

### Counter-representations on Behalf of SSE Renewables

April 2019

#### 1. Introduction

1. This counter-representation is submitted on behalf SSE Renewables in response to representations received in response to the Council’s consultation on the draft Plan Strategy (dPS) in late 2018.
2. These counter representations relate to representations made under Regulation 15 and 16 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (‘the Regulations’). Under Regulation 17, the Council has made available copies of all representations received in response to consultation on the draft Plan Strategy. These counter representations are submitted under Regulation 18 as they relate to site specific representations. For the avoidance of doubt ‘site specific representations’ mean:
  - Representations to policies relating to any proposed designations which identify a particular area (site);
  - Representations to policies which could be applied to a site that could be subject to a planning application; and
  - Representations containing references or inferences to wind energy development or related proposals for a site within the Council area.
3. These counter-representations should be read alongside SSE Representation Reference DPS252

#### 2. Counter-representations

4. This section outlines our counter-representations to comments received by FODC in response to consultation on the dPS.

Respondent	Comments	Proposed Response
DPS022 RSPB	<p><b>Comments on Wind Energy Strategy</b></p> <p>Areas of constraint on wind energy should also be informed by an assessment of habitats and species and not just visual capacity.</p>	<p>This would be an inappropriate approach to the designation of areas of constraint. As drafted, Policy RE01 makes provision for the impact of developments on natural heritage on a case by case basis.</p>
DPS028 Derry City & Strabane District Council	<p><b>Comments on Draft Policy L02</b></p> <p>Supportive of the designation of Special Countryside Areas</p>	<p>SSE Renewables considers that the extent of the SCAs proposed under Draft Policy L02 is founded on flawed evidence. This is considered further at Paragraph 5.12 to 5.21 of Representation Reference DPS252</p> <p><b>SSE Renewables considers that the draft policy fails against soundness test CE2.</b></p>
	<p><b>Comments on Draft Policy RE01</b></p> <p>Note the approach to Renewables and the commissioning of a Landscape Wind Capacity Study to assess the overall capacity for the landscape to support wind energy development.</p>	<p>SSE Renewables objects to the approach to renewables as proposed by draft Policy RE01. SSE opposes the Council’s proposal to introduce a blanket ban against the development of wind energy development within the AONB as this approach is not endorsed by the SPPS.</p>

		<p>Furthermore the evidence that has been prepared to support the draft policy, including the Landscape Wind Capacity Study is flawed for the reasons set out in Representation Ref. DPS252 Paragraph 5.4 and Appendix 1.</p> <p><b>SSE considers that draft Policy RE1 is fails soundness tests CE1, CE2, CE3, C3 &amp; C4.</b></p>
<p>DPS029; DPS030 – DPS046; DPS077 – DPS093; DPS107; DPS143-DPS144; DPS154; DPS158 – DPS170; DPS172 – DPS184; DPS188 – DPS190; DPS192 – DPS205; DPS207 – DPS213; DPS215 – DPS221; DPS223; DPS230 – DPS233; DPS275; DPS318</p>	<p><b>Comments on Draft Policy RE01</b> Requests an extension to the area identified as not having capacity to accommodate wind farms to include the proposed extension to Beaghmore ASAI.</p>	<p>SSE objects to this request without the presence of robust evidence to justify that the area to be included within the Beaghmore ASAI does not have capacity to accommodate wind farm. <b>To introduce such a restriction without a robust evidence base would fail against soundness test CE2.</b></p> <p>As set out in Representation Ref. DPS252, SSE Renewables contend that the Council’s evidence base is flawed.</p>
<p>DPS047 Mid Ulster District Council</p>	<p><b>Comments on Draft Policy L02</b> Note the provisions of Draft Policy L02 which states that ‘within Special Countryside Areas, development will not be permitted unless in a limited set of criteria.</p>	<p>SSE Renewables considers that the extent of the SCAs proposed under Draft Policy L02 is founded on flawed evidence. This is considered further at Paragraph 5.12 to 5.21 of Representation Reference DPS252.</p> <p><b>SSE Renewables considers that the draft policy fails against soundness test CE2.</b></p>
	<p><b>Comments on Draft Policy L02</b> The location of a SCA within the high Sperrins is of particular interest to MUDC as it is a significant shared environmental asset.</p>	<p>SSE Renewables considers that the extent of the SCAs proposed under Draft Policy L02 is founded on flawed evidence. This is considered further at Paragraph 5.12 to 5.21 of Representation Reference DPS252.</p> <p><b>SSE Renewables considers that the draft policy fails against soundness test CE2.</b></p>
	<p><b>Comments on Draft Policy RE01 and Wind Energy Strategy</b> Note the provisions of draft Policy RE01 and the associated Wind Energy Strategy with particular attention being paid to the capacity of the Sperrins and Slieve Beagh which is a shared environmental asset.</p>	<p>SSE Renewables objects to the approach to renewables as proposed by draft Policy RE01. SSE opposes the Council’s proposal to introduce a blanket ban against the development of wind energy development within the AONB as this approach is not endorsed by the SPPS.</p> <p>Furthermore the evidence that has been prepared to support the draft policy, including the Landscape Wind Capacity Study is flawed for the reasons set out in Representation Ref. DPS252 Paragraph 5.4 and Appendix 1.</p> <p><b>SSE Renewables considers that draft Policy RE1 is fails soundness tests CE1, CE2, CE3, C3 &amp; C4.</b></p>
	<p><b>Comments on Wind Energy Strategy</b> Welcome the designation of the northern most part of the South Sperrin LCA as an ‘area of no underlying capacity’ but query the reference at Page 297 of the Draft Plan Strategy which states ‘the character of parts of upland landscape would support larger scale wind energy development.’</p>	<p>SSE Renewables considers that the evidence prepared in support of draft Policy RE01 and the Wind Energy Strategy is flawed. Further detail is set out in Representation Ref. DPS252 at Paragraph 5.4 and Appendix 1.</p>
<p>DPS049 Causeway, Coast &amp; Glen</p>	<p><b>Comments on Draft Policy RE01 and Wind Energy Strategy</b></p>	<p>SSE Renewables objects to the approach to renewables as</p>

<p><b>Borough Council</b></p>	<p>Acknowledge the very detailed wind energy capacity study that has informed draft policy. Note Draft Policy RE01</p>	<p>proposed by draft Policy RE01. SSE opposes the Council's proposal to introduce a blanket ban against the development of wind energy development within the AONB as this approach is not endorsed by the SPPS.</p> <p>Furthermore the evidence that has been prepared to support the draft policy, including the Landscape Wind Capacity Study is flawed for the reasons set out in Representation Ref. DPS252 Paragraph 5.4 and Appendix 1.</p> <p><b>SSE Renewables considers that draft Policy RE1 is fails soundness tests CE1, CE2, CE3, C3 &amp; C4.</b></p>
<p>DPS054; DPS071 – DPS074; DPS094; DPS096; DPS097; DPS098; DPS100; DPS101; DPS102; DPS114; DPS122; DPS146 – DPS153; DPS155; DPS171; DPS185; DPS186; DPS222; DPS225; DPS226; DPS234; DPS235; DPS240 – DPS243; DPS262; DPS263; DPS276; DPS281; DPS282 Cooperation Against Mining in Omagh; DPS283; DPS284; DPS285; DPS286; DPS287 – DPS291; DPS295-DPS304; DPS306; DPS307 Keenan; DPS308 – DPS311; DPS313 – DPS315; DPS316</p>	<p><b>Comments on Draft Policy RE01</b> The policy should be flexible to take account of emerging evidence of negative impacts on health and well-being.</p> <p><b>Comments on Draft Policy PU02</b> Draft Policy PU02 Overhead Electricity lines. The Policy should specify that overhead power cables and pylons carrying heavy duty electricity lines should not be permitted in the Sperrins AONB.</p>	<p>No robust evidence that wind turbines have an adverse impact on health and well-being has been provided in support of draft Policy RE01. <b>To introduce a policy to assessment the impact of development on health and wellbeing without a robust evidence base would conflict with soundness test CE2.</b></p> <p>SSE Renewables objects to the proposed revision to draft Policy PU02 on the basis that it would conflict with the approach within the SPPS. The SPPS does not promote the introduction of blanket ban on development within the AONB. Paragraph 6.240 of the SPPS states: <i>“In plan-making council should bring forward policies and proposals to set out the detailed criteria for consideration of new telecommunications development in their local area which should address important planning considerations such as: siting, design and impact upon visual amenity.”</i></p> <p><b>The introduction of the approach proposed would fail against soundness test C3.</b></p>
<p>DPS156; DPS187 Townland Residents Association; DPS191; DPS206; DPS214 Mother's Voice for Justice; DPS224 Standing our Ground;</p>	<p><b>Comments on Draft Policy RE01</b> This historic landscape (Sperrins) is unsuitable for wind development and this has been recognised by the planning authorities in recent years when various applications for turbines were refused (then they list the refusals).</p>	<p>SSE Renewables objects to the statement made here. SSE also objects to the approach to renewables as proposed by draft Policy RE01. SSE opposes the Council's proposal to introduce a blanket ban against the development of wind energy development within the AONB as this approach is not endorsed by the SPPS. <b>SSE Renewables considers that draft Policy RE1 is fails soundness tests C3.</b></p>
	<p><b>Comments on Draft Policy RE01</b> Wind turbines are also impacting on health and wellbeing of residents.</p>	<p>No robust evidence that wind turbines have an adverse impact on health and well-being has been provided in support of draft Policy RE01. <b>To introduce a policy to assessment the impact of development on health and wellbeing without a robust evidence base would conflict with soundness test CE2.</b></p>
<p>DPS259</p>	<p><b>Comments on Wind Energy Strategy</b> I recommend making the Sperrins AONB an “Area of No Underlying Capacity” to preserve its natural habitat.</p>	<p>SSE Renewables objects to the proposal by Representation Ref. DPS259 to identify the entire Sperrins AONB as an ‘Area of NO Underlying Capacity’. <b>To introduce such a designation without a robust evidence base would mean that the policy would fail against soundness test CE2.</b></p>

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**Comments on Draft Policy L01**

FODC should specifically take cognisance of the health implications of Infrasound and low-frequency noise, as by creating this plan, and indeed by allowing other wind turbines in areas of Significant cumulative development FODC is liable

SSE Renewables is opposed to the introduction of a blanket ban against the development of wind energy development within the AONB as this approach is not endorsed by the SPPS. Further details on our objection are provided within Representation Ref. DPS252.

Furthermore the evidence that has been prepared to support draft Policy L01, including the Landscape Wind Capacity Study is flawed for the reasons set out in Representation Ref. DPS252 Paragraph 5.4 and Appendix 1.

**SSE considers that draft Policy L01 is fails soundness tests CE2 & CE3.**

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**DPS277 National Trust**

**Comments on Draft Policy L01**

Policy L01 should be expanded to apply a series of robust policy tests for the Sperrin AONB to cover its special character, for example:

- Openness of the landscape and its sensitivity to development;
- Maintain a sense of remoteness, wildness and tranquillity;
- interdependency between the special qualities of the landscape and the natural functioning of the environment taking into account internationally and nationally important nature conservation sites and associated ecosystems, species and habitats;&
- Maintain the significance of archaeological and built heritage assets and their settings within the AONB.

Further rigorous policy tests on heritage and landscape should be applied, including:

- no unacceptable adverse effects on long and medium range views to and from sensitive landscapes, such as Lagan Valley AONB; and
- no unacceptable adverse effects on important recognised outlooks and views from or to heritage assets where these are predominantly unaffected by harmful visual intrusion, taking into account the significance of the heritage asset and its setting

SSE objects to the introduction of additional policy considerations under draft Policy L01 as these would conflict with the prevailing policy set out within the SPPS (Paragraph 6.186 to 6.188).

**Such a conflict would mean that the policy would fail soundness test C3.**

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**Contact**

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April 2019

SSEB3010



## Fermanagh & Omagh Draft Plan Strategy - Counter Representations Form

Hard Copies of the Draft Plan Strategy, all Representations received and our 'Guidance note for Making Counter Representations' are available for inspection during normal opening hours at the Council's offices at: 7 Shore Road, Enniskillen, BT74 7EF; Strule House, 16 High Street, Omagh BT78 1BQ; The Grange, Mountjoy Road, Lisnamallard, Omagh, Co Tyrone, BT79 7BL and; Townhall, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA or may be viewed at <https://www.fermanaghomagh.com>

### How to make Counter Representations

You can make counter representations by completing this form, by email to [developmentplan@fermanaghomagh.com](mailto:developmentplan@fermanaghomagh.com) or by post to: Local Development Plan Team, Strule House, 16 High Street, Omagh BT78 1BQ.

For further assistance contact: [developmentplan@fermanaghomagh.com](mailto:developmentplan@fermanaghomagh.com) or Tel: 0300 303 1777.

### SECTION 1. Contact Details

Agent or Personal Submission - Are you submitting on behalf of someone or in an individual capacity?

Individual    Organisation    Agent (complete with your client's contact details first)

**First Name** Eimear

**Last Name** Lenehan

**Job Title** (Where relevant) Lead Consent Manager

**Organisation** (Where relevant) SSE Renewables Developments (UK) Ltd

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**Email Address** [Eimear.Lenehan@sse.com](mailto:Eimear.Lenehan@sse.com)

**If you are an Agent, acting on behalf of an Individual or Organisation, please provide your contact details below.** (Please note you will be the main contact for future correspondence).

**First Name** Emma  
**Last Name** Walker  
**Job Title** (Where relevant) Associate Director  
**Organisation** (Where relevant) Turley  
**Address** Hamilton House, 3 Joy Street, Belfast  
  
**Postcode** BT2 8LE  
**Telephone Number** 028920 72390  
**Email Address** emma.walker@turley.co.uk

## **SECTION 2. Counter Representation**

Have you submitted a representation to the council regarding the Draft Plan Strategy?

**Yes**  **No**

If yes, please provide the Reference Number of your representation and a summary of the issue raised in your representation below.

### **Draft Plan Strategy Representation Reference DPS252**

In summary, SSE Renewables has significant concerns regarding Draft Policies RE01, PU02, L01, L02, TOU01, HOU9, HOU11, HOU13 & HOU15 and the accompanying SA process and wishes to make the following representations:

- Insufficient information is provided on the reasonable alternatives included in the Sustainability Assessment (SA) process;
- Insufficient reasoning and justification is provided on why the preferred option is chosen as why the rejected option is not taken forward;
- Insufficient explanation is provided on why the alternatives are considered to differ in their landscape effects;
- The preferred hybrid option is not included as an explicit alternative in the SA process; and
- The SA process has not given due consideration to an alternative policy approach which would allow wind energy development within designated landscapes in accordance with national policy and case law.

Combined with the lack of robust evidence base for the formulation of Policy RE01 as established by OPEN's review of the Wind Energy Strategy and Landscape Wind Capacity Strategy report, SSE Renewables considers the Draft Plan Strategy and related SA process is insufficiently transparent to inform the decision making process and is therefore unsound.

*(Continue on a separate sheet if necessary)*

**Details of Your Counter Representation**

Please provide the reference number of the site-specific representation to which your counter representation relates to:

See enclosed Counter-representation

Please give reasons for your counter representation having particular regard to the soundness test(s) identified in the above referenced site-specific representation. Please note that your counter representation must not propose any new changes of the draft Plan Strategy.

See enclosed Counter-representation

*(Continue on a separate sheet if necessary)*



### **SECTION 3. Data Protection and Consent**

#### **Data Protection**

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure. It should be noted that in accordance with Regulation 19 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any counter representation available for inspection. The Council is also required to submit the counter representations to the Department for Infrastructure and they will then be considered as part of the Independent Examination process. For further guidance on how we hold your information please visit the Privacy section at [www.fermanaghomagh.com/your-council/privacy-statement/](http://www.fermanaghomagh.com/your-council/privacy-statement/)

**By proceeding and submitting this representation you confirm that you have read and understand the privacy notice above and give your consent for Fermanagh and Omagh Council to hold your personal data for the purposes outlined.**

#### **Consent to Publish Response**

The Council is required by law to publish your representation and make it available for inspection. Unless otherwise stated by yourself, this will include your name and postal address. Your personal telephone number, personal email address and signature will not be published.

If you do not wish for your name and postal address to be published please tick the box below.

**Please do not publish my name and postal address**

Please note: Even if you opt for your details to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner/Authority they appoint to oversee the examination in public into the soundness of the plan. This will be done in accordance with the privacy statement above.

#### **Signature**


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#### **Date**

8 May 2019
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