environment.

Within this context, it should advocate that good design and place making should include the area around a scheme i.e. its immediate environment. Furthermore it should include a guiding principle which allows for the avoidance of development that impacts adversely upon natural ecosystems.

Furthermore, place making should include/highlight how the natural environment can contribute to enhancing places and spaces, both from biodiversity and health and well-being perspectives.

The evidence of health benefits of green spaces are many. While the recognition of the environmental benefits of green spaces as habitats for wildlife is an obvious one, there is also the

recognition of wellbeing through wildlife. In this regard, we would refer the Department to the following useful reports, and request that they be listed as key documents within this section:

- (i) *Wellbeing through wildlife, RSPB*<sup>7</sup>
- (ii) *Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012*
- (iii) *Exeter residential design code*

A further publication of relevance is UK National Ecosystem Assessment: Technical Report<sup>8</sup>, and in particular Chapter 23: Health Values from Ecosystems<sup>9</sup>. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic intervention (Hine et al. 2009; Haubenhofner et al. 2010); that planners and architects should improve access to greenspace (green design); and that children should be encouraged to spend more time engaging with nature and be given opportunities to learn in outdoor settings (green education).*

*Some of the substantial mental health challenges facing society (Foresight 2008; HSE 2008), and physical challenges arising from modern diets and sedentary lifestyles (Wanless 2002; Wanless 2004; DH 2005a; Sport England 2006; Wells et al. 2007; NICE 2008; DH & DCSF 2009; NICE 2009), could be addressed by increasing physical activity in green settings. If children are encouraged and enabled to undertake more green exercise, then they are more likely to have active exposure to nature embedded in their lifestyle as adults and they will reap the associated health benefits'* (Paragraph 23.8, page 1173).

RSPB NI would draw FODC's attention to the Kingsbrook development in England<sup>10</sup>. The RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

On the Kingsbrook development just outside Aylesbury, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

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<sup>7</sup> [http://www.rspb.org.uk/Images/wellbeing\\_tcm9-132872.pdf](http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf)

<sup>8</sup> <http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82>

<sup>9</sup> <http://www.cbd.int/financial/values/unitedkingdom-health.pdf>

<sup>10</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

Project objectives:

- 50 per cent wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve.
- Wildlife corridors. Kingsbrook is being designed so that wildlife can move all around and through the greenspace and the residential areas. Whether it be hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.
- Sustainable Urban Drainage. Rather than shunting rainwater straight underground into pipes, in many places it will be directed along rills and swales on the surface - great wildlife habitat - slowing the flow, and using nature to clean the water.
- Planting for wildlife, including a higher proportion than is usual of native shrubs, many hedges, areas of wildflower grassland for pollinators and butterflies, plus a fruit tree in each garden.
- All manner of wildlife homes, from birdboxes built into the walls of houses to places where amphibians can hibernate.

Paragraphs 11.8 and 11.9 should take the opportunity to expand upon the 10 qualities, and outline what FODC intends them to mean in this context, and how that would in turn influence the LDP.

Furthermore, this section of the LDP should link back to zero carbon development, as outlined above.

While agreeing with the preferred Option 3, the manner in which it is currently couched represents a missed opportunity to put in place a positive vision and direction.

## **Retained Policies**

### **Development in the Countryside**

With regards to minerals, please refer to our earlier comments above, particularly with regards to restoration and peat extraction.

In identifying Areas of Constraint, the FODC LDP should include reference to the natural environment (including species and habitats).

Please also refer to the RSPB's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (attached in submission email).

### **Natural Heritage**

There should be no weakening of the policy provisions as contained within PPS2 'Natural Heritage' and where possible these should be enhanced. RSPB NI welcomes the reference to blue and green infrastructure at Paragraph 12.33, but opportunity should be made here to link this back to the points made on design and place making above.

Potential zonings in the LDP should have full regard to natural heritage, as it constitutes more than cognisance of sensitive landscapes.

Policy on natural heritage should include restoration and enhancement; in a manner which reflects the Lawton principles<sup>11</sup> (see below).

FODC LDP should promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

In this regard, a useful reference document is 'The *Making Space for Nature*' report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

1. Get sites into favourable condition

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<sup>11</sup> <http://www.rspb.org.uk/our-work/rspb-news/news/349224-positive-planning-can-help-halt-wildlife-declines-new-report-shows>

2. Increase the size of protected sites
3. Create new sites
4. Improve the connectivity between sites
5. Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystems-scale', through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

Notably, within this section of the POP there is no stated intention of carrying the PPS 2 policies across into the new LDP. This should be specifically included for this section, as with the other sections.

### **Open Space, Sport and Outdoor Recreation**

The RSPB recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

Please refer to the RSPB's publication 'Wellbeing through Wildlife'<sup>12</sup>, and our comments above for further details.

Within this section there is no reference to multi-functional green space or to the quality (design) of spaces.

### **Renewable Energy**

Reference in this section should also be made the Best Practice Guidance to PPS 18 'Renewable Energy'.

Please refer to our submission in response to the Department of Environment's Call for Evidence: Strategic Planning Policy for Renewable Energy Development for further details.

### **Telecommunications and other utilities**

Reference here should also be made to sensitive areas which include species and habitats – not just visual sensitivity. Power lines can pose collision risks to certain birds e.g swans if located across flight paths or important feeding/roosting areas.

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<sup>12</sup> [http://www.rspb.org.uk/Images/wellbeing\\_tcm9-132872.pdf](http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf)

### **Town Centres and Retailing**

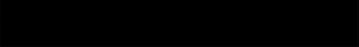
Paragraph 12.47 fails to recognise how enhancements to the natural environment can help in this regard.

### **Transportation / Waste management (page 106)**

There is no mention that the existing policies will be carried forward into the LDP.

For further information contact:

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