



Fermanagh & Omagh Draft Plan Strategy Representations Form

Hard Copies of the Draft Plan Strategy are available for inspection during normal opening hours at the council's principal offices. The documents, electronic copies of this form, and our 'Guidance for Making Responses to the Plan Strategy' may be viewed at: <https://www.fermanaghomagh.com/>

How to respond

You can make representations about the Draft Plan Strategy by completing this survey form, or if you prefer, you can fill out this form online.

For further assistance contact: developmentplan@fermanaghomagh.com or Tel: 0300 303 1777; All representations must be received by 21st December 2018 at 12:00 noon.

SECTION 1. Contact Details

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SECTION 2. Representation

What is your view on the Draft Plan Strategy?

Sound

If you consider the Draft Plan Strategy to be **sound**, and wish to support the Plan Strategy, please set out your comments below.

N/A

(Continue on a separate sheet if necessary)

OR

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.

Soundness Test No:

- P1 Has the Draft Plan Strategy been prepared in accordance with the council's timetable and the Statement of Community Involvement?**

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?**
- P3 Has the Draft Plan Strategy been subject to sustainability appraisal including Strategic Environmental Assessment?**
- P4 Did the council comply with the regulations on the form and content of its Draft Plan Strategy and procedure for preparing the Draft Plan Strategy?**
- C1 Did the council take account of the Regional Development Strategy?**
- C2 Did the council take account of its Community Plan?**
- 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?**
- 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?**
- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?**
- CE3 Are there clear mechanisms for implementation and monitoring?**
- CE4 Is it reasonably flexible to enable it to deal with changing circumstances?**

Plan Component - To which part of the Draft Plan Strategy does your representation relate?

- | | |
|-------------------------------|--|
| (i) Relevant Paragraph | Please see attached representation |
| (ii) Relevant Policy | RE01, PU02, L01, L02, TOU01
HOU9, HOU11, HOU13, HOU15 |
| (iii) Proposals Map | Please see attached representation report |
| (iv) Other | Please see attached representation report |

Details

Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Please refer to attached representation report prepared by Turley

(Continue on a separate sheet if necessary)

Modifications

What, if any, modifications do you think should be made to the section, policy or proposal? What specific modifications do you think should be made in order to address your representation?

Proposed modifications are included within the attached representation report prepared by Turley

(Continue on a separate sheet if necessary)

If you are seeking a change to the Draft Plan Strategy, please indicate how you would like your representation to be dealt with at Independent Examination:

- Written Representations** **Oral Hearing**

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 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the 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/

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 Public Response

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

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.

- Yes with my name and/or organisation**
- Yes, but without my identifying information**

Signature



Date

21 December 2018



Development Plan Team
Planning Department
Strule house
16 High Street
Omagh
BT78 1BQ

21 December 2018

Via email to developmentplan@fermanaghomagh.com

Re: SSE response to Fermanagh and Omagh Local Development Plan 2030 - Draft Plan Strategy

To whom it may concern,

SSE welcomes the opportunity to respond to the Fermanagh and Omagh Local Development Plan 2030, Draft Plan Strategy (dPS). We have had ongoing engagement with the Council throughout the consultation process to develop its dPS including its consultation on the Preferred Options Paper. As a leading developer of renewable generation in Northern Ireland, we believe the sustainable use of natural resources such as wind can deliver value for customers through reduced wholesale electricity costs and support economic growth in the Northern Irish economy. SSE has invested over half a billion pounds in the development of Northern Ireland's energy future and have contributed over £1.5 million in funding to communities close to our windfarms, including almost £500,000 in scholarship funding for students. SSE remains committed to continued investment in electricity infrastructure in Northern Ireland.

SSE engaged Turley Sustainability to review and assess the soundness of the dPS in line with the principals with which the plan is required to adhere to. There are several policies within the dPS that we believe do not pass the soundness test, our reasoning is set out in the response document.

In addition, SSE commissioned Optimised Environments Limited (OPEN) to carry out a review of the landscape and visual implications of the dPS and the background papers that have informed it, particularly in relation to wind energy development. These documents have been provided as part of SSEs submission, our key points relate to Draft Policies RE01, PU02, L01, L02, TOU01, HOU9, HOU11, HOU13 & HOU15 and the accompanying Sustainability Appraisal and can be summarised as follows:

- Insufficient information has been provided on the reasonable alternatives included in the Sustainability Assessment process;
- Insufficient reasoning and justification is provided on why the preferred option is chosen as why the rejected option is not taken forward;

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- 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.

SSE available to discuss our submission further as required.

Kind regards,
Lisa Fahy
Head of Policy
SSE Ireland

Representations to Fermanagh and Omagh District Council Draft Plan Strategy

On behalf of SSE Renewables

December 2018

Turley

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Contact

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Client

SSE Renewables

Our reference

SSEB3010

December 2018

Executive Summary

1. This representation is submitted on behalf of SSE Renewables. SSE is Ireland's second largest energy utility and the country's leading developer and investor in cleaner energy infrastructure. Since 2008, SSE have invested over half a billion pounds in the development of Northern Ireland's energy future and have contributed over £1.5 million in funding to communities close to our windfarms, including almost £500,000 in scholarship funding for students. SSE remains committed to continued investment in electricity infrastructure in Northern Ireland.
2. The development of draft plan strategies is an essential part of ensuring sustainable local economic development. As an operator of existing renewable assets as well as a project being processed through planning within the Council area, SSE welcomes the opportunity to engage on the draft plan strategy.
3. The Intergovernmental Panel on Climate Change's (IPCC) special report published in October 2018 highlights the threats posed by climate change and the need to continue efforts at a global, national and local level to decarbonise society. Sustainable development and a greater shift towards renewable energy will need to form a key part of the response to climate change. SSE hopes that the final Fermanagh and Omagh Plan Strategy will include policies that enable the Council area to continue to play a crucial role in Northern Ireland's efforts to decarbonise.
4. 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.
5. 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.

6. We also consider the draft Plan Strategy (dPS) to be unsound as the legal compliance tests have not been met. As a result, the policies contained within the dPS can be considered unsound.

Schedule of Key Comments

Policy	Comment	Cross ref.
Draft Policy RE01	<p><i>The Council's proposal to heavily restrict the development of wind energy development within the AONB is not endorsed within the SPPS. Furthermore the Council's evidence is flawed in its methodology and does not align with the draft policy set out in the Draft Plan Strategy.</i></p> <p><i>The Council has failed to consider the operational implications of the proposed policy and how it corresponds with other proposed policies within the dPS.</i></p> <p><i>For these reasons it is considered that Draft Policy RE1 fails soundness tests CE3, CE1, C3, CE4 and CE2</i></p>	Para 4.1 to 4.15
Draft Policy PU02	<p><i>SSE consider that the proposed policy does not provide sufficient flexibility to assess proposals for overhead powerlines associated within energy developments which are often time limited and subject to restoration requirements.</i></p> <p><i>It is considered that the policy fails soundness test CE3 and CE4</i></p>	Para 4.16 to 4.21
Draft Policy L01	<p><i>SSE considers that the wording of Draft Policy L01 is unsound as it is based on flawed evidence and is contrary to the provisions of the SPPS.</i></p> <p><i>SSE considers that the proposed policy fails soundness test CE2 and CE3</i></p>	Para 5.1 to 5.11
Draft Policy L02	<p><i>SSE consider that the extent of the SCAs proposed under Draft Policy L02 are founded on flawed evidence. For this reason SSE consider that the policy fails to meet soundness test CE2.</i></p> <p><i>SSE recommends that the Council review their evidence base and revise the SCA proposals accordingly.</i></p>	Para 5.12 to 5.21
Draft Policy TOU01	<p><i>The Council is seeking to introduce a policy to protect tourism assets within the district however the tourism assets to which this policy will relate have not been identified.</i></p> <p><i>Furthermore, the proposed wording does not align with existing regional policy within the SPPS.</i></p> <p><i>As such SSE consider that the draft policy fails to meet soundness tests C3, CE2 and CE3.</i></p>	Para 6.1 to 6.11
Draft Policy HOU9	<p><i>The dPS refers to the development of replacement dwellings as an opportunity to upgrade housing stock whilst minimising landscape and visual impact, however no</i></p>	Para 7.1 to 7.7

	<p><i>evidence or assessment has been provided to support this statement. Furthermore, applicants will not be required to submit a visual assessment of their development so it is difficult to understand how this policy will be monitored.</i></p> <p><i>As such the policy fails to against soundness test CE2, CE3 and P3</i></p>	
<i>Draft Policy HOU11</i>	<p><i>It is SSEs view that this policy is a departure from current policy for which insufficient evidence has been provided. This relaxation of policy would impact on the development within the countryside and there has been no assessment of the capacity for such development within the landscape.</i></p> <p><i>It is considered that the policy fails against soundness test C3 and CE2</i></p>	<i>Para 7.8 to 7.13</i>
<i>Draft Policy HOU13</i>	<p><i>This policy does not align with the policy provisions of the SPPS, which does not include such a policy requirement, nor does the SPPS identify that the LDP should include policies for such purposes.</i></p> <p><i>It is considered that this policy fails against soundness test C3</i></p>	<i>Para 7.14 to 7.16</i>
<i>Draft Policy HOU15</i>	<p><i>This policy does not align with the policy provisions of the SPPS, which does not include such a policy requirement, nor does the SPPS identify that the LDP should include policies for such purposes. Furthermore, the dPS does not provide evidence to support this policy.</i></p> <p><i>It is considered that this policy fails against soundness test C3 and CE2</i></p>	<i>Para 7.17 to 7.19</i>

1. Introduction

1.1 Turley submits this representation on behalf of SSE Renewables (SSE). SSE operates existing renewable energy assets within the Council area and has submitted an application for a future wind energy development. SSE welcome the opportunity to submit comments on the draft Plan Strategy (dPS).

1.2 SSE welcomes the acknowledgement at para 4.37 of the dPS that:

“the Council recognises the wider benefits of renewable energy and the Council area is a major contributor to the production and generation of renewable energy through primarily wind energy resources. Currently it produces more wind energy than any other council area in Northern Ireland.”

1.3 This is recognition of the important contribution that the Council makes towards the Northern Ireland renewable energy targets, which will continue to evolve in the future.

1.4 Our response has been structured to reflect the template provided by Council. In line with Council’s procedures, each representation is set out on a separate page within each of the Chapter headings with the policy clearly identified.

1.5 The structure of the submission is as follows:

- **Section 2:** Assessment of how the draft Plan Strategy addresses the legislative compliance tests;
- **Section 3:** Strategic Environmental Assessment and Sustainability Appraisal
- **Section 4:** Representations on Infrastructure;
- **Section 5:** Representations on Environment;
- **Section 6:** Representations on Economy; and
- **Section 7:** Representations on People and Place.

1.6 The representations consider the soundness of the draft Plan Strategy and the draft policies contained within. We have assessed the document and its contents against the following tests, as set out in Development Plan Practice Note 6 (DPPN6):

- **P1** – Has the DPD been prepared in accordance with the council’s timetable and Statement of Community Involvement?
- **P2** – Has the council prepared its Preferred Options Paper and take in account any representations made?
- **P3** - Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

- **P4** – Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
- **C1** – Did the council take account of the Regional Development Strategy?
- **C2** – Did the council take account of its Community Plan?
- **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 strategy relating to the council’s district or to any adjoining council’s district?
- **CE1** – The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it if not in conflict with the DPDs of neighbouring councils;
- **CE2** – The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;
- **CE3** – There are clear mechanisms for implementation and monitoring; and
- **CE4** – It is reasonably flexible to enable it to deal with changing circumstances.

2. Legislative Compliance

2.1 In preparing their Draft Plan Strategy (dPS), Fermanagh and Omagh District Council (FODC) is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').

2.2 This section identifies weaknesses in the compliance of the draft Plan Strategy (dPS) with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

2.3 Under Part 2 (8) of the Act the Plan Strategy must set out:

- the council's objectives in relation to the development and use of land in its district;
- its strategic policies for the implementation of those objectives; and
- such other matters as may be prescribed.

2.4 The Act also stipulates that the Plan Strategy should be prepared in accordance with the Council's Timetable, as approved by the Department and in accordance with Council's Statement of Community Involvement.

2.5 The FODC Timetable, as approved and published on Council's website is dated June 2018. We note that Council has published its dPS within the broad timeframe that they provided (i.e. 3rd Quarter of 2018/19). However, we would highlight that the timeframe proposed was supposed to include:

- An 8 week statutory public consultation period; and
- An 8 week statutory consultation on counter representations;

2.6 Given that the first period of statutory consultation will end on 21 December 2018, the remaining consultation will not take place in accordance with the published Timetable. The Council's timetable should be revised to reflect the current position and there also needs to be a public explanation as to why the timetable has not been followed.

2.7 In preparing a plan strategy, the council must take account of:

- "the regional development strategy;
- the council's current community plan
- any policy or advice contained in guidance issued by the Department;
- such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant."

- 2.8 These representations consider all of the above requirements which form part of the soundness test. Each section addresses the individual policies and our view on whether this requirement has been met.
- 2.9 The Act also requires that the Council:
- “(a) carry out an appraisal of the sustainability of the plan strategy; and
- (b) prepare a report of the findings of the appraisal.”
- 2.10 The Sustainability Appraisal should also meet the requirements for strategy environmental assessment purposes under the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) (2004).
- 2.11 We note that this information has been prepared and is provided as part of the consultation information, however our detailed comments on the findings of the SA are provided within this representation at Chapter 3 and set out the significant flaws with the Council’s SA.

The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

- 2.12 In addition to the Act, Parts 4 & 5 of the Regulations set out the requirement for the preparation of the Plan Strategy Development Plan Document. Part 4 set out the requirements for the Form and Content of the DPD.
- 2.13 Part 4 Regulation (1) establishes that a development plan document must contain:
- (a) a title which must give the name of the council district for which the development plan document is prepared and indicate whether it is a plan strategy or a local policies plan, and
- (b) a sub-title which must indicate the date of the adoption of the development plan document.
- 2.14 We note that the title required by Part 4 (1)(a) is provided as required, however the date of adoptions of the DPD is not provided. The date provided is 2030. We do however acknowledge the draft status of the documents at this stage but request that this is corrected prior to formal adoption of the DPD.
- 2.15 Part 4 Regulations (2) and (3) set out that a development plan document must contain a reasoned justification of the policies contained in it and that the policy and justification text should be readily distinguishable. We note that the Council has provided justification text associated with each proposed policies, however this should be considered alongside detailed comments on the soundness of the proposed policies, contained within the remainder of this representation.
- 2.16 Part 5 of the Regulations relates to the procedures for the preparation of the Development Plan Documents. Regulations 15 and 16 relate to the preparation of the dPS. Regulation 15 and 16 identify a schedule of the information that should be made available alongside the publication of the dPS. This includes:

“such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan.”

- 2.17 It is our view that insufficient evidence has been provided to support the dPS and a number of the proposed policies contained within. The remainder of this response details the reasons for our position.

3. Strategic Environmental Assessment and Sustainability Appraisal

3.1 A review of the following documents produced in support of the FODC Local Development Plan Draft Plan Strategy 2030 (October 2018) has been undertaken:

- Preferred Options Paper (POP); October 2016;
- Preferred Options Paper (POP); Interim Sustainability Appraisal Report; October 2016;
- Sustainability Appraisal Scoping Report; October 2016;
- Sustainability Appraisal of the LDP Draft Plan Strategy; October 2018; and
- Local Development Plan Draft Plan Strategy 2030; October 2018.

3.2 Guidance on undertaking Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) in Northern Ireland is provided in the following documents which have also been reviewed;

- Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (the EAPP Regulations); Statutory Rules of Northern Ireland 2004 No. 280; The Stationery Office Ltd; 2004; and
- Development Plan Practice (DPP) Note 04; SA incorporating SEA; Department of the Environment; April 2015.

3.3 The findings of the review by OPEN of the Wind Energy Strategy and Landscape Wind Energy Capacity Study reports which underpin the Draft Plan Strategy approach to wind energy development have also been considered.

3.4 Finally, the following additional SA / SEA guidance which, although relating primarily to England, Scotland and Wales, is of relevance to Northern Ireland given the close similarity in SA / SEA process and requirements across the administrations:

- A Practical Guide to the SEA Directive; Practical guidance on applying European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”; Office of the Deputy Prime Minister (ODPM), September 2005;
- SEA and SA; Planning Practice Guidance (PPG); Ministry of Housing, Communities & Local Government (HCLG); February 2015; and
- SEA & Climate Change: Guidance for Practitioners; Environment Agency; 2011.

3.5 SSE is the UK's leading generator of electricity from renewable sources and the largest generator of electricity from wind across the UK. SSE is fully supportive of sustainable development and is committed to exploring opportunities for wind energy

development that deliver a positive impact on the local community and economy whilst addressing environmental considerations.

- 3.6 The key role of renewable energy in the delivery of sustainable development is recognised by national policy. Paragraph 6.214 of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development explains Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and is a significant provider of jobs and investment across the region.
- 3.7 Planning Policy Statement 18 (PPS18) Renewable Energy further explains how greater use of renewable energy will reduce dependence on imported fossil fuels, bring diversity and security of supply to our infrastructure, and help Northern Ireland achieve its targets for reducing carbon emissions.
- 3.8 DPP Note 04 (para 3.1) states “the purpose of SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of plans and programmes such as local development plans.”
- 3.9 Given their commitment to sustainable development and the function of the SEA / SA process in relation to the emerging FODC local plan, SSE Renewables wishes to engage positively in the local plan process and makes these representations based on potential current and future wind energy activity within FODC. Given the role of the SA / SEA process in securing a sustainable Local Development Plan, SSE is committed to helping ensure the FODC Local Development Plan process fully reflects the significant sustainability benefits of wind energy in accordance with national policy and guidance.

Local Development Plan 2030 Draft Plan Strategy

- 3.10 The key policy relating to wind energy development in the Draft Plan Strategy is Policy RE01 ‘Renewable and Low Carbon Energy Generation’ which states: *“The Council will permit proposals for the generation of energy from renewable or low carbon sources and any associated buildings and infrastructure, where it can be demonstrated that there will be no unacceptable adverse impact upon:*
- a) public safety, human health, or residential amenity;*
 - b) visual amenity and landscape character;*
 - c) biodiversity, nature conservation or built heritage interests;*
 - d) local natural resources, such as air quality or water quality and quantity;*
 - e) the safety of public footpaths, highways;*
 - f) aviation interests, broadcasting installations and all other telecommunications;*
 - g) public access to the countryside and/or recreational/tourist use of the area;*
 - h) flood risk;*

i) active peatland; and

j) they do not create unacceptable cumulative impacts when viewed in conjunction with other operational and approved renewable and low carbon energy generation developments.”

3.11 In addition to criteria (a) to (j) above, Policy RE01 seeks that proposals for onshore wind energy development comply with the guidance set out in the Fermanagh and Omagh Wind Energy Strategy and demonstrate that:

k) they do not result in unacceptable impacts on nearby residential properties and/or any sensitive receptors in terms of noise, visual dominance, shadow flicker, ice throw or reflective light;

l) the development will not create a significant risk of landslide or bog burst;

m) the proposed entrance is adequate for both the construction and operation phase of the development along with the local access road network to facilitate construction of the proposal and transportation of large machinery and turbine parts to site;

n) a separation distance of 10 times rotor diameter to an occupied, temporarily unoccupied or approved dwelling can be achieved. A minimum distance not less than 500m will generally apply to wind farms with single turbine proposals assessed on a case by case basis; and

o) the above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

3.12 The following sections consider the SA process carried out by FODC in developing Policy RE01, particularly any failures or areas of non-compliance in relation to SA / SEA requirements and guidance for Northern Ireland. OPEN’s review of the Wind Energy Strategy and Landscape Wind Energy Capacity Study is first considered given the conclusions of this review have significant implications to the soundness of this policy.

Review by OPEN of the Wind Energy Strategy and Landscape Wind Energy Capacity Study

3.13 OPEN’s review of the Wind Energy Strategy and Landscape Wind Energy Capacity Study concludes that the methodology, findings and recommendations of these reports are, in places, flawed, and as a result do not constitute a robust evidence base for the formulation of Draft Plan Strategy Policy RE01. These flaws, furthermore, are considered to lead to a direct conflict between the Draft Plan Strategy and national policy contained in the SPPS, as summarised below.

3.14 The Wind Energy Capacity Study concludes there is effectively no capacity for any wind energy development within the Sperrin AONB and, as a result, Policy RE01 also precludes any wind energy development within this area. In contrast, and while the SPPS and ‘Wind Energy Development in Northern Ireland’s Landscapes; Supplementary Planning Guidance (2010)’ make clear that a cautious approach is required, both

documents consider that with judicious design and site selection, wind energy development can be accommodated within sensitive landscapes such as AONBs.

- 3.15 Para 6.230 of SPPS state *“it will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.”*
- 3.16 This position is expanded by ‘Wind Energy Development in Northern Ireland’s Landscapes; Supplementary Planning Guidance (2010)’, which states (Section 1.1) *“it is important to note the purpose and scope of the guidance...is intended to provide broad, strategic guidance in relation to the landscape and visual impacts of wind energy development. Every development proposal is unique, and there remains a need for detailed consideration of the landscape and visual impacts of individual applications on a case by case basis, as well as for consideration of other issues referred to in PPS18 and other regional policy.”*
- 3.17 OPEN notes this view is further corroborated by the October 2016 Appeal Decision Notice for Mullaghturk Wind Farm where the Commissioner states *“... it is important to recognise that there is no embargo on wind energy development within AONBs”*.

Preferred Options Paper (October 2016)

- 3.18 Having established the conflict between Draft Plan Strategy Policy RE01 and the above national policy, guidance and case law, the approach to reasonable alternatives included by FODC’s SA is now considered.
- 3.19 The Environmental Assessment of Plans and Programmes Regulations (EAPP Regulations) set out the requirements for the SA/SEA process to *“identify, describe and evaluate the likely significant effects on the environment of implementing the plan and **reasonable alternatives** taking into account the objectives and geographical scope of the plan”*.
- 3.20 DPP Note 04 explains (para 3.3) *“SA should help improve the quality of the plan making process by... facilitating the identification and assessment of reasonable alternatives, demonstrating that the plan is the most appropriate given the reasonable alternatives and...**providing transparency in the decision making process”***.
- 3.21 The SA/SEA Planning Practice Guidance (PPG) meanwhile explains *“The SEA **should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives**. It should provide conclusions on the overall environmental impact of the different alternatives”*. This guidance goes on to state *“reasonable alternatives are the different realistic options considered while developing the policies in the draft plan. They must be **sufficiently distinct** to highlight the different environmental implications of each so that meaningful comparisons can be made.”*

- 3.22 Draft Plan Strategy Policy RE01 has evolved from ‘Main Issue 8: Overarching Policy for Renewable Energy Development’ considered at POP stage. The POP explains (p72) that two alternatives (or options) have been considered by FODC in relation to Main Issue 8 Renewable Energy as follows, with the preferred option being Option 2:
- Option 1: Retain existing policy provisions but introduce a spatial framework for renewable energy development reflecting those areas where development would not be permitted and those areas where there is capacity for development. (There will be a need to specify if such areas are specific to particular types of renewable energy.); and
 - Option 2: Retain existing policy provisions but introduce a stricter policy to protect sensitive landscapes e.g. designated landscapes (AONB), areas of high scenic value, and certain views or vistas from wind energy developments.
- 3.23 The POP explains (p72) that while Option 1 comprises a “spatial framework” and Option 2 comprises “stricter policy”, both options seek to prevent the development of wind energy within sensitive landscapes such as AONBs. No further information is provided on these options or key differences between them and as a result it is not possible to ascertain whether they are sufficiently distinct. For example, the “spatial framework” approach (Option 1) may be considered to also represent “stricter policy” in that unlike extant policy RE01, it seeks to prevent wind energy from designated landscapes. Conversely the “stricter policy” approach (Option 2) may also be considered to have elements of a “spatial framework” given that it seeks to prevent wind energy development from certain geographical areas (e.g. AONB).
- 3.24 Also, no reasoning is provided on why the preferred option is taken forward or why the alternative option is rejected. In light of these points, SSE Renewables considers the SA for Policy RE01 fails to provide necessary transparency to inform the decision making process on the selected alternatives and the reasons why the preferred option is taken forward and the alternative option is rejected.
- 3.25 The POP states (p72) furthermore that Options 1 and 2 are both compliant with the SPPS. Given both options seek to prevent inappropriate renewable energy development within sensitive landscapes such as AONBs, however, it can be concluded from OPEN’s review that both directly conflict with the SPPS and related case law which require proposals for renewable energy development to be assessed on a case by case basis.
- 3.26 SSE Renewables notes FODC’s view (POP Appendix 2, p11) that the extant renewable energy policy RE01 is “*generally considered to be working well*” prior to the consideration by the Draft Plan Strategy of incorporating a “spatial framework” or “stricter policy” approach.
- 3.27 SSE Renewables is also supportive of POP para 9.14 which states in relation to the emerging renewable energy policy “*In all areas, including protected landscapes, proposals to extend the life of a project involving wind turbines, such as re-equipping or to replace the original turbines with new ones, will be considered taking into account any technological changes which improve the efficiency and noise reduction of the turbines and other relevant considerations.*”

POP Interim SA Report

- 3.28 The POP Interim SA Report sets out (pages 90-94) the predicted effects of Policy RE01 Options 1 and 2 against the SA objectives. The effects of both options against the SA objectives are concluded to be mostly positive or neutral with the notable exception being SA Objective 17 (land quality and soil resources) where a negative effect is identified for both options.
- 3.29 A key difference between the options is however identified in relation to SA Objective 13 (landscape), where the rejected Option 1 is identified as having a minor adverse landscape impact and the preferred Option 2 is identified as having a neutral landscape impact.
- 3.30 This key difference in performance between the two options (the only SA Objective where different performance is identified) is not explained and it is unclear why the rejected spatial framework approach (Option 1) has greater potential for adverse landscape impact than the preferred “stricter policy” approach (Option 2) given both seek to prevent wind energy development from within sensitive landscapes.
- 3.31 SA / SEA requires an outline of the reasons for selecting the alternatives dealt with to be provided and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information however no such difficulties are identified in relation to Policy RE01 throughout the SA process undertaken to date.
- 3.32 SSE considers this lack of explanation further contributes to a lack of transparency in the SA process and the consideration and sustainability performance of the preferred option and reasonable alternatives.

Draft Plan Strategy SA

- 3.33 The Draft Plan Strategy SA provides further and updated detail on the development of Policy RE01 and explains (p220) “Following the consultation process (for the POP and on-going) **a combination of Option 1 and 2 has been carried forward** in the development of this policy. **In relation to wind energy, this has been informed by the Landscape Wind Energy Capacity Study and so is more akin to Option 1.**”
- 3.34 It is clear from this statement that the preferred option for Policy RE01 represents a hybrid option partway between Option 1 and 2 rather than the discrete preferred option (Option 2) identified at POP stage. No further explanation or justification other than “following consultation” is provided as to why the preferred option for this policy has changed since POP stage.
- 3.35 Furthermore this preferred hybrid option should have been subject to SA as an explicit option to establish how its performance across the SA objectives relative to alternative options, rather than excluded from the SA as an explicit option and simply being alluded to in broad terms such as “more akin to Option 1” and “a combination of Option 1 and 2”.

- 3.36 The Draft Plan Strategy SA goes on to state in relation to Policy RE01 (p220), that “...the strategic decision to progress with a spatial strategy for wind energy development... led to the production of the Landscape Wind Energy Capacity Strategy by external consultants. Given this was **a robust evidence-based approach, informed by expert opinion and based on best-practice it was considered that there was no need (i.e. it would not be reasonable) to consider any alternative ‘locations’ for designations.** As such, the findings of the Landscape Wind Energy Capacity Strategy have been brought forward in this policy and incorporated at Appendix 7.”
- 3.37 Given OPEN’s findings that the Wind Energy Strategy and Landscape Wind Energy Capacity Strategy do not constitute a robust evidence base, the above justification for not considering reasonable alternatives within the SA is not considered to be sound. SSE Renewables therefore again considers the SA work undertaken to date is not sufficiently clear, transparent or robust to inform the development of Draft Policy RE01.
- 3.38 Regarding the consideration of reasonable alternatives at Draft Plan Strategy stage, DPP Note 04 states *“As an appraisal of alternatives should be carried out for the POP, Plan Strategy and Local Policies Plan stage, it may be useful to consider alternatives in terms of a hierarchy to reflect to the level of detail or stage in the local development plan process. For example, the alternatives for the Plan Strategy may focus on strategic policies to deal with needs / objectives for the plan whilst alternatives for the Local Policies Plan may focus more on site specific policies and proposals dealing with the type and location of development.”*
- 3.39 As such it is considered that reasonable alternatives for Draft Plan Strategy Policy RE01 should include an alternative strategic policy approach that does not seek to prevent wind energy development from designated landscapes rather than considering “alternative locations for development” as stated by the Draft Plan Strategy SA.
- 3.40 The Environment Agency’s SEA & Climate Change guidance (2011) states *“climate change is a synergistic impact that can only be dealt with through multiple actions. Principles for identifying appropriate mitigation and adaptation measures include... Keep options open and flexible... and avoid decisions that will make it more difficult to manage climate risks in the future.”*
- 3.41 Such principles would be best supported by adopting policy that, in accordance with national policy and related case law, does not seek to sterilise wind energy development within certain areas or designations but instead considers proposals on a site-specific and case by case basis when assessing the ability of the landscape (and other environmental assets) to accommodate the proposals without unacceptable impacts.
- 3.42 SSE Renewables consider this alternative approach to Policy RE01 represents a reasonable and policy compliant alternative that should be considered by the SA.

4. Infrastructure

Draft Policy RE01 – Renewable and Low Carbon Energy Generation

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 within the SPPS. Furthermore the Council's evidence is flawed in its methodology and does not align with the draft policy.

The Council has failed to consider the operational implications of the proposed policy and how it reads alongside other proposed policies within the dPS.

For these reasons it is considered that Draft Policy RE1 fails soundness tests CE3, CE1, C3, CE4 & CE2

- 4.1 Firstly SSE welcomes the Council's acknowledgement that the wind energy sector is popular within FODC owing to the topography and the wind speeds that can be reached. These are two important locational factors for wind energy development and are crucially important to ensuring that the most appropriate sites are selected for the generation of renewable energy. We also highlight that whilst FODC is the largest generator of wind energy in Northern Ireland, this should not preclude future development of similar proposals. It is important to note that energy targets have been set at a national level for all of Northern Ireland and future policy will continue this approach. As such FODC should recognise that contributing towards the National target will continue.
- 4.2 Draft Policy RE1 of the dPS proposes a criterion based approach to the assessment of proposals for renewable energy development. In addition a range of requirements are proposed for wind energy development. Draft Policy RE1 states:

"in addition to criterion a –I above, all proposals for wind energy development including single turbines and wind farms, extensions and repowering will be required to comply with the guidance set out in the Fermanagh and Omagh Wind Energy Strategy and demonstrate that:

- *They do not result in unacceptable impacts on nearby residential properties and/or any sensitive receptors in terms of noise, visual dominance, shadow flicker, ice throw or reflective light;*
- *The development will not create a significant risk of landslide or bog burst;*
- *The proposed entrance is adequate for both the construction and operation phase of the development along with the local access road network to facilitate construction of the proposal and transportation of large machinery and turbine parts to site;*
- *A separation distance of 10 times rotor diameter to an occupied, temporarily unoccupied or approved dwelling can be achieved. A minimum*

distance not less than 500m will generally apply to wind farms with single turbine proposals assessed on a case by case basis; and

- *The above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. “*

4.3 In response to the requirement for a separation distance of 10 times rotor diameter we recognise that this is the approach put forward within paragraph 6.227 of the SPPS. We would however highlight that there are existing wind energy developments within the FODC area which would not have met this policy requirement, but were considered acceptable.

4.4 The application of this policy requirement for future applications to repower wind farms may have a significant impact on the feasibility of wind farms. This must be recognised by the Council. As we understand it, this policy criterion is intended to protect residential safety and amenity and as such we propose a more flexible approach should be applied. Where it can be demonstrated that the development will not have a significant impact on the residential amenity by virtue of noise, safety, telecommunications etc., then the development should be acceptable. This could be expressed as an alternative to the 10 times rotor diameter criterion. A case by case approach is also endorsed at paragraph 2.228 and 2.229 of the SPPS.

4.5 Given the implications that a 10 times rotor diameter requirement would have on the future operation of existing wind energy development we consider that it would fail against soundness test CE3 and CE4.

4.6 Draft Policy RE1 also sets out that:

“Outside the Sperrin AONB, Special Countryside Areas (SCAs) and Areas of High Scenic Value (AoHSV), we will support proposals for large scale solar farms.”

4.7 This wording suggests a blanket ban on the development of large scale wind energy proposals within the AONB and proposed SCAs. It is our view that this approach conflicts with Draft Policy L01 and L02 as they do not specifically establish such a presumption against wind energy development. Indeed, under draft Policy L01, development which does not adversely affect the character of the AONB will be permitted. Furthermore, under draft Policy L02 proposals of regional significance will be permitted. Given the apparent conflict between Draft Policy RE1 and Draft Policies L01 and L02 is considered that the policies would fail soundness test CE1.

4.8 Furthermore, the approach proposed by the Council conflicts with the provisions of the SPPS which does not endorse a blanket approach to preclude wind energy development within AONBs. What the SPPS does state at paragraph 6.223 is:

“A cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty...In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region’s cultural and natural heritage assets.”

- 4.9 This does not preclude such development within an AONB and where it can be demonstrated that development can be accommodated without detriment to the assets of the designation, development would be permitted. Furthermore the Department publication, Wind Energy Development in Northern Ireland's Landscapes; Supplementary Planning Guidance (2010), states that (at Section 1.1):

"It is important to note the purpose and scope of guidance...It is intended to provide broad, strategic guidance in relation to the landscape and visual impacts of wind energy development. Every development proposals is unique and there remains a need for detailed consideration of the landscape and visual impacts of individual applications on a case by case basis, as well as for consideration of other issued referred to in PPS18 and other regional policy."

- 4.10 It is considered that the Council's draft policy fails to meet soundness test C3 as it is in conflict with other policies and guidance published by the Department. It is also worth noting that the approach proposed by the Council conflicts with the approach endorsed by the Planning Appeals Commission in considering the appeal for Mullaghturk Wind Farm (decision date: October 2016). In considering the proposal the commissioner stated that:

"it is important to recognise that there is no embargo on wind energy development within AONBs."

- 4.11 It is clear from the supporting policies clarification text that Draft Policy RE1 is based on the Council's Wind Energy Strategy and supporting documentation. This includes the Landscape Wind Energy Capacity Study (LWECS). We note that the Wind Energy Strategy concludes that nationally designated Sperrin AONB has no capacity for wind energy development. As part of the work undertaken by SSE in preparation for the representation on dPS they appointed OPEN to undertake a review of the LWECS. OPEN found significant flaws with the approach by Ironside Farrer in preparing the assessment. OPEN's full review of the supporting papers is provided at Appendix 1 of this representation and is summarised below:

- The LWECS concludes that there is no capacity for wind energy development within the AONB however this is not supported by the Wind Energy Strategy Map or Figures A and 6.4 of the LWECS, which show 'areas of limited underlying capacity. The conclusion of the Wind Energy Strategy is therefore unsupported by the evidence.
- The Council's assessment of the LCAs within the AONB in the District concludes that there is underlying capacity within the landscape character for development. It appears that the AONB designation outweighs this capacity. It is clear that it is the theoretical high value of the AONB that restricts the capacity for development.
- The LWECS fails to assess the value of the AONB landscape, but assumes a 'high' value of landscape across the AONB. This is not consistent with best practice but also conflicts with the Council's own view that areas of the AONB deserve a further designation as an SCA.

- The identification of the South Sperrin LCA as having no capacity for development is based solely on the high value attributed to the AONB landscape, however no detailed assessment of landscape quality across the AONB has been provided.

4.12 Based on the flaws within the Council's evidence base and its inconsistency with national policy generally, we consider that Draft Policy RE1 also fails to meet soundness tests CE2 and C3.

Recommendation

4.13 It is considered that the approach proposed by the Council which, in effect implements a blanket ban on wind energy development within the AONB should be withdrawn. This approach is fundamentally in conflict with the SPPS and furthermore the Council's conclusion that there is no capacity for development within the AONB is unsound as the evidence is flawed for the following reasons:

- According to best practice guidance, the LCAs that lie within the AONB should not automatically be accorded a high value based purely on the AONB designation as this is considered to be an oversimplification of complex issues. If a high value is to be accorded, this should be based on clear and transparent arguments and well-constructed professional judgements that describe the reasons why value is attached to the landscape; and
- The value of the LCA, as attributed in LWECs has been weighted so as to override landscape sensitivity, and it appears that landscape sensitivity has not been given any weight in the final capacity rating. This is of particular relevance in LCA 24 (South Sperrin) where LWECs and the Wind Energy Strategy acknowledge that the landscape is inherently suitable for large-scale wind energy development but precluded development of turbines over 80m high in this LCA on the basis of the theoretical value of the landscape due to its AONB designation.

4.14 We propose that the Council reconsiders the intent of Policy RE1 and removes the reference to a blanket presumption against wind energy development within the AONB. If it is necessary to emphasise the protection of AONB's then it could introduce a policy which is consistent with the SPPS.

4.15 Furthermore, design criteria relating to the siting and location of turbines should be reconsidered to take account of existing and operating wind energy developments so as to avoid unduly restricting existing operations.

Draft Policy PU02 – Overhead Electricity Lines

SSE consider that the proposed policy does not provide sufficient flexibility to assess proposals for overhead powerlines associated within energy developments which are often time limited and subject to restoration requirements.

It is considered that the policy fails soundness test CE3 and CE4.

- 4.16 The Council is proposing a policy relating to development proposals for overhead electricity cables. It is proposing that powerlines will only be permitted where:
- *“They avoid Sensitive Locations and Features;*
 - *They have no unacceptable impacts on residential amenity or other sensitive receptors;*
 - *Within urban areas, they cannot be provided underground or along external surfaces of buildings; and*
 - *They comply with the with the 1991 International Commission on Non-ionising Radiation Protection (ICNIRP) guidelines.”*
- 4.17 The policy clarification indicates that Council view is that powerlines can be obtrusive within the landscape. There is no evidence provided to support this statement. We do however welcome the following statement within paragraph 6.58 of Part 2 of the dPS:
- “Every effort should be made to reduce their impact and where sensitive locations and landscapes cannot be avoided visual impact could be alleviated through the use of natural features such as existing vegetation and tree cover.”*
- 4.18 It is unclear from the policy and justification text whether proposals in sensitive locations will be permitted as the policy is inconsistent with the justification. Therefore it is difficult to understand how the policy would be implemented and as such the policy would fail against soundness test CE3.
- 4.19 The wording of this policy does not consider proposals where the provision of overhead powerlines may be time limited. As currently drafted the same policy consideration would apply to a permanent development and a temporary installation. It is our view that this would be unduly onerous on a temporary installation where restoration of the landscape would be conditioned upon removal and the timeframe for the development would be limited. In its current form the policy fails against soundness test CE4.

Recommendation

- 4.20 It is recommended that the wording of criterion one and two is revised to say:
- *Where possible, they avoid Sensitive Locations and Features.*
 - *They have no significant adverse impacts on residential amenity or other sensitive receptors.*

4.21 We would also recommend that the policy is revised to take account of temporary or time restricted development proposals.

5. Environment

Draft Policy L01 – Development within the Sperrin Area of Outstanding Natural Beauty (AONB)

SSE considers that the wording of Draft Policy L01 is unsound as it is based on flawed evidence and is contrary to the provisions of the SPPS.

SSE considers that the proposed policy fails soundness test CE2 & CE3

5.1 The first sentence of the proposed policy sets out that:

“development proposals that would impact negatively or work to erode the distinctiveness of the Sperrin AONB or its setting, when considered individually or cumulatively alongside existing or approved development, will not be permitted.”

5.2 The use of the term ‘impact negatively’ is inconsistent with the policy clarification text provided as para 5.5 of Part 2 of the dPS. Here the term used is ‘adversely affect’. It is our view that the terminology set out in the supporting text would be more appropriate and consistent.

5.3 Development in such locations is required to have regard to the distinctive character of the area, including the quality of the landscape. This would suggest that a detailed and up to date assessment of the existing landscape quality should be available. As part of the evidence provided by the Council in support of the dPS, the following papers considering landscape quality were published:

- Landscape Wind Energy Capacity Study for Fermanagh and Omagh (Ironsides Farrar, January 2018) (LWECS);
- Landscape Character Review for Fermanagh and Omagh (Ironsides Farrar, September 2018) (LCR); and
- Landscape Designation Review for Fermanagh and Omagh (Ironsides Farrar, September 2018) (LDR).

5.4 SSE has appointed Optimised Environments Limited (OPEN) to undertake a review of the above documents. The detailed review can be found in Appendix 1 to this representation. This review has identified a number of flaws within the methodology applied by Ironsides Farrar and the findings of the assessments. These key flaws are summarised as follows:

- There are disparities between the baseline data used. The LWECS, and the Wind Strategy are based on the Northern Ireland Landscape Character Assessment 2000 (NICLA) and not the LCR prepared by Ironsides Farrar. It is our view that the strategy for wind development within the district should be based upon the most up to date assessment of landscape character in order to ensure that changes in the character of the AONB resulting from previous development have been considered.

- At present the LCR fails to consider the impact of historic development on the character of the AONB. It fails to account for the growth in the number of dwellings in the countryside and other forms of development which have occurred since the designation of the AONB.
- The Wind Energy Strategy and the LWECs acknowledge the suitability of the landscape character of extensive parts of the AONB for large scale wind energy development, however this is restricted in the dPS because of the AONB designation. This approach does not reflect the varying characters and sensitivities across the AONB and is contrary to the approach endorsed in the SPPS which does not support a blanket ban of wind energy development within the AONB.

5.5 We would also point out that no citation setting out the special features and characteristics of the AONB has been available to inform a baseline assessment, nor is there a management plan for the area to advise on how these features will be protected. Given the flaws that have been identified in the Council's landscape papers, it is considered that Draft Policy LO1 fails to meet soundness test CE2. Without a suitably robust baseline statement and evidence base against which to assess development proposals it is also considered that the policy fails to meet soundness test CE3. At the very least, if the Council is to proceed with the implementation of this policy it should commission new and appropriate baseline assessments.

5.6 The approach proposed by the Council does not take account of any social or economic benefits that may arise from the proposed development. It prioritises environmental protection over social and economic benefit. This is contrary to the SPPS which identifies at paragraph 2.3 that:

“A key dimension of sustainable development for Northern Ireland is economic growth.

5.7 The SPPS goes on to state that:

“Planning Authorities should deliver on all three pillars of sustainable development in formulating policies and plans...”

“The SPPS does not seek to propose any one of the three pillars of sustainable development over the other. In practice, the relevance of, and weight to be given to social, economic and environmental considerations is a matter of planning judgement in any given case. Therefore, in summary furthering sustainable development means balancing social, economic and environmental objectives, all of which are considerations in the planning for and management of development. “

5.8 The proposed policy conflicts within the SPPS approach and therefore fails against soundness test C3.

Recommendation

5.9 It is recommended that the wording of Draft Policy LO1 is updated to state:

*“Development proposals that would have a **significant adverse impact** on the distinctiveness of the Sperrins AONB or its setting, when considered individually or*

*cumulatively alongside existing or approved development, will not be permitted, **having regard to economic, social and other considerations.***”

- 5.10 Furthermore the policy clarification text should refer to the need to protect the landscape character of the area, as provided for in an up to date assessment.
- 5.11 Given the flaws that have been identified by OPEN in their assessment of the Council’s evidence base it is recommended that further robust analysis of the landscape character of the AONB is undertaken. This will provide an appropriate baseline against which development proposals can be assessed and will enable the Council to monitor the impact of future development on the character of the AONB.

Draft Policy LO2 – Special Countryside Areas

SSE consider that the extent of the SCAs proposed under Draft Policy LO2 are founded on flawed evidence. For this reason SSE consider that the policy fails to meet soundness test CE2.

SSE recommends that further work is undertaken by the Council to review their evidence base and revise the SCA proposals accordingly.

Full Response

- 5.12 The Council is proposing to introduce a ‘Special Countryside Area’ (SCA) across part of the AONB. According to Draft Policy LO2, permission to develop in these designated locations will only be granted where they are:
- *“Of such national or regional importance, as to outweigh any potential detrimental impact on the unique qualities of the upland, outstanding vistas, or island environment;*
 - *For the consolidation of existing development, providing it is in character and scale, does not threaten the visual amenity, nature conservation interest or Historic Environment interests and can be appropriately integrated with the landscape character; or*
 - *Minor works or improvements to infrastructure such as walking and cycleways, fishing and canoe stands;*
 - *Providing tourism accommodation or facilities through the re-use of existing vernacular buildings whilst being sympathetic to the landscape and nature conservation interests.”*
- 5.13 The supporting text provided at paragraph 5.54 of Part 2 of the dPS states that the proposed SCA relates to the ‘exceptional’ landscapes within the Council. The Council considers that the upper summits of the Sperrin fall in to the ‘exceptional’ character areas. No definition of the exceptional character of the proposed SCA is provided within the dPS, however some details are provided at Appendix 6 of the Countryside Assessment (dated October 2018). It is also unclear what the justification is for introducing such a new designation where there is also an AONB designation, which already afford the areas high levels of protection (see SPPS paragraphs 6.186-6.188).
- 5.14 The SPPS sets out that some areas of the countryside exhibit exceptional landscape wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Where appropriate these areas should be designated as SCAs in LDPs. According to the SPPS such areas should be protected from unnecessary and inappropriate development. SPPS also sets out that the evidence base for proposing countryside policies should include an assessment of environmental impacts and the landscape character.
- 5.15 It is unclear from Appendix 6 of the Countryside Assessment how the Council’s LCR has informed the proposed SCA. Interestingly the methodology for the selection of the proposed SCAs sets out that the broad location has been derived from a desktop

assessment, which included a review of the NILCA 2000. No reference is made to the LCR prepared by Ironside Farrar. Reliance upon out of date character assessment is flawed as no account will have been taken of how the character of the area has evolved since 1999 when the NICLA assessments were undertaken. It is therefore considered that the draft policies fails soundness test CE2.

5.16 In any event OPEN has considered that the Council's evidence papers, including the LCR and has identified a number of flaws. The full review can be found at Appendix 1, and the key issues are summarised below:

- The LCR introduced new character areas which are inconsistent with the areas assessed within NICLA 2000 and conflict with the character areas assessed within the LWECs;
- In preparing the LCR the council has acknowledged that an update of the landscape character assessment of the Council is required, however the extent of the SCA appears to have been informed by the NICLA 2000. The use of out of date information to inform a proposed policy is not appropriate.

5.17 It is considered that evidence used to inform the proposed SCA is not robust and therefore the policy fails soundness test CE2. Furthermore OPEN's review of the supporting evidence would indicate that the policy does not reflect the council's evidence base in that:

- The LWECs indicates that there is underlying capacity for development of wind energy proposals within part of the area proposed to be included within the SCA (LCA24 South Sperrin); and
- The LWECs sets out that not all of the South Sperrin LCA is of the highest scenic value.

5.18 The Council's assessment of the proposed SCA sets out in Appendix 6 of the Countryside Assessment suggests that Northern Ireland Environment Agency (NIEA) indicated that the use of SCAs to protect sensitive landscapes would be favoured, however we note that no consultation was undertaken with NIEA in relation to the location and extent of the proposed designations. It also appears from the same paper that the location and extent of SCAs has been supported largely by desktop work, with field work having only taken place from Summer 2018 to determine the exact boundaries of the proposed SCAs. According to the Council's paper the fieldwork comprised a 'visual inspection' of the proposed SCAs using various viewpoints. No detail is provided on the methodology employed to determine the viewpoints or inform the visual inspection and therefore we are unsure about the robustness of the assessment.

5.19 The same report suggests that the boundary for the Sperrins and Mullaghcarn proposed SCA, within which SSE has land interests, was derived largely using the 200m contour line. In this case, land above 200m was proposed within the designation. There is no justification provided for within the Council's evidence for such a threshold approach. It has been assumed that all land above 200m is of exceptional value. Again, the lack of information and weakness in the assessment demonstrates that the

evidence used to inform draft policy L02 not robust. As such the policy fails to meet soundness test CE2.

Recommendation

- 5.20 It is recommended that the proposal for the introduction of an SCA at the Sperrins is reconsidered by the Council. The evidence provided in support of the Council's draft policy and the extension of the proposed designation has been found to be flawed.

- 5.21 A full and detailed review of the methodology for designating SCAs should be undertaken by the Council. In addition a robust assessment of landscape character should be carried out to inform the baseline for any such designations. In considering the character of the area, the Council should make public all information available to it, including detailed Landscape and Visual Impact Assessments (LVIAs) which have been provided in support of planning applications.

6. Economy

Draft Policy TOU01 – Protection of Tourism Assets and Tourism Development

The Council is seeking to introduce a policy to protect tourism assets within the district however the tourism assets to which this policy will relate have not been identified. Furthermore, the proposed wording does not align with existing regional policy within the SPPS.

As such SSE consider that the draft policy fails to meet soundness tests C3, CE2 and CE3.

- 6.1 This draft policy is seeking to prohibit development which would have an adverse impact on the character of quality of a tourism asset or diminish its tourism value. The Council in the policy justification and amplification text states that:
- “the Council considers a tourism asset to be any feature associated with the built or natural environment which is of intrinsic interest to tourists. Tourism assets within the Council area are of prime importance to the tourism industry and the safeguarding of these assets from inappropriate development is vital in securing a viable and sustainable tourism industry. “*
- 6.2 The policy fails to identify those tourism assets to which the policy would be applied. In its current form the policy could apply to any location within the district. The proposed application of this policy is, therefore, unclear.
- 6.3 Paragraph 4.49 of Part 2 of the dPS states that:
- “To establish the Council area as a ‘Must Visit’ destination, the Council aims to sustain and increase the number of visitors to the area, and to capitalise upon and further develop the areas’ tourism assets, facilities and infrastructure in a sustainable manner without adversely impacting upon the landscape, historic environment and built environment. For example, appropriate protection will be afforded to Cuilcagh Mountain and the unspoilt upland areas of the Sperrin AONB.”*
- 6.4 Within the Council’s Consideration of Representations Received to the Preferred Options Paper report, dated October 2018 the following issue has been considered:
- “Need sustainable rural tourism strategies as opposed to harmful industrialisation. The Sperrins AONB must be better utilised in terms of tourism. Access to several archaeological sites in the Sperrins AONB needs to be improved and these sites developed for tourism and educational purposes. There are many other walking/cycling routes which could be developed in the area.”*
- 6.5 The Council’s response this issue, which is identified within the same report, states:
- “Fermanagh and Omagh District Council are currently collaborating with Causeway, Coast & Glens, Derry City & Strabane and Mid Ulster Council’s to address a range of themes across the Sperrin AONB.”*

6.6 This statement indicates that further work is being undertaken in relation to tourism in the Sperrins. Without this evidence the draft policy is unsound and fails test CE2.

6.7 The policy also seeks to impose a more restrictive approach than proposed within the SPPS. Draft Policy TOU01 states:

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

6.8 This is in conflict with paragraph 6.262 of the SPPS, where it states:

“Planning permission should not be granted for development that would, in itself or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset, such to significantly compromise its tourism value.”

6.9 The draft policy fails to meet soundness test C3. The dPS also fails to identify how impact on tourism assets will be assessed and therefore no consideration has been given to the implementation of the draft policy. As such it fails against soundness test CE3.

Recommendation

6.10 The Council should review the evidence base on tourism and its contribution to the local economy and all information relating to tourism assets should be made publically available.

6.11 The draft wording should be revised to reflect the provisions of the SPPS.

7. People and Place

Draft Policy HOU9 – Rural Replacement Dwellings

The Council asserts that the development of replacement dwellings is an opportunity to upgrade housing stock whilst minimising landscape and visual impact, however no evidence or assessment has been provided to support this statement. Furthermore applicants will not be required to submit a visual assessment of their development so it is difficult to understand how this policy will be monitored.

As such the policy fails to against soundness test P3, CE2 and CE3.

- 7.1 The Council is proposing that the reuse of existing rural housing is an opportunity to upgrade the rural housing stock, whilst safeguarding the landscape against visual impact. There is no evidence to support this view within the dPS or supporting documentation, including the Landscape Character Assessment. Furthermore the Council has failed to consider how a policy for the reuse of existing dwellings aligns with wider sustainability objectives focused on locating residential development within sustainable locations. We note from the supporting SA, that no reasonable alternatives have been considered by the Council.
- 7.2 It is also acknowledged that there is an existing high level of planning permissions for development within the countryside and again no consideration has been given in the supporting evidence to the landscape and visual impact of these permissions.
- 7.3 It is considered that with a lack of evidence provided, this policy could fail against soundness test CE2 and P3.
- 7.4 The Council goes on to state that the replacement of an existing dwelling will be supported where the dwelling to be replaced exhibits the essential characteristic of a dwelling, is located within the existing curtilage, and the replacement dwelling does not have a greater visual impact than the original dwelling. For the purpose of ensuring alignment with the SPPS and PPS21, it should be clear within the policy that this opportunity to replace relates solely to residential properties where it can be demonstrated that the use has not been abandoned.
- 7.5 It is well known that most planning applications for wind energy development will be required to provide a landscape and visual appraisal which will demonstrate that the development will not adversely impact on landscape character. This assessment will also consider other live proposals to ensure that the cumulative impact is minimised. The same obligation is not required of household applications and as such it is difficult to understand how the council will ascertain if a replacement dwelling will safeguard the visual character of an area.
- 7.6 Finally this policy does not apply a restriction in sensitive location like that proposed for other forms of development within the dPS. There has been no consideration given to the cumulative impact of single dwellings within sensitive locations.

Recommendation

- 7.7 We propose that the policy is clarified to include reference to the last use of the building so that abandoned residential use cannot be relied upon. This approach will align with regional policy. The policy should also require visual appraisals to demonstrate the visual impact of proposals.

Draft Policy HOU11 – Redevelopment of a former site for dwelling

It is considered that there is insufficient evidence to support this draft policy which is a departure from current policy. This relaxation of policy would impact on the development within the countryside and there has been no assessment of the capacity for such development within the landscape.

It is considered that the policy fails against soundness test C3 and CE2.

- 7.8 FODC are proposing that redevelopment of a former site for a dwelling will be supported where evidence is submitted to demonstrate the previous residential use of the site, where the site has long established boundaries defining an existing curtilage, a minimum of three external walls which are substantially intact or where there are two which are visible from critical views and where there are existing services on site.
- 7.9 The evidence required in support of an application under this draft policy includes historical mapping and photographs.
- 7.10 It is our view that this policy is a relaxation of current regional policy provisions which could result in an increase in development in the countryside, which would be contrary to the principles of sustainable development. On face value this policy provides that abandoned properties could be reused throughout the Council area. This approach conflicts with the SPPS and its interpretation.
- 7.11 Furthermore, the Council has failed to consider the capacity within the landscape for such development, particularly in sensitive locations.
- 7.12 It is our view that this approach conflicts with soundness test C3.
- Recommendation**
- 7.13 Further justification for the relaxation of current policy is required from the Council to demonstrate that the departure is justified under soundness test C3.

Draft Policy HOU13 – Dwelling in association with the keeping and breeding of horses for commercial purposes

This policy does not align with the policy provisions of the SPPS, which does not include such a policy requirement, nor does the SPPS identify that the LDP should include policies for such purposes.

It is considered that this policy fails against soundness test C3.

- 7.14 The policy proposes that development would be supported where it can be demonstrated that the development is essential and could not be located within a settlement, that the applicant has been keeping and breeding horses for a minimum of 6 years, and where this constitutes as a commercial enterprise.
- 7.15 It is unclear why the Council are seeking to introduce a policy within the dPS which is not required by the SPPS or set out within the SPPS. The introduction of such a policy in our view fails soundness test C3.

Recommendation

- 7.16 This policy should be removed.

Draft Policy HOU15 – Dwelling to serve an existing non-agricultural business

This policy does not align with the policy provisions of the SPPS, which does not include such a policy requirement, nor does the SPPS identify that the LDP should include policies for such purposes.

It is considered that this policy fails against soundness test C3.

- 7.17 The Council is proposing that a development proposal for a new dwelling in connection with an established non-agricultural business will be supported where a site specific need is demonstrated, where there are no alternative development opportunities, and there are no reasonable alternatives.
- 7.18 It is unclear why the Council are seeking to introduce a policy within the dPS which is not required by the SPPS or set out within the SPPS and without an evidence base to justify it. The introduction of such a policy in our view fails soundness tests C3 and CE2.

Recommendation

- 7.19 This policy should be removed.

Appendix 1: OPEN Review of Landscape and Visual Implications

21 December 2018

Fermanagh and Omagh District Council Local Development Plan Draft Plan Strategy 2030

Review of Landscape and Visual Implications

1. Introduction

Optimised Environments Limited (OPEN) was been commissioned by SSE Renewables (SSE) to carry out a review of the landscape and visual implications of the Fermanagh and Omagh District Council Local Development Plan Draft Plan Strategy 2030 (the 'Draft Plan Strategy') published in October 2018, and the background papers that have informed it, particularly in relation to wind energy development.

This Report discusses OPEN's observations and findings in relation to the Draft Plan Strategy and background papers, including the following:

- Local Development Plan 2030 Draft Plan Strategy October 2018
- Draft Plan Strategy October 2018 Appendix 7 Wind Energy Strategy for Fermanagh and Omagh District Council
- Spatial Strategy Map
- Landscape Wind Energy Capacity Study for Fermanagh and Omagh (Ironsides Farrar, January 2018)
- Landscape Character Review for Fermanagh and Omagh (Ironsides Farrar, September 2018)
- Landscape Designation Review for Fermanagh and Omagh (Ironsides Farrar, September 2018)

In OPEN's opinion, the methodology, key findings and recommendations of various parts of these documents are flawed, and the conclusions that are reached on the capacity of the landscape to absorb wind energy development appear to be unsupported by transparent analysis or assessment. As a result, it is considered that in some cases the strategy and policies contained within the Draft Plan Strategy are inappropriate and are not founded on a robust evidence base.

This report is set out in the following sections, which correspond to the key issues that OPEN believes to arise from the Draft Plan Strategy and associated documents:

2. Wind Energy Development within the Sperrin Area of Outstanding Natural Beauty (AONB)
3. Consistency in Landscape Character Classification
4. 'The Wind Energy Strategy' and 'Fermanagh and Omagh District Council Landscape Character Assessment Review'
5. LCA 24 South Sperrin
6. The Wind Energy Strategy Section 4.3 'Assessment of Landscape and Visual Impacts'

2. Wind Energy Development within the Sperrin Area of Outstanding Natural Beauty

a. National Planning Policy

The Sperrin Area of Outstanding Natural Beauty (AONB) lies at the north-eastern corner of the Fermanagh and Omagh District Council Area, as shown on the Spatial Strategy Map. The AONB designation is made at a national level, described as follows in SPPS 2015 (para 6.186):

“Areas of Outstanding Natural Beauty (AONBs) are designated by the Department primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage under the Nature Conservation and Amenity Lands (NI) Order 1985 (NCALO).”

National Policy regarding AONBs, and development within them, is described in SPPS 2015 and ‘Wind Energy Development in Northern Ireland’s Landscapes; Supplementary Planning Guidance (2010)’, which is a ‘key document’ to SPPS 2015. Neither of these documents advocates an outright ban on wind energy development in AONBs, or other landscapes that are described as ‘sensitive’. Conversely, both of these documents clearly state the need for and importance of site specific, case by case judgement when assessing the ability of any landscape to accommodate wind energy development.

SPPS 2015 notes that (para 6.229) *“the factors to be considered on a case by case basis will depend on the scale of the development and its local context. interference; and, the inter-relationship between these considerations”*.

SPPS 2015 also makes it clear that that the outright preclusion of development within the AONB is not considered necessary or desirable, stating (para 6.223) that *“a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty...and their wider settings”*.

Para 6.230 of SPPS 2015 goes on to state that *“it will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.”*

This is expanded upon in ‘Wind Energy Development in Northern Ireland’s Landscapes; Supplementary Planning Guidance (2010)’, which states that (Section 1.1):

“It is important to note the purpose and scope of the guidance...It is intended to provide broad, strategic guidance in relation to the landscape and visual impacts of wind energy development. Every development proposal is unique, and there remains a need for detailed consideration of the landscape and visual impacts of individual applications on a case by case basis, as well as for consideration of other issues referred to in PPS18 and other regional policy.”

These statements make it clear that while a cautious approach may be required, SPPS 2015 and ‘Wind Energy Development in Northern Ireland’s Landscapes; Supplementary Planning Guidance (2010)’ both consider that with judicious design and site selection, wind energy development can be accommodated within sensitive landscapes such as AONBs.

This view is corroborated in the Appeal Decision Notice for Mullaghturk Wind Farm (dated 3rd October 2016), where the Commissioner states (para 25) that *“it is important to recognise that there is no embargo on wind energy development within AONBs”*.

b. Draft Plan Strategy October 2018

Despite the support that SPPS 2015 gives to wind energy development in the Sperrin AONB, the Draft Plan Strategy effectively suspends wind energy development in the AONB. There are two key policies in this respect:

- Draft policy L01 (*development within the Sperrin Area of Outstanding Natural Beauty*)
- Draft Policy RE01 (*Renewable and Low Carbon Energy Generation*)

Draft policy L01 states the following:

“Development proposals that would impact negatively or work to erode the distinctiveness of the Sperrin AONB or its setting, when considered individually or cumulatively alongside existing or approved development, will not be permitted.”

It is almost inevitable that wind energy development will have significant effects on the landscape and visual resource within which it is located, and these effects will generally be interpreted as being negative. Given this, it may be concluded that wind energy development *“will not be permitted”* in the AONB. At the very least, OPEN would expect the word ‘negatively’ to be replaced with ‘unacceptably’ which allows room for judgement to be applied.

Draft Policy RE01 states that:

*“The Council will permit proposals for the generation of energy from renewable or low carbon sources and any associated buildings and infrastructure, **where it can be demonstrated that there will be no unacceptable adverse impact upon...***

b) visual amenity and landscape character...

j) they do not create unacceptable cumulative impacts when viewed in conjunction with other operational and approved renewable and low carbon energy generation developments.”

This wording, incorporating the word ‘unacceptable’, is not unusual for LDP policies and indeed it is often the case that the final decision on a wind farm application will depend on how its acceptability or unacceptability can be proven. However, Draft Policy RE01 goes on to state that *“In addition to criteria (a) - (j) above, all proposals for wind energy development including single turbines and wind farms, extensions and repowering **will be required to comply with the guidance set out in the Fermanagh and Omagh Wind Energy Strategy (Appendix 7)...**”*

The Policy Clarification for Draft Policy RE01 goes on to note that (para 6.28):

“The Council’s Wind Energy Strategy is the principal material consideration for all wind energy proposals...”

Paragraph 2.10 of the Wind Energy Strategy concludes that:

*“Within many of the remaining LCAs of Fermanagh and Omagh there is very limited remaining capacity for small scale wind energy development below 80m. **Some parts of these areas have effectively no capacity**, for reasons including landscape character, visual sensitivity and/or landscape value. **These areas include:***

1. ***The nationally designated Sperrin AONB...”***

The Wind Energy Capacity Study therefore concludes that there is *no* capacity for any wind energy development within the AONB and, as a result, Draft Policy RE01 also precludes any wind

energy development within the AONB. As described above, this is in direct contravention of SPPS 2015, which notes that “*a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty...and their wider settings*”.

OPEN has reviewed the Council’s Wind Energy Strategy (Appendix 7 of the Draft Plan Strategy) and the ‘Landscape Wind Energy Capacity Study for Fermanagh and Omagh (Ironsides Farrar, January 2018)’ (LWECS), which is the study that has informed the Wind Energy Strategy. This review has indicated that the methodology, findings and recommendations of the Wind Energy Strategy and LWECS are, in places, flawed. As a result, these documents do not provide a robust evidence base for the formulation of Draft Plan Strategy Policies L01 and RE01 and this, in turn, has led to a direct conflict of the Draft Strategy Plan with national policy contained within SPPS 2015.

The key question arising from the Draft Policies described above is *why and how has it been concluded that the AONB has no capacity for wind energy development, and is this the correct conclusion to draw?*

OPEN’s review has indicated a number of responses to this question, covering various aspects of the Wind Energy Strategy and its background study, LWECS. These are described below.

c. Wind Energy Strategy Mapping

The conclusion that there is no capacity for wind energy development in the AONB is drawn in para 2.10 of the Wind Energy Strategy, as quoted above. However, this conclusion is not supported by the Wind Energy Strategy map or by Figure A and Figure 6.4, both of which are contained within LWECS. These maps all show “*areas of limited underlying capacity*” within the AONB, including the southern part of LCA 24 (south Sperrin), the eastern extremity of LCA 26 (Bessy Bell and Gortin), the majority of LCA 25 (Beaghmore moors and marsh) that lies within the District Council area, the part of LCA 43 (Carrickmore Hills) that lies within the District Council area, and very small parts of LCA 22 (Omagh farmland) and LCA 23 (Camowen Valley) that lie within the AONB. While the figures indicate that parts of LCA 25, 26 and 43 are “*areas where cumulative impact limits development*”, the majority of these “*areas of limited underlying capacity*” that lie within the AONB are not affected by any such restriction.

The conclusion of the Wind Energy Strategy that there is “*effectively no capacity*” for development within the Sperrin AONB is therefore unsubstantiated by the Strategy mapping, which indicates a number of “*areas of limited underlying capacity*” within the AONB, including parts of LCA 24 (south Sperrin), LCA 26 (Bessy Bell and Gortin), LCA 25 (Beaghmore moors and marsh) and very small parts of LCA 22 (Omagh farmland) and LCA 43 (Carrickmore Hills). There is therefore no evidence base for the conclusion of the Wind Energy Strategy in respect of wind energy development in the AONB.

d. Wind Energy Strategy/LWECS Assessment of Capacity within the AONB in Relation to SPPS 2015

Within the District Council area, the AONB covers four Landscape Character Areas (LCAs): LCA 22 (Omagh farmland); LCA 23 (Camowen valley); LCA 24 (south Sperrin); LCA 25 (Beaghmore moors and marsh); LCA 26 (Bessy Bell and Gortin); LCA 43 (Carrickmore Hills).

The parts of LCA 22 and LCA 23 that are covered by the AONB are extremely small, and these LCAs are therefore not considered in this discussion. The part of LCA 43 that lies within the

District Council and is within the AONB is also small in relation to the full extent of the LCA, and this LCA is thus also discounted. This discussion therefore focusses on the three principal LCAs - 24, 25 and 26 - that make up the AONB within the District Council Area.

The Landscape Character Area Summary Tables that are presented in Annex 2 to Appendix 7 of the Wind Energy Strategy, as well as in LWECS, indicate that all three of these LCAs are assessed to have no capacity for turbines over 80m high, and low capacity for turbines up to 80m high. The AONB is therefore assessed to have no capacity to accommodate turbines over 80m high, and low capacity to accommodate turbines under 80m high.

It is notable that in the assessment of all three of these LCAs, the underlying landscape character is considered to have capacity to accommodate wind energy development, but the presence of the AONB is cited as the reason for the very limited capacity of the landscape to accommodate wind energy development.

For example, para 2.5.20 of the Wind Energy Strategy describes the 'Underlying Landscape Capacity' of LCA 24 (south Sperrin) and 25 (Bessy Bell and Gortin) as follows:

*“While **characteristics of this landscape suggest suitability for a large-scale windfarm development** the high value of the landscape resulting from the AONB designation renders this landscape highly sensitive to this scale of development.”*

This is further expanded upon in LWECS, which notes (section 6.3.7) that:

*“While considering landscape character alone, **the more upland parts of LCA 24 South Sperrin might be suited to sizable wind farm development**. However, the AONB designation indicates a nationally valued landscape, and it is unlikely that this level of landscape change could be accepted in the AONB.”*

Page 59 of LWECS notes that:

*“Much of the landscape [in LCAs 24 and 26] has a sense of remoteness and wildness of character, **however the relatively large scale simple landforms with coniferous plantations are not of the highest scenic value**, with the more dramatic landscapes north of the Glenelly Valley in Derry and Strabane...”*

The summary of landscape capacity for LCAs 24 and 26 (LWECS page 62) goes on to note that:

*“While **this landscape is large scale and in places of a relatively simple landform which could accommodate wind energy development**, the AONB designation recognises the wider Sperrins range as one of the most scenic of Northern Ireland’s landscapes, and the landscape is also an important recreational resource. **While the quality of the landscape varies, and not all is highly scenic**, this does not necessarily provide a justification for large scale wind energy development, as such a development may risk compromising the integrity of the AONB as a whole.”*

This text makes it abundantly clear that the underlying landscape character of the part of the AONB that is covered by LCAs 24 and 26 is considered in LWECS and the Wind Energy Strategy to be well-suited to large-scale wind energy development, being of large and simple scale, and lacking high scenic value. It is therefore the theoretical high value of the AONB designation that leads to the ultimate conclusion that there is no capacity for turbines over 80m high and low capacity for turbines under 80m high.

This is in direct contravention of SPPS 2015, which notes (para 6.223) that “*a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty...and their wider settings*” and at para 6.230 that “*...wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.*”

Given that the authors of LWECS and the Wind Energy Strategy have concluded that the landscape of LCAs 24 and 26 is in many respects suitable for wind energy development – in terms of the “*inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation*” - it would be logical to conclude that these LCAs would be suited to wind energy development in terms of the approach taken in SPPS 2015, as quoted above.

LCA 25 (Beaghmore moors and marsh) is of a somewhat smaller-scale character than LCAs 24 and 26, and OPEN concurs with the Wind Energy Strategy (para 2.2.6), which notes that “*its character suits a level of smaller scale wind energy development...*”

However, the Wind Energy Strategy goes on to say, in the same paragraph, that “*the AONB designation results in no capacity for turbines greater than ‘medium’ size (<80m), and then only as scattered single or small turbine groups.*” Once again, this is considered to contravene SPPS 2015, as quoted above, in precluding wind energy development over 80m high from the AONB due entirely to the presence of the designation.

In OPEN’s experience, the correct test as to whether a nationally important designation can accommodate a development hinges on the degree to which the development impacts upon the special qualities of that designation. Where the special qualities are significantly impacted, this can undermine the integrity of the designation and therefore the purpose and objectives of its designation. This can only be established through a detailed LVIA and there should not be a presumption against the principle of it.

In summary, the Wind Energy Strategy and LWECS have acknowledged the suitability of the landscape character of extensive parts of the AONB (including LCAs 24 and 26) for large-scale wind energy development. The subsequent preclusion of turbines over 80m high in these LCAs due solely to the AONB designation does not comply with SPPS 2015, which notes that “*the ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.*”

e. Wind Energy Strategy/LWECS Assessment of Capacity – Methodology

The findings of the Wind Energy Strategy are drawn directly from LWECS, which provides considerably more detail on the methodology, assessment and findings of the capacity for wind energy in the District Council area. This section of this response is written in relation to the methodology and process that is described and assessed in LWECS, as the Wind Energy Strategy does not include full descriptions of the salient points.

The methodology used in LWECS to assess the capacity of the landscape to accommodate wind energy development is summarised in Section 2 of LWECS and described in full in Appendix 1 of LWECS. The LWECS methodology draws extensively on guidance provided in *Landscape Character Assessment Guidance for England and Scotland Topic Paper 6: Techniques and Criteria*

for *Judging Capacity and Sensitivity* (SNH and The Countryside Agency, 2002), which is considered as best-practice guidance on the evaluation capacity and sensitivity.

The key steps to consider in an analysis of the findings of the assessment and the resultant capacity study in relation to the AONB are items 2 and 3 of the methodology summary provided in LWECS Section 2.2:

*“2) Assess landscape sensitivity based on the landscape character areas (LCAs) of Fermanagh and Omagh. This assessment considers **landscape character sensitivity, visual sensitivity and landscape value.***

*3) Assess the **capacity** of the landscape to accommodate wind energy development of different types and scales based on the assessment of **sensitivity** and **value** of the LCA. This is an assessment of the underlying landscape without taking the effects of existing or consented wind turbines into account.”*

The stages required in items 2 and 3 can be summarised as follows:

1. The determination of **landscape character sensitivity** - described in Section 2.8.2 of LWECS Appendix 1 as: *a breakdown of the physical and perceptual characteristics that contribute to landscape character. Each criterion [listed in Table 3, LWECS Appendix 2] is evaluated in terms of high, medium or low for sensitivity to wind energy development. An overall assessment is derived from a composite of all the criteria.”*
2. The determination of **visual sensitivity** - described in Section 2.8.3 of LWECS Appendix 1 as: *“...determined by who is likely to see it, and how visible in general the area is...The three key criteria which determine visual sensitivity are...rated in terms of high, medium or low and a composite rating derived based on professional judgement.”*
3. These two criteria – landscape character sensitivity and visual sensitivity - are then combined to give *“an overall assessment of **landscape sensitivity** for an area. Whilst landscape character is likely to carry more weight in determining sensitivity, no consistent weighting is given to either factor as it is likely that different landscapes will express them to varying extents depending on their unique characteristics. Professional judgement is used in the case of each landscape type”* (Section 2.8.4 of LWECS Appendix 1).
4. **Landscape value** is then assessed - described in Section 2.8.5 of LWECS Appendix 1 as: *“...the value that society and individuals put on a landscape. This can be officially recognised by some form of local or national designation, or simply by its value to a ‘community of interest’...Other characteristics affecting value of a landscape include its historic and cultural associations, particularly if expressed by surviving features and patterns in the landscape. Finally there are more intangible characteristics generally valued by society, such as tranquillity remoteness and wilderness. The key criteria are ...rated in terms of high, medium or low and a composite rating derived based on professional judgement.”*
5. **Landscape sensitivity** (i.e. a combination of landscape character sensitivity and visual sensitivity) and **landscape value** are then combined to give the assessment of **capacity**. Section 2.8.6 of LWECS Appendix 1 describes this as follows:

“The final assessment of capacity combines sensitivity and value. The following definitions broadly define the relationship between landscape sensitivity/ value and capacity, as the main thresholds on a continuum between no capacity and high capacity:

- *Low Capacity: A landscape that is both sensitive to wind turbine development and has a high value, and where only a slight level of change can be accommodated without significantly affecting any of the key defining criteria.*
- *Medium Capacity: A landscape that has some sensitivity to wind turbine development and has some aspects of value, and where a moderate level of change can be accommodated which may significantly affect some of the defining criteria*
- *High Capacity: A landscape that has low sensitivity to wind turbine development and has low value, and can accommodate substantial change that significantly affects many of the key defining criteria*

Broadly speaking there is an inverse relationship between capacity and landscape sensitivity and value. Nevertheless, it is not a simple relationship and we have not employed the use of a matrix in this study: a balance of judgement is made in each case as landscape value may be a more important factor than sensitivity in some cases; and vice versa in others.”

The LWECs methodology for establishing landscape capacity, as described above, largely accords with best-practice guidance as described in Topic Paper 6. There are, however, several topics for further discussion which have potentially important implications on the findings of LWECs and, in turn, the Wind Energy Capacity Study. These are described below:

i. The Incorporation of Value in the Assessment of Capacity

As described above, LWECs assesses the ‘value’ of a landscape, based on a value that is *“...officially recognised by some form of local or national designation, or simply by its value to a ‘community of interest’...Other characteristics affecting value of a landscape include its historic and cultural associations, particularly if expressed by surviving features and patterns in the landscape. Finally there are more intangible characteristics generally valued by society, such as tranquillity remoteness and wilderness.”* The resultant value is then combined with landscape sensitivity to arrive at a capacity rating.

There is, however, some debate as to how ‘value’ of the landscape is included as a variable in the assessment of capacity. This is raised in para 3.3 of Topic Paper 6, which notes that:

“The main debate here is about whether aspects of landscape value should or should not be incorporated into considerations of capacity. In general there appears to be some acceptance that it should, although some argue that this is a retrograde step and could lead to an over reliance on existing designations, which is widely recognised as an overly simplistic approach.”

Paras 6.1 and 6.2 discuss this further:

“There are, perhaps inevitably, some reservations amongst practitioners about the incorporation of value in work on landscape sensitivity and capacity because this is seen as the return to the now largely discredited thinking about landscape evaluation. It cannot be denied, however, that

society does value certain landscapes for a variety of different reasons and this has, in some way, to be reflected in decision making about capacity to accept change.

... value may be formally recognised through the application of some form of national landscape designation. Where this is the case the implications of the designation need to be taken into account. This means, in particular, understanding what aspects of the landscape led to its designation and how these might be affected by the proposed change."

The issue is helpfully discussed further in para 6.5 and 6.6, which note that:

"Reaching conclusions about capacity means making a judgement about the amount of change of a particular type that can be accommodated without having unacceptable adverse effects on the character of the landscape, or the way that it is perceived, and without compromising the values attached to it. **This step must clearly recognise that a valued landscape, whether nationally designated or not, does not automatically, and by definition, have high sensitivity.** Similarly and as already argued in Section 3, **landscapes with high sensitivity do not automatically have no, or low capacity to accommodate change**, and landscapes of low sensitivity do not automatically have high capacity to accept change. Capacity is all a question of the interaction between the sensitivity of the landscape, the type and amount of change, and the way that the landscape is valued.

It is entirely possible for a valued landscape to be relatively insensitive to the particular type of development in question because of both the characteristics of the landscape itself and the nature of the development. **It may also be the case that the reasons why value is attached to the landscape are not compromised by the particular form of change.** Such a landscape may therefore have some capacity to accommodate change, especially if the appropriate, and hopefully standard, steps are taken in terms of siting, layout and design of the change or development in question."

Para 6.7 goes on to note that "Clearly at this stage of making judgements about capacity there can be considerable benefit in involving a wide range of stakeholders in the discussions since there is likely to be a strong political dimension to such judgements. **On the other hand clear and transparent arguments are vital if decisions are to be well founded and this is where well-constructed professional judgements about both sensitivity and capacity are extremely important.**

Topic Paper 6 includes a section called 'Continuing debates and questions' (para 8.4). This notes that "there are likely to be continuing debates on several questions. The main ones that require further exploration as experience grows are:

...b) **To what extent should considerations of 'value', as discussed in Section 6 of this paper, be taken into account in landscape capacity studies?** This paper argues that they should be, provided that these considerations are clearly thought through and appropriately incorporated in the judgements that are made. **Simply relying on designations is to be avoided as this is an oversimplification of complex issues** but the issue remains of whether there is agreement about the way that value can be defined. At present it seems that this approach to defining capacity, by combining sensitivity and aspects of value, is reasonably well accepted in Scotland, particularly in recent wind farm capacity studies, but less so in England."

Contrary to guidance in Topic Paper 6, LWECs does not include discussion of why and how the AONB is a landscape of high value, but simply attributes a blanket 'high' value – which, according

to Topic Paper 6, *“is to be avoided as this is an oversimplification of complex issues”* - to the LCAs that lie within the AONB on the basis of the designation alone. For example, Table 6.1(vi). Summary of Landscape Capacity and Cumulative Effects and Guidance for LCA 24, South Sperrin, notes under the heading ‘Landscape Analysis’ that this LCA is:

*“Large scale in upland areas, but more intimate and enclosed in the valleys. Simple upland landform and landcover in the uplands of forestry and moorland. **AONB indicates a high value landscape.**”*

Under the heading ‘Development Capacity’ it is further noted that *“the character of parts of the upland landscape would support larger scale wind energy developments, however **the high landscape value significantly constrains development potential.**”*

This table is reiterated in the Wind Energy Strategy (Appendix 7 of the Draft Plan Strategy).

A little additional information on the AONB is provided elsewhere in the Wind Energy Strategy and LWECS, including para 2.5.20 of the Wind Energy Strategy, which notes that:

*“While characteristics of this landscape suggest suitability for a large-scale windfarm development, **the high value of the landscape resulting from the AONB designation renders this landscape highly sensitive to this scale of development.** Many of the other upland areas are visible from either within the AONB or from lowland areas to the south **retaining these landscapes as wild and remote uplands should be a key landscape objective to ensure the integrity of the AONB designation.**”*

However, this analysis does not provide any meaningful discussion of *why* the AONB landscape is valued, or *how* the valued characteristics would be specifically affected by wind energy development, but simply attributes a high value to the landscape, on the basis of the designation. As a result, the Topic Paper 6 advice that *“clear and transparent arguments are vital if decisions are to be well founded and this is where well-constructed professional judgements about both sensitivity and capacity are extremely important”* is not followed.

Consequently, the upland part (i.e north-eastern part) of the South Sperrin LCA has been accorded no capacity for any type wind energy development. It is clear that this judgement is based purely on the value of the landscape as accorded by the AONB designation and does not take into consideration the inherent suitability of the landscape for wind energy development. This is evidenced in a number of comments in the Wind Energy Strategy and LWECS where the landscape of the Sperrins is acknowledged to be suitable for large-scale wind energy development but no discussion or justification is provided for the apparent lack of development potential. For example, *“the character of parts of the upland landscape would support larger scale wind energy developments, however the high landscape value significantly constrains development potential”* (description of ‘Development Capacity’ in LCA 24, Wind Energy Strategy/LWECS).

The over emphasis on landscape value and lack of consideration of landscape sensitivity in the overall assessment of capacity is reinforced in the ‘Summary of Landscape Capacity: Sperrins’ (LWECS page 62), which states that:

*“**Due to its high value, the landscape has very low capacity for wind energy development and the objective should be to maintain the area as a landscape largely free of or with no wind turbines.**”*

This does not accord with best-practice guidance in Topic Paper 6 (para 6.7), which, as noted above, requires that *“clear and transparent arguments are vital if decisions are to be well founded and this is where well-constructed professional judgements about both sensitivity and capacity are extremely important.”*

In summary, OPEN considers that the methodology used to assess landscape capacity in LWECS and, in turn, the Wind Energy Strategy, does not accord with best-practice guidance as presented in Topic Paper 6 in relation to the way that value has been attributed and then considered as one factor alone in the overall capacity of the landscape. There are two key issues with the approach that has been taken:

- According to best-practice guidance, the LCAs that lie within the AONB should not automatically be accorded a high value based purely on the AONB designation as this is considered to be *“an oversimplification of complex issues”* (para 8.4, Topic Paper 6). If a high value is to be accorded, this should be based on *“clear and transparent arguments”* and *“well-constructed professional judgements”* (para 6.7, Topic Paper 6) that describe *“the reasons why value is attached to the landscape”* (para 6.6, Topic Paper 6); and
- The value of the LCA, as attributed in LWECS, has been weighted so as to over-ride the landscape sensitivity, and it appears that landscape sensitivity has not been given any weight in the final capacity rating. This is of particular relevance in LCA 24 (South Sperrin) where LWECS and the Wind Energy Strategy acknowledge that the landscape is inherently suitable for large-scale wind energy development but preclude development of turbines over 80m high in this LCA on the basis of the theoretical value of the landscape due to its AONB designation. This too is contrary to best-practice guidance.

This methodology is also contrary to SPPS 2015, which is clear in its assurance that the outright prohibition of development within the AONB is not considered necessary or desirable, as described previously in this report. It is also relevant that SPPS 2015 notes (para 6.230) that ***“The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation”***. This is of particular relevance in the case of the South Sperrin LCA, as LWECS and the Wind Energy Strategy clearly acknowledge that the inherent characteristics of the upland landscape *are* appropriate for large-scale wind energy development (e.g. para 2.5.20 of the Wind Energy Strategy as quoted above).

ii. Operational/Consented Wind Energy Development in the AONB

LWECS and the Wind Energy Strategy have accorded the Sperrin AONB a high value and, as a result, conclude that the area covered by the AONB has no capacity to accommodate wind turbines over 80m high, as described above. There are, however, already operational and consented wind energy developments of turbines greater than 80m high within the AONB, and this has been considered as appropriate development in relation to national planning policy contained within SPPS 2015.

Operational and consented wind farm sites with turbines over 80m high within the AONB include Brackagh (three turbines, 110m to blade tip), Brockaghboy (15 turbines, 125m to blade tip), Brockaghboy Extension (four turbines, 125m to blade tip), Crockandun (six turbines, 125m to blade tip), Eglis (6 turbines, 110m to blade tip), and Slieve Kirk (12 turbines, 110m to blade tip).

The presence of these wind farms is not acknowledged in LWECS (Section 6.3.7), which states:

*“...the AONB designation indicates a nationally valued landscape, and it is unlikely that this level of landscape change could be accepted in **the AONB, which is currently free of any wind farm development.**”*

This is erroneous and a major flaw on the part of LWECS, as the premise that the presence of the AONB has precluded, and will in future continue to preclude, ‘wind farm development’ is a false one. Of particular relevance are the two operational wind farms at Brackagh and Crockandun, as both of wind farms lie within the study area of LWECS as it is defined in Section 2.3.1:

*“The study focuses primarily on the Local Authority area of Fermanagh and Omagh. **However, the study area extends 15km beyond the Local Authority boundary because of the potential landscape and visual effects of wind energy developments in neighbouring areas.**”*

Moreover, Section 5.1 of LWECS notes that:

*“**The study area, for the purposes of visibility, landscape and visual impacts of turbines includes the Fermanagh and Omagh area, plus a 15km buffer around its boundary, taking in parts of Mid Ulster, Derry and Strabane within Northern Ireland, and Donegal, Leitrim, Cavan and Monaghan in the Republic of Ireland...Consented and proposed wind energy developments within the study area are listed, together with details (where available) of location, number and height of turbines, etc, in Appendix 3. The locations are shown in Figure 5.1.**”*

However, neither Appendix 3 nor Figure 5.1 list, illustrate or otherwise consider the presence and influence of wind farms at Brackagh and Crockandun, despite their lying within the study area.

OPEN considers that the lack of acknowledgement in LWECS of existing wind farm development with turbines greater than 80m high that lies within the AONB, and indeed within the LWECS study area, is a serious omission from the capacity study. This omission suggests that the authors of the capacity study are unaware that there is wind energy development of this scale within the AONB, and that the conclusions drawn as to the potential for development within the AONB are therefore based on false premises.

f. Conclusion: Wind Energy Development within the Sperrin Area of Outstanding Natural Beauty

It is concluded that the assertion that wind energy development will not be permitted in the Sperrin AONB, as effectively stated in Draft Policy L01 and Draft Policy RE01 of the Draft Plan Strategy, is flawed, and has no evidence base within the Wind Energy Strategy or its background study LWECS. The reasons for this are summarised as follows:

- The conclusion of the Wind Energy Strategy that there is “*effectively no capacity*” for wind energy development in the Sperrin AONB does not accord with the Wind Energy Strategy map, which indicates “*areas of limited underlying capacity*” in the AONB;
- The Wind Energy Strategy and LWECS have acknowledged the suitability of the landscape character of extensive parts of the AONB (including LCAs 24 and 26) for large-scale wind energy development, and the subsequent preclusion of turbines over 80m high in these LCAs due to the AONB designation contravenes SPPS 2015;
- The methodology used in LWECS and, in turn, the Wind Energy Strategy, to assess landscape capacity does not accord with best-practice guidance in relation to the way that a high value has been automatically been attributed to the LCAs that lie within the AONB, or in the way that value has over-ridden landscape sensitivity in the assessment

of the overall capacity of the landscape, with no justification or discussion of professional judgement;

- This methodology is also contrary to SPPS 2015, which makes it clear that there should be no outright preclusion of development within the AONB. It is also relevant that SPPS 2015 notes (para 6.230) that *“The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation”*. This is of particular relevance in the case of the South Sperrin LCA, as LWECS and the Wind Energy Strategy clearly acknowledge that the inherent characteristics of this upland landscape are appropriate for large-scale wind energy development (e.g. para 2.5.20 of the Wind Energy Strategy);
- The existing, operational, wind energy development within the AONB (and within the LWECS study area) of multiple turbines that are greater than 80m high is not acknowledged in LWECS, suggesting that the authors of the capacity study are unaware that there is wind energy development of this scale within the AONB. This in turn suggests that the conclusions drawn as to the potential for development within the AONB are based on false premises.

3. Consistency in Landscape Character Classification

The Wind Energy Strategy is based upon the findings of LWECS. In its classification of the landscape, LWECS refers to three different levels of landscape character classification: landscape character areas (LCAs), landscape character types (LCTs), and Regional Character Areas (ReCAs). These are drawn from various sources and are described as follows (with reference to Section 2.4 of LWECS):

- **Landscape character areas (LCAs):** LCAs are the most detailed level of landscape character classification and are drawn from the ‘Northern Ireland Landscape Character Assessment 2000’ (NILCA 2000). This assessment identifies 130 areas of landscape character in Northern Ireland, 26 of which are wholly or in part located within Fermanagh and Omagh.
- **Landscape character types (LCTs):** an LCT will typically consist of several LCAs that have been grouped together based on common landscape characteristics. Prior to the production of LWECS, there was no classification covering Northern Ireland at this level, and LWECS therefore undertook a categorisation of LCAs into LCTs *“to allow the sensitivities and capacity common to landscapes of a particular type to be better described and understood”* (LWECS Section 2.4).
- **Regional Character Areas (ReCAs):** ReCAs are the highest-level classification of Northern Ireland’s landscape, and were devised in 2016 in the Northern Ireland Regional Landscape Character Assessment (NIRLCA). There are seven ReCAs in the Fermanagh and Omagh area. ReCA boundaries do not coincide with LCA or LCT boundaries.

LCAs and ReCAs are therefore nationally classified and recognised, while LCTs are devised by the authors of LWECS.

Table 3.1 (page 10) of LWECS lists the LCAs, LCTs and ReCAs within the Fermanagh and Omagh area and indicates their inter-relationships. Figure 3.3 of LWECS shows LCAs and ReCAs, while Figure 3.4 shows the relationship between LCAs and the LCTs that have been devised in LWECS.

OPEN considers that the new classification of LCTs in LWECS is a useful category of landscape character classification, utilising a scale that is widely-recognised as suitable for landscape and visual impact assessment. There are, however, inconsistencies between LWECS and the Wind Energy Strategy in the naming of the LCT that covers the South Sperrin LCA and Bessy Bell and Gortin LCA. Furthermore, the *Fermanagh and Omagh District Council Landscape Character Assessment Review* (Ironsides Farrar, September 2018) (LCAR) introduces a third name for the LCT that covers the South Sperrin LCA and Bessy Bell and Gortin LCA.

- LWECS (e.g. Table 3.1, Figure 3.4, and Section 6) groups these two LCAs together as an LCT that is called '**Sperrin Upland Hills**'
- The Wind Energy Strategy refers to these two LCAs as lying within '**Sandstone Ridges and Plateau**' LCT (table on pages 251/252 and Section 2.5, page 265), along with another four LCAs
- LCAR groups these two LCAs together as an LCT that is called '**Upland Hills and Valleys**' (e.g. Table 1, page 5; Section 7, page 77; Figure 4)

This inconsistency is confusing and can lead to erroneous information regarding landscape character and, as a result, capacity to accommodate development of various types. It is of fundamental importance that the LCTs referred to in the Wind Energy Strategy, LWECS and LCAR are consistent and provide accurate and relevant advice on development within the correct areas.

4. 'The Wind Energy Strategy' and 'Fermanagh and Omagh District Council Landscape Character Assessment Review'

The District Council's Wind Energy Strategy is based upon the Landscape Wind Energy Capacity Study for Fermanagh and Omagh (Ironsides Farrar, January 2018) (LWECS). LWECS provides a detailed breakdown of capacity for wind energy development in Fermanagh and Omagh, based upon the landscape character areas (LCAs) that cover the Council area. The LCAs that are used in LWECS are those that were identified in the Northern Ireland Landscape Character Assessment 2000 (NILCA 2000), of which 26 are wholly or in part located within Fermanagh and Omagh.

Subsequent to the production of LWECS, the *Fermanagh and Omagh District Council Landscape Character Assessment Review* (Ironsides Farrar, September 2018) (LCAR) was produced. The need for this report is stated in LCAR as follows:

*"In the years since the publication of the original assessment [NILCA], parts of the landscape of Fermanagh and Omagh have been subject to change. **In order for the character assessment to remain relevant to planning policy and the development management process, an update of the assessment is required to capture the current landscape character, its sensitivities and provide up to date development management guidance** (Section 1.1, LCAR)..."*

Present day pressures for development and likely future trends are different to those from 20 years ago. Some development types, such as wind energy, had very limited presence in the landscape at the time, while in a number of places wind energy development is now a defining feature of the landscape...

For the landscape character assessment to remain relevant to planning policy and the development management process it is necessary that the contemporary landscape conditions and sensitivities are properly described, and that development management guidance is relevant to current and likely future pressures for change...

Therefore, as well as ensuring that the assessment reflects current landscape conditions and trends, it is also of benefit to ensure the assessment corresponds with the established principles of landscape character assessment that have evolved since publication of the assessment” (Section 2.3, LCAR)

LCAR therefore provides strong justification of the need for a revised landscape character assessment of the Fermanagh and Omagh area in order that planning policy is based upon up-to-date conditions, pressures and guidance.

It is therefore surprising that LWECS and the Wind Energy Strategy predate LCAR and are based upon the NILCA 2000 landscape character assessment rather than the revised LCAR assessment, which was carried out after the production of LWECS. Landscape character is a fundamental part of the appraisal of wind energy capacity, and OPEN considers that the reliance of the Council’s capacity study upon landscape characterisation that is clearly acknowledged to be out of date indicates a flawed and unsound approach.

In acknowledgement of this, Section 4 of LCAR notes that *“While the landscape character review includes some amendments to NILCA 2000 character areas, and some re-naming of areas, none of these changes have any material effect on the findings of the capacity study.”*

In OPEN’s view, this does not justify the use of out-of-date landscape characterisation, particularly in light of the justification for an updated landscape character assessment that is provided in LCAR, as quoted above.

5. LCA 24 South Sperrin

Updated landscape character descriptions for the District Council area are provided in the *Fermanagh and Omagh District Council Landscape Character Assessment Review* (Ironside Farrar, September 2018) (LCAR). The purpose of LCAR is to *“undertake a review and update of the character assessment within Fermanagh and Omagh”* (LCAR Section 1.1) and it is intended to replace the Northern Ireland Landscape Character Assessment which was undertaken in 1999 (NILCA 2000).

OPEN has site specific and detailed knowledge of LCA 24 South Sperrin, and has therefore carried out an appraisal of the description of this LCA, as included in LCAR, in comparison with its own observations.

OPEN has also reviewed the LCAR description of LCA 24 in relation to the description of the LCA that is provided in *Northern Ireland Environment Agency (2010), Wind Energy Development in Northern Ireland’s Landscapes: Supplementary Planning Guidance to accompany Planning Policy Statement 18 ‘Renewable Energy’* (NIEA Research and Development Series No 10/01, Belfast).

LCAR provides a list of seven ‘key characteristics’ of LCA 24 (LCAR page 78), with which OPEN broadly agrees. However, it is notable that there is no mention of coniferous forestry in this list of ‘key characteristics’; OPEN believes forestry to be a highly visible and strongly-characterising element of the upland landscape of LCA 24, as can be seen in mapping and aerial imagery of the area. It is also notable that *Wind Energy Development in Northern Ireland’s Landscapes* makes several references to the presence of forestry in its description of the ‘Key Landscape and Visual Characteristics and Values’ of LCA 24, including the following statements (page 109):

- *“Upper valley reaches are characterised by **conifer plantations with bold, dark shapes...***

- *Man-made influence: Few intrusive influences except for **forestry in the upper valley reaches, which disrupts some skylines** e.g. that of Carnanelly...*
- *Wild character on ridge tops and in upper valley reaches, although **this character is affected by forestry in some areas...***

Conversely, LCAR makes just one reference to large-scale coniferous forestry in its 'landscape description' of LCA 24 (page 109) – "*The lower slopes of Spaltindoagh and Mullaghmore, in the remote eastern parts of the uplands, have conifer plantations with bold, dark shapes.*"

LCAR's lack of acknowledgement of the presence of forestry in LCA 24 is also manifested in the following comment in the landscape description "*There are long, scenic views available from upland areas **with few intrusive man-made features.***"

The description of landscape character within LCA 24 therefore varies notably between LCAR and *Wind Energy Development in Northern Ireland's Landscapes*.

OPEN's detailed knowledge of this LCA indicates that the characteristics of the eastern part of LCA 24, in particular, have been affected to a notable degree by the extensive forestry found in this area, and subsequently by deforestation. This activity has increased the man-made influence in the area, so that 'wild' characteristics are not prevalent, and has reduced the quality of the landscape so that it is not unspoilt. This eastern area is also more accessible than other parts of the LCA due to the road that traverses the hills between Sperrin Lodge in the north and Ligatraght in the south, further reducing any sense of wildness and tranquillity. Overall, these factors ensure that the scenic quality of this area is lower than that found elsewhere in LCA 24.

The western part of the LCA is generally of a higher scenic quality than the eastern part, particularly in the upland areas. Although, the high number of derelict properties (as seen in Glenlark, for example) reduce the quality and condition of the landscape, as noted in *Wind Energy Development in Northern Ireland's Landscapes*. Development of new houses has also affected the lower valley areas, reducing scenic qualities and the sense of remoteness, particularly in the western part of the LCA.

Overall, it is considered that LCAR understates the existing level of human influence in LCA 24, particularly in relation to forestry in the eastern part of the LCA, and the level of residential occupation in the western part. The sense of tranquillity, remoteness and lack of human influence is also considered to be overstated, in relation to afforestation, deforestation and residential development as well as the presence of roads. The scenic quality and sensitivity of the LCA is also considered to be overstated in some areas, particularly due to afforestation and deforestation in the eastern part and residential development in the western part.

6. The Wind Energy Strategy Section 4.3 'Assessment of Landscape and Visual Impacts

Section 4.3 of the Wind Energy Strategy summarises "*key good practice requirements for landscape and visual impact assessment*" (para 4.3.1), and also refers readers to '*Guidelines for Landscape and Visual Impact Assessment 3rd Edition*' (Landscape Institute and Institute of Environmental Management and Assessment, 2013) (commonly referred to as 'GLVIA3'). GLVIA3 is widely recognised as best practice guidance in the preparation of Landscape and Visual Assessments.

While OPEN is in broad agreement with the majority of the information provided in this section of the Wind Energy Strategy, there are several points that require some clarification.

a. Section 4.3.4 - 'Description of Impacts'

i. Impacts/Effects

Section 4.3.4 is titled 'Description of Impacts'. GLVIA3 provides useful advice on how the terms 'impacts' and 'effects' should be used:

*"Terminology can be complex and potentially confusing in this area, particularly in the use of the words 'impact' and 'effect' in LVIA within EIA and SEA. The process is generally known as **impact** assessment, but the European Directive refers to assessment of the **effects**, which are changes arising from the development that is being assessed. This guidance generally distinguishes between the 'impact', defined as the action being taken, and the 'effect', defined as the change resulting from that action, and recommends that the terms should be used consistently in this way."*

It is therefore suggested that this section is titled 'Description of Effects' rather than 'Description of Impacts'.

ii. Likely Effects

The first bullet point in this section states that *"This section [of the LVIA] should systematically identify and describe the **likely effects** of the proposal..."*

However, the European Directive is clear that the emphasis of EIA is on *likely **significant** effects*, and this is reflected in The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, which notes (para 11) that *"An environmental statement is a statement which includes at least...(b) a description of **the likely significant effects** of the proposed development on the environment..."*

This is also emphasised in Schedule 4 ('Matters for Inclusion in Environmental Statement') of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, which states (item 5) *"A description of **the likely significant** effects of the development resulting from, inter alia..."*

It is therefore suggested that the first bullet point in this section is reworded to refer to *"this section should systematically identify and describe the likely **significant** effects of the proposal..."*

iii. Residential Visual Amenity

The sixth bullet point states that *"For visual amenity...Commentary and assessment should also be provided on **impacts on residential properties**..."*

GLVIA3 is clear that residential visual amenity is not part of LVIA, stating (para 6.17) that *"effects of development on private property are frequently dealt with mainly through 'residential amenity assessments'. These are separate from LVIA although visual effects assessment may sometimes be carried out as part of a residential amenity assessment..."*

It is therefore suggested that the requirement for an assessment of visual effects on residential properties is removed from Section 4.3.4.

b. Section 4.3.6 Assessment of Impact Significance

This Section states that “...Significance can be classified, for example on five or seven levels from negligible to major. Good practice is to do this by means of a matrix that sets out the combinations of sensitivity and magnitude that give rise to specific significance levels.”

This raises two key points:

- Levels of significance
- Use of a matrix

i. Levels of Significance

As described above, The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, require an Environmental Statement to include “A description of **the likely significant effects of the development...**”

The classification of “five or seven levels [of significance] from negligible to major” is therefore not a requirement of LVIA and can lead to potential confusion in the decision-making process as to which effects are **significant**, and which are **not significant**. However, GLVIA3 (para 3.33) notes that “a series of categories of significance” may be used to reflect combinations of sensitivity and magnitude of change.

Therefore, significance may be classified in a series of levels, but this is not a requirement of best-practice guidance, and the key finding should be the identification of the **likely significant effects**.

ii. Use of a matrix

As quoted above, Section 4.3.6 suggests that “good practice” to classify significance is “by means of a matrix that sets out the combinations of sensitivity and magnitude that give rise to specific significance levels”.

This does not accord with GLVIA3, which notes (para 3.35) that “in reporting the significance of the identified effects the main aim should be to draw out the key issues and ensure that the significance of effects and the scope for reducing any negative/adverse effects are properly understood by the public and the competent authority before it makes its decision. **This requires clear and accessible explanations. The potential pitfalls are:**

- **Over-reliance on matrices or tabular summaries of effects which may not be accompanied by clear narrative descriptions...**”

It is therefore suggested that this Section is reworded to emphasise the fact that according to best-practice guidance, the judgement of a significant or not significant effect should *not* be reliant on a matrix, but should be described through a clear and accessible explanation. Matrices should only be used to summarise such judgements.

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