

How We Are Consulting

The easiest and quickest way to comment is by completing our online response form:

consult.midandeantrim.gov.uk

Alternatively, complete this draft Plan Strategy Response Form and either return by email to

planning@midandeantrim.gov.uk or download a copy and post to:

Local Development Plan
Team, County Hall, 182
Galgorm Road,
Ballymena,
BT42 1QF.

The draft Plan Strategy is published for formal public consultation for a period of eight weeks beginning on Wednesday 16 October and closing at 5pm on Wednesday 11 December 2019. Please note that in order for comments to be considered valid you must include your contact details. We will use these details to confirm receipt of comments and to seek clarification or request further information. Anonymous comments or comments which do not directly relate to the draft Plan Strategy will not be considered as part of the consultation process. For further details of how we handle representations, please refer to our Policies Notice which can be accessed here https://www.midandeantrim.gov.uk/downloads/privacy_notice_ldp.pdf.

Section B. Your Details

Q1. Are you responding as individual, as an organisation or as an agent acting on behalf of individual, group or organisation? (Required)

Please only tick one

☐ Individual (Please fill in the remaining questions in the section, then proceed to Section F.)

☒ Organisation (Please fill in the remaining questions in the section, then proceed to Section D.)

☐ Agent (Please fill in the remaining questions in the section, then proceed to Section E.)

Q2. What is your name?

Title

First Name (Required)

Last Name (Required)

Email

Q3. Did you respond to the previous Preferred Options Paper?



Yes



No



Unsure

Section D. Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you.

If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name (Required)

RSPB NI

Your Job Title / Position (Required)

Head of Nature Policy and Casework

Organisation / Group Address (if different from above)

Address Line 1 (Required)

RSPB NI, NIHQ

Line 2

Belvoir Park Forest

Line 3

Belvoir Drive

Town (Required)

BELFAST

Postcode (Required)

BT8 7QT

Section F. Soundness

The draft Plan Strategy will be examined at Independent Examination in regard to its soundness. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section M.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be unsound having regard to the soundness tests in Section M. It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the draft Plan Strategy should also state whether they wish to be heard orally.

Section J. Type of Procedure

Q5. Please indicate if you would like your representation to be dealt with by:

(Required)

Please select one item only

☐

Written (Choose this procedure to have your representation considered in written form only)

☒

Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Section K. Is the draft Plan Strategy Sound?

Your comments should be set out in full. This will assist the Independent Examiner understand the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

Sound

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

(Required)

Section L. Unsound

In this section we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

Note: If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately. Complete this page in relation to one part of the draft Plan Strategy only.

Q6. If you consider that the draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:

https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness_version_2_may_2017_.pdf

Please note if you do not identify a test(s) your comments may not be considered by the Independent Examiner.

Continued on next page

Mid and East Antrim Borough Council – Local Development Plan Draft Plan Strategy Representation

A response from RSPB Northern Ireland, 11 December 2019

Introduction

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

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

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

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

RSPB NI welcomes the opportunity to comment on the Mid and East Antrim Borough Council (MEABC) Local Development Plan (LDP) draft Plan Strategy (dPS).

This submission comprises a number of responses, and as such they have been numbered for ease of reference.

N.B. preference for representation to be dealt with is by way of Oral Hearing – see page 4 of this submission for further details.

Please also note that there are a number of RSPB NI consultation responses referred to throughout this dPS response. These were included with our POP response and are also included with this response email for convenience, and comprise the following:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

These documents should be read in conjunction with the contents of this response.

General Comments

In preparing LDPs, councils must take account of the Regional Development Strategy 2035 (RDS 2035), the Sustainable Development Strategy for Northern Ireland and any other policies or advice and guidance issued by the Department, such as the NI Biodiversity Strategy 2020. The latter document recognises that *‘Development is essential to growing the economy, but it has the potential also to play a part in decreasing biodiversity. It can be a major threat to biodiversity depending upon where it takes place, how it is conducted and the manner in which the site is used following development’*(page 19).

The SPPS requires local plans to:

- take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area;
- Natural heritage features and designated sites should be identified, and policies brought forward for their protection and / or enhancement;
- identify and promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach;
- protect and integrate certain features of the natural heritage when zoning sites for development through ‘key site requirements’;
- identify and promote green and blue infrastructure where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements;
- consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes;
- incorporate biodiversity into plans for regeneration - by planning for nature and green space in our neighbourhoods we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas; and,
- ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered.

The SPPS recognises that the planning system plays an important role in conserving, protecting and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society (para. 4.38).

While the planning system is an important delivery tool for biodiversity enhancement, its potential is not being realised in current practice. A Defra survey found that the protection of biodiversity through the prevention or mitigation of potential impacts from development was more common than positive

measures to enhance biodiversity.¹

However, in order to halt the loss of our habitats and species, Mid and east Antrim Council (like all other councils in NI) will need to 'work(ing) towards the restoration of and halting the loss of biodiversity' as identified in paragraph 3.33 of the SPPS.

The Defra survey also provided further evidence that investing time and efforts in shaping Local Plans and getting the right policy hooks brings a range of benefits:

- Positive aspects of policy, such as habitat enhancement, are more likely to be achieved where plans are specific and relevant areas are spatially defined.
- When local planning authorities have published more detailed biodiversity-related supplementary guidance, the outcomes of the applications were more fully consistent with planning policy for biodiversity, than those where no such material was submitted.
- Planning authorities are going to be more confident about refusing planning permission for failure to provide biodiversity enhancement if the benefits are clearly required by a specific local policy.

This will add value to the provision, enhancement and connection of open space and habitats in and around settlements.

While RSPB NI welcomes the provisions within the plan to further sustainable development, the commitment to protect and enhance the natural environment, and recognition of the importance of ecosystem services, there are however a number of areas below where the dPS could be revised if it is to truly further sustainable development, (i) as laid down in the Planning Act 2011 and the SPPS), (ii) comply with the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011) Northern Ireland, (iii) the objectives of the NI and EU Biodiversity Strategies, (iv) and other legislative provisions.

Notably, the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'. The preparation of the LDP presents the council with a real opportunity to deliver on this responsibility.

¹ "Effectiveness of the application of current planning policy in the town and country planning system", Project Code CK042, http://randd.defra.gov.uk/Document.aspx?Document=10054_PhaseIIFINALREPORTPDF.pdf

Response 1

5.0 Spatial Growth Strategy and Countryside Strategy

5.3 Strategic Housing Allocation Strategy

SGS3 Strategic Allocation of Housing to Settlements

Page 62

Unsound ☒

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

Details

The dPs strategy states ‘the starting point for housing growth in MEABC dPS was the share of allocation to the tier based on their share of households in 2011, which gave a preliminary housing allocation to each settlement’ (page 316) however, justification for future patterns of allocation based on historic patterns is not considered to be a sustainable approach, as they may not necessarily further sustainable patterns of development.

In this regard, while Table A1 ‘Housing Allocation to Settlement Tiers and Countryside’ (page 316 of dPS, indicates that the allocation to the countryside tier in the dPS is a 6.2% drop from the 2011 Census status quo, there nevertheless remains a significant allocation to this tier, reinforcing a dispersed settlement pattern, particularly when the numbers of replacement dwellings are added to this figure (such criteria is also applicable to ‘houses’ which are currently beyond habitation), and as such this can bolster the figure for houses in the countryside.

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

It is therefore crucially important that the LDP ensures that new housing development, both individually

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

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

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

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

SFG 12 of the RDS ‘Grow the population in the Hubs and cluster of Hubs’ goes on to state, ‘the evidence is that over the last 10 years there has been a disproportionate amount of growth in smaller settlements (Appendix B). If this pattern were to continue, it could affect the role of the larger settlements and be contrary to the objectives of the Strategy for strong growth in larger urban areas’.

Modifications

Given the fact that the existing developments for the council area range in adoption dates from 1989 (Ballymena) to the most recent Carrickfergus (2000), the dPS represents a real opportunity to create sustainable patterns of development within the council area in accordance with the RDS and redress the disproportionate amount of growth in smaller settlements and the open countryside. In doing so, further cognisance should be made within the LDP to the strategic allocation at the lower settlement tiers

(particularly windfall) and the open countryside, given the significant volume of housing which could be apportioned to these areas without any strategic oversight.

The finite capacity of our environment requires to be safeguarded through the LDP process.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 2

5.0 Spatial Growth Strategy and Countryside Strategy

5.3 Strategic Housing Allocation Strategy

SGS5 Management of Housing Supply

Paragraph 5.3.20

Page 66

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?
- ☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

It is noted at Paragraph 5.3.20 of the dPS, that 'land will be zoned for housing where at the time of the LPP it benefits from a live residential planning permission or has a current application for a residential development proposal that is likely to be approved, depending on how far the application has been processed'.

Table A3 in Appendix A of the dPS set out the difference in notional allocation figures and live planning permissions – in this regard, it is clear (even at this stage), that a number of the main towns, small towns and villages have already exceeded their allocation.

While both these factors combined could result in the over provision of housing lands within the LDP, it is also concerning that the aforementioned scenario which allows the inclusion of those sites where a residential development proposal is not yet approved (but is likely to be), could potentially prejudice the sustainable approach to development within the plan area, through the ad hoc approval of individual developments on a piecemeal basis without any strategic oversight in housing quantity, location and supply. Which, then in turn, could potentially form the basis for identification of the future direction residential zonings within the draft Local Policies Plan (dLPP).

In this context, it is worth highlighting the contents of Paragraph 5.73 of the SPPS in relation to

prematurity as follows: ‘where a new LDP is under preparation or review it may be justifiable, in some circumstances, to refuse planning permission on the grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant planning permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought to be taken in the LDP context.

As outlined in our response to the POP, RSPB NI noted that in simple terms it would appear that MEABC has too much land zoned for housing, and by allowing additional sites to come forward in such an ad hoc way serves to undermine the furthering sustainable development principles outlined in both the RDS and SPPS. It could also lead to a rush in ad hoc planning applications being submitted at this time in order to secure a phase 2 zoning at the dLPP stage. This would also undermine the furthering sustainable development principles of the RDS and SPPS.

In our response to the POP with regards to extant unimplemented historic land use zoning (i.e. with no extant permission or commenced developments), we recommended that the LDP process should allow for an opportunity for the Housing Land Evaluation Framework approach to be applied to their designation to ensure that all zonings moving forward, met the Council’s legislative requirement of furthering sustainable development in the plan making process. A similar approach identified in Stage 1 of the Employment Land Evaluation Framework (within the RDS) should be adopted with regards to existing unimplemented residential zonings, by undertaking an initial assessment of the ‘fitness of purpose’ including the environmental implications of the existing housing land portfolio. Historically, the carry over of any unimplemented zonings into a new plan preparation phase was not *fait accompli* – this position should remain in order to ensure that the new plan truly furthers sustainable patterns of development.

Modifications

In order to truly further sustainable patterns of development as advocated by both the RDS and the SPPS, the dPS should not encourage the ad hoc, and unsustainable approach to housing allocation as is currently being proposed within the smaller towns, but instead truly follow the RDS’s approach to allocation through the Housing Land Evaluation Framework, and avoid any risk of prematurity to the dLPP. As such, MEABC should revisit the provisions of Paragraph 5.3.20 of the dPS to ensure the approach is consistent with further sustainable patterns of development as advocated by both the RDS and the SPPS.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 3

5.0 Spatial Growth Strategy and Countryside Strategy

5.9 Countryside Strategy

CS2 Special Countryside Areas

Page 93

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?
- ☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details and Modifications

Similar to Policy CS6 Developed Coast (Belfast Lough Shore), this policy should include the following as an exception:

'where the proposal assists with the delivery of environmental benefit (for example through the protection of wildlife or habitat) (additional text bold and underlined).

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 4

5.0 Spatial Growth Strategy and Countryside Strategy

5.9 Countryside Strategy

CS3 Areas of Constraint on High Structures

Page 98

General Comment

RSPB NI welcomes the reference to the fact that ‘the lack of land ownership outside of the designated area will not in itself be regarded as sufficient justification’ as to why an alternative site outside of the designated area is not feasible.

Response 5

5.0 Spatial Growth Strategy and Countryside Strategy

5.9 Countryside Strategy

CS3 Areas of Constraint on High Structures

Page 98

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?
- ☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

Comments relating to spatial extent and exclusion of important biodiversity areas.

In this regard, RSPB NI would highlight the following areas considered to be sensitive to wind energy development, and further consideration should be given to the protection of such areas through spatial designation within the LDP:

Hen Harriers

Hen harriers are Annex I species under the EU Birds Directive and are of medium conservation concern in Ireland^[1]. The most recent 2016 UK Hen Harrier Survey shows the population in Northern Ireland has declined from 59 pairs down to 46 since 2010, a decline of 22%^[2]. As a SPA for hen harrier (and merlin) is located within the Mid and East Antrim Borough Council area, hen harriers should therefore warrant careful consideration in any wind energy applications, both within the designated site itself and in functionally linked land beyond. Against this background, it will be essential that such areas located outwith any designations (including LDP designations of Areas of Constraint on High Structures, and Special Countryside Areas), do not become sink holes for inappropriately sited wind energy proposals.

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

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

Breeding Waders

Curlew is a NI priority species²; breeding populations are of a high conservation concern in Ireland³; and they are also protected as a Schedule 1 listed species under The Wildlife (NI) Order 1985 (as amended)⁴ and are thus protected by special penalty. Curlew are of particular concern as their global breeding range has declined enough that they are now recognised as near threatened in a global context by the International Union for the Conservation of Nature (IUCN)⁵. Additionally, Brown *et al.* (2015)⁶ consider that curlew should now be considered the UK's highest conservation priority bird species.

Breeding pairs have significantly declined in recent years in Northern Ireland to an estimated 526 pairs⁷, representing a decline of 82% in the mean breeding densities of curlew in the last 30 years. Curlew have also been recorded as sensitive to the presence of wind farms during their breeding seasons with a reduction in breeding pairs of up to 48% within 500metres (m) of turbines and/or associated infrastructure, with negative impacts on breeding curlew, specifically reduced breeding densities through displacement, within 1km of turbines⁸.

The 2013 breeding wader survey⁹ also presents current population estimates for lapwing as 860 pairs and snipe as 1123 pairs. As such, there has been continued significant population declines since the 1985/87 breeding wader survey for all of these species, with declines in mean breeding density for curlew of 82%, for lapwing of 89% and for snipe of 78%, with the distributions of all species becoming increasingly fragmented. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside.

The Glenwherry Area in the Antrim Hills is one of the last hotspots for breeding waders in Northern Ireland, and in particular curlew. While the habitat of this area may attract the curlew, the topography of the area attracts a substantial number of wind farm and single turbine planning applications. Unfortunately, the Antrim Hills SPA does not at this time include curlew as a feature species (only hen harrier and merlin cited), the matter is further compounded by the fact that curlews are particularly

² <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/northern-ireland-priority-species-list.pdf>

³ Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

⁴ [Schedule 1](#)

⁵ <http://www.iucnredlist.org/details/22693190/0>

⁶ Brown D., Wilson J., Douglas D., Thompson P., Foster S., McCulloch N., Phillips J., Stroud D., Whitehead S., Crockford N. & Sheldon R (2015) The Eurasian Curlew – the most pressing bird conservation priority in the UK? *British Birds* **108**, 660-668.

⁷ Colhoun *et al.* (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013. *Bird Study* 2015, 62, 394-403

⁸ Pearce-Higgins *et al.* (2009): The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins *et al.* (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394

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

susceptible to disturbance by wind turbines, as confirmed by scientifically robust research¹⁰. In light of the decline of the curlew previously documented in our POP response, the safeguarding of this area from inappropriate development is critical to the longer term recovery and survival of the species in Northern Ireland.

Within this context, the MEABC LDP has a critical role in protecting such species and their habitats from inappropriate development, and to make space for the creation and management of additional habitat in the Antrim Hills around Glenwherry.

Modifications

MEABC should reexamine its evidence base with regards to important areas for hen harrier and curlew outwith designated sites/protected areas to ensure that Policy CS3 does not create sink holes for wind energy development within such important areas. It should also include a reference to avoid/prevent adverse individual and cumulative impact.

These modifications would accord with the requirement to further sustainable development, as laid down in the Planning Act 2011 and the SPPS), the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011) Northern Ireland, alongside the objectives of the NI and EU Biodiversity Strategies, and other legislative provisions.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

¹⁰ Pearce-Higgins et al (2009): The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 2009, 46, 1323-1331; and Pearce-Higgins et al (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394

Response 6

5.0 Spatial Growth Strategy and Countryside Strategy

5.9 Countryside Strategy

CS8 Protection of Main River Corridors

Page 106

General Comment

The requirement for a biodiversity strip should be applicable to all river corridors, not just main rivers, to ensure that there is no detrimental impact on biodiversity or on sensitive environmental areas and features. This is because biodiversity is not solely found along main river corridors.

Response 7**6.0 General policy for all development****Policy GP1 The General Policy for all Development**

Page 114

Unsound ☒

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

While the draft Policy GP 1 makes reference to no demonstrable harm to interests of acknowledged important or unacceptable adverse impacts on the environment/nature heritage, it has however fallen short of fulfilling the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (') 2011 on public bodies.

The State of Nature 2019¹¹ report revealed that since 1970, 41% of UK species have decreased. Although the principal driver of change is agricultural intensification, urbanisation was identified as one of the top ten drivers of biodiversity change. The RSPB therefore attaches great importance to ensuring that planning systems and policies across the UK protect the environment and promote development that is truly sustainable – an approach that we know is feasible through our partnership with Barratt Developments to build new communities, providing homes for people and wildlife – as demonstrated through the Kingsbrook case study detailed in our previous response to the Preferred Options Paper.

Against this context, an addition criterion in part e) requiring biodiversity net gain as part of a development proposal would help to address the fact that NI is failing to meet its targets on halting biodiversity loss in NI (as contained within the NI Biodiversity Strategy, EU Biodiversity Strategy, and Aichi Targets), which are reflected in the regional planning documents of the RDS and SPPS). Such an approach would be consistent with Defra's confirmation¹² that new developments must deliver an overall increase in biodiversity from 13 March 2019) in England.

¹¹ <https://nbn.org.uk/stateofnature2019/>

¹² <https://deframedia.blog.gov.uk/2019/03/13/government-to-mandate-biodiversity-net-gain/>

Modifications

In recognition of the failure to halt biodiversity loss in NI, the various biodiversity targets at country, European and international level, the Council's legislative biodiversity duty, the MEABC dPS needs to be more ambitious in this regard, if it is to truly further sustainable development consistent with the RDS and SPPS.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 8

7.0 Sustainable Economic Growth

7.1 Economic Development

Policy ECD4 Economic Development in the Countryside

Page 128

Unsound ☒

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

Details and Modification (i)

In order to ensure that development falling within this policy accords with the other provisions of the LDP, including not having an adverse impact on natural heritage, the policy wording of the opening paragraph of Policy ECD4 requires to be extended as follows in order to accord with regional planning policies contained within the suite of Planning Policy Statements for eg Policy CTY 12 of PPS 21 with regards to Agricultural and Forestry Development (**Additional text bold and underlined**):

'A proposal for economic development in the countryside will be permitted where it meets the General Policy, **accords with other provisions of the LDP**, and the specific criteria for each of the circumstances set out below where this policy provides opportunity for rural enterprise:....'

Details and Modifications (ii)

(f) Agricultural and Forestry Development

Despite the introductory context text (page 122-123), referring to the SPPS requirement to 'facilitate the economic development needs of the Borough in ways which are consistent with the protection of the environment and the principles of sustainable development', Draft Policy ECD 4 has effectively lowered the level of protection afforded to the natural environment within this specific area.

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

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

However, this has not been carried across into this section of Draft Policy ECD4, save a reference to ‘development proposals for intensive farming or animal husbandry must demonstrate that it does not result in any significant adverse impacts’ (our emphasis).

In this context, Draft Policy ECD 4 has therefore not only effectively narrowed the environmental impact text to just intensive farming or animal husbandry, but has also lowered the level of protection to natural heritage interests by referencing ‘significant adverse impacts’.

Modifications

It is therefore recommended in the interests of furthering sustainable development in accordance with the RDS and SPPS, and consistent with the biodiversity duty placed on public bodies by the Wildlife and Natural Environment Act (NI) 2011 (and the context and justification section of this DPS Policy), that Draft Policy ECD 4 (part (f) be amended to include the additional policy test above from PPS 21, Policy CTY12 (d) and that any other reference to adverse impacts is amended to read ‘no adverse impacts’ as per current policy as there is no justification for a lowering the protection offered to the natural environment.

Please also refer to the following RSPB NI submissions:

- RSPB NI’s response to ANBC POP (2017)
- RSPB NI’s response to the DOE’s Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI’s response to the DOE’s consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 9

7.0 Sustainable Economic Growth

7.3 Tourism

Policy TOU 8 – Major Tourism Development in the Countryside – Exceptional Circumstances

Paragraph 7.3.36

Page 152

General Comment

This paragraph makes reference to the important consideration of the impact of proposals on rural character, landscape and natural/historic heritage assets, particularly within areas designated for such qualities. However, this is much too narrow of a consideration, as areas which are adjacent to, proximate or linked in some way e.g hydrologically to such designations should also be required to such important consideration. If the site is a European Protected Site, then there is a legislative requirement to undertake such wider considerations as part of the Habitats Regulation Assessment. This scope of the abovementioned paragraph should be widened on this basis accordingly.

Response 10

7.0 Sustainable Economic Growth

7.4 Minerals Development

Paragraphs 7.4.7 – 7.4.8

General Comment

RSPB NI is disappointed the MEABC dPS has failed to deliver a spatial strategy for MRAs and ACMD, as this is an important component of the LDP. What opportunity will there be for public scrutiny and comment on the findings from the Minerals Forum? It is questioned why such a task was not undertaken in a more timely manner at the initial information gathering stage of the LDP *per se*.

In order to avoid waiting until the Plan Review it is suggested that an amendment could be proposed to the LDP, this would allow this element of the LDP to be finalised at an earlier opportunity.

Response 11

7.0 Sustainable Economic Growth

7.4 Minerals Development

Policy MIN 7 Peat Extraction

Page 164

Unsound ☒

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

Details

Peatlands are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs.

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO₂) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

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

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

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

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

Furthermore, RSPB NI is concerned that the exceptions listed in the draft policy could result in the continued extraction of peat throughout the plan period. In this regard, the current wording states ‘exceptions may be allowed where the peat land is already degraded and not reasonably capable of restoration or where it can be demonstrated that peat extraction is linked to a management and restoration plan which will deliver improved peatlands over the longer term’.

With regards to the ‘not reasonably capable of restoration’ element, this wording is vague and undefined and as such it could be easily argued that an area of peatland is not reasonably capable of restoration. In the circumstances, it is strongly recommended that further clarification is added to the policy (either in the policy box wording or in the justification and amplification section below) that **any peatland with a layer of peat of 0.5m or more is considered capable of restoration**. This would provide further clarity to the policy wording and paragraph 7.4.36.

We are similarly concerned that the second proposed exception which states, ‘commercial peat extraction may also be permitted by way of exception, where it is part of a management plan for the conservation or restoration of peatlands over the longer term’. In this regard, RSPB NI recommends that this be removed from the wording of Policy MIN 7 and paragraph 7.4.37, as it is contradictory to peatland conservation and it has the potential to be used to justify continued extraction.

Paragraph 7.4.37 goes on to state ‘In such cases the developer will be required to demonstrate the longer-term benefits and that the proposed management structures and finance are in place. In such circumstances, council will normally require the developer to enter into a planning agreement’. Despite the provisions of this paragraph, RSPB NI remains extremely concerned that such provisions could be used as a mechanism to continue with peat extraction. In the circumstances, Paragraph 7.4.37 should be rewritten to prevent such a situation and place a requirement for those sites currently being extracted to be restored.

If Mid and East Antrim Borough Council (and indeed all other councils in Northern Ireland) is to take our

climate change commitments seriously, then applications/proposals which increase the release of carbon dioxide in situations where peatland is drained, removed or disturbed should be resisted.

Please refer to our response to the POP for further details in this regard.

RSPB NI would like to draw your attention to RSPB's Sustainable Catchment Management Programme (SCaMP) in Garron Plateau as a model to be utilised to demonstrate and support sustainable management in such areas. For further details please see web links below:

<http://www.rspb.org.uk/our-work/rspb-news/news/361922-giving-nature-a-home-at-garron>
<http://www.rspb.org.uk/our-work/rspb-news/news/340365-peak-district>

Modifications

Policy MIN 7 should be reworded as follows:

'Applications for commercial extraction of peat including new or extended sites, or renewal of extant permissions will not accord with the Plan. Exceptions may be made where the peat land is not reasonably capable of restoration, noting any peatland with a layer of peat of 0.5m or more is considered capable of restoration'.

Proposed rewrite of Paragraph 7.4.37 (amended wording bold and under lined)

'For those sites currently being extracted, restoration plans should be in place for them, and that the developer will need to demonstrate that the proposed management structures and finance are in place for the restoration of these sites. In such cases, a planning agreement between relevant parties may be required'.

The above amendments will be in general conformity with the SPPS to work towards the restoration of and halting the loss of biodiversity, in addition to the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011), while complying with the Habitats Directive, and the NI and EU Biodiversity Strategies.

Notably, the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 12

7.0 Sustainable Economic Growth

7.4 Minerals Development

Policy MIN 8 Restoration and Management of Mineral Sites

Page 164

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?

Please note that there are a number of elements to our response to Policy MIN 8 as follows:

Details (i)

In our response to MEABC's POP (see RSPB NI response for full details) we outlined our experience of developing a framework for the restoration of mineral sites for the benefits of biodiversity, habitats and local people. In this regard, we outlined how the RSPB is unusual amongst UK NGOs because we engage with individual applications for minerals development across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Between 2012 and 2015, we were the lead partner in the RESTORE project¹³ seeking to address the challenge of environmental degradation across north-west Europe by working to develop a framework for the restoration of minerals sites (quarries) to provide benefits for biodiversity, habitats and local people. It was co-financed by the EU's European Regional Development Fund through the INTERREG IVB NWE Programme.

This project aimed to increase the sustainability of northwest Europe by:

- Contributing to reversing biodiversity declines
- Protecting and buffering designated sites
- Enhancing landscapes
- Providing Green Infrastructure
- Improving quality of life

¹³<https://www.rspb.org.uk/whatwedo/projects/details/354133-restore-restoring-mineral-sites-for-biodiversity-people-and-the-economy-across-northwest-europe>

In our previous response we outlined how mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration.

Against this background, RSPB NI is extremely disappointed that dPS Policy MIN 8 only requires 'enhanced biodiversity' as an option from a list of potential three benefits listed i.e not required in every occasion. The benefits outlined in our POP response were clearly outlined including reference to the RSPB's publication, Habitat Creation for the Minerals Industry. This covers a range of topics in detail and makes an excellent quick reference guide for example:

Restoration plan detail – we believe it is the applicant's responsibility to provide as much detail as possible in restoration plans at the early stages of planning. Submitted plans may lack detail to allow for future flexibility but we believe that a greater level of detail is required to allow necessary conditioning and is essential to help the biodiversity of the site.

Restoration fits with natural landscape – restoration design should tie in with the natural landscape. If there are unnatural features to the landscape such as improved grassland or conifer plantations, we advise against adding into these features.

Phasing - it is best to restore in phases as extraction continues. In addition to this, working quarries can host specialist species that utilise this temporary habitat such as sand martins, peregrines many species of invertebrates.

Management – management should be detailed in any restoration plan so operators are aware of what is involved post habitat creation. Many operators have seeded fields with wildflowers, only for these same fields to succeed into fields of unmanaged scrub within 3-5 years.

Natural regeneration – while initially not looking visibly pleasing, natural regeneration is usually the most beneficial form of restoration when land forming is carried out correctly and the right management is in place.

Soil nutrients – many sites believe they are restoring to best practice by retaining and relaying topsoil. However, soil low in nutrients, particularly phosphorus, is more beneficial to habitats rich in biodiversity. Appropriate treatment and improvement of the substrate need only relate to preparing the site with a thin covering of subsoil.

Topography – the more varied the better. Diverse micro topography is important because it creates ecological niches and variable microclimates for different species. The worst case scenario is a typical 45° slope.

Bare earth – this is a rare habitat that can be beneficial in both hard rock and sand and gravel quarries. To leave areas 3-5% bare ground could really increase its value for biodiversity.

Woodland – many operators have a belief that trees are great for the environment. We believe trees are good for the environment, but only in the right places. We only recommend tree

planting when there is no possibility to create more favourable habitats such as heath or species rich grassland. Trees in the wrong area can also host predators such corvids.

Hedgerows – these should be of local provenance and have a good mixture of species that will benefit invertebrates, birds and mammals. The management of these hedgerows are important for this wildlife and we would suggest a sympathetic cutting regime on a rotation of 3-4 years.

Improving habitat instead of 'giving back' – we would encourage trying to improve habitats as oppose to restoring land to what it was previously. Areas where semi natural habitats have been removed for extraction and restored to less favourable habitats such improved grassland should not be considered restoration as it is a net loss for wildlife.

Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from artificial islands for ground nesting birds. Keeping the periphery free of scrub and trees is also desirable as this overshadows many aquatic plants.

In addition to nature conservation and biodiversity benefits, such restoration measures provide additional benefits for tourism and recreation provision, such as wetland on former peat extraction sites.

Modifications (i)

Policy Min 8 should be amended to require enhanced biodiversity in every case of restoration. Such an amendment/requirement is considered to be in general conformity with the SPPS to work towards the restoration of and halting the loss of biodiversity, in addition to the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011), while complying with the Habitats Directive, and the NI and EU Biodiversity Strategies, and international Aichi Targets.

This is consistent with the approach taken by the dPS Policy WMT3 Waste Disposal Sites, Paragraph 9.6.26, where restoration proposals 'should help to promote or enhance local diversity'.

Details (ii)

While RSPB NI welcomes the requirements of Policy MIN 8 regarding financial provision for restoration and aftercare, the paragraph should also provide the framework to facilitate regular inspection to ensure such plans are followed through to delivery. This is to ensure that any development is furthering sustainable development as required by the RDS and SPPS and will comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

Modifications (ii)

In the circumstances, it is recommended that an additional line is added to the policy text box as follows:

‘Access to the site shall be provided at all reasonable times by the applicant/operator for inspection by MEABC/Departmental officials to ensure restoration and aftercare plans have been implemented in accordance with the planning permission’.

Please also refer to the following RSPB NI submissions:

- RSPB NI’s response to MEABC POP (2017)
- RSPB NI’s response to the DOE’s consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 13**8.0 Building Sustainable Communities****Policy OSL4 Public Open Space in New Residential Developments**

Page 198

General Comments

In our response to the POP, we provided details of the Kingsbrook development case study in England¹⁴ where the RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments. Here, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

In this regard, it is worth noting that one of the project objectives is to have **50%** wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve. It will also have wildlife corridors so that wildlife can move all around and through the greenspace and the residential areas. Whether it be hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.

Against the background of climate change and biodiversity decline in urban areas by 56%¹⁵, Mid and East Antrim Borough Council (like all other Councils) need to be more ambitious in setting targets for new public open space provision in new residential developments if it is to truly further sustainable development (as laid down in the Planning Act 2011 and the SPPS), and comply with the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011). Notably, the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'. The preparation of the LDP presents the council with a real opportunity to deliver on this responsibility, and be more ambitious in delivering for biodiversity, building resilience against the effects of climate change, and realising the full potential and value of ecosystems services (natural capital) for the Borough (economic, social and environmental).

¹⁴ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

¹⁵ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>

<http://www.rspb.org.uk/Images/210-2470-15->

[16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf](http://www.rspb.org.uk/Images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf) - this is the NI specific element of the report

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 14

8.0 Building Sustainable Communities

8.2 Open Space Sport and Leisure

Policy OSL5 Sport and Outdoor Recreation Facilities

Page 202

Unsound ☒

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

Details and Modifications

The last test (vii) in PPS 8 Policy OS 6 requires 'there is no conflict with the provisions of any local management plan'. In this regard, RSPB NI is of the considered view that this should also be included within the draft Policy OSL5 as there may be local management plans in place relating to for example, national nature conservation designations, or other conservation purposes.

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

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 15

8.0 Building Sustainable Communities

8.2 Open Space Sport and Leisure

Policy OSL5 Sport and Outdoor Recreation Facilities

The Floodlighting of Sports and Outdoor Recreation Facilities

Page 203

General Comments

For completeness, and the avoidance of doubt, the policy wording in this section needs to be extended to include 'and accord with other provisions of the LDP', consistent with all other references within the dPS.

Response 16

9.0 Transportation, Infrastructure and Connectivity

Strategic Objectives

Page 211

Unsound ☒

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

Details and Modifications

Strategic Objectives bullet point 4 seeks 'to avoid new development in areas known to be at **significant** risk from flooding..' (our emphasis), however, neither the RDS or the SPPS make reference to significant flood risk – the insertion of the word 'significant' within the strategic objectives has effectively raised the test threshold in this context. In order to be consistent with the RDS and the SPPS and other policy wording in Section 9.2 Flood Risk and Drainage, the test should simply reference 'risk of flooding'.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 17

9.0 Transportation, Infrastructure and Connectivity

9.3 Renewable Energy

Policy RE 1 Renewable Energy Development

Page 238

Unsound ☒

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

Please note that there are a number of elements to our response to Policy RE 1 as follows:

Details (i)

Policy RE 1 has effectively narrowed the application of the 'cautious approach' advocated by Paragraph 6.223 of the SPPS. In this regard, the SPPS states '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 the Giant's Causeway and Causeway Coast World Heritage Site, **and their wider settings**. 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'. (Our emphasis).

However, dPS Policy RE 1 policy box wording fails to recognise the 'wider setting' requirement in its policy wording referring only to applying 'within' the area. The proposed policy wording of dPS Policy RE 1 has effectively disregarded 'their wider settings' as required by the SPPS and refers only to the designated areas.

Modifications (i)

While it is acknowledged that reference is made to wider settings in Paragraph 9.3.10, for the purposes of clarity, it is recommended that the existing policy box wording is amended to accord with Paragraph 6.223 of the SPPS as follows (additional text **bold and underlined**).

'a cautious approach for renewable energy development proposals will apply within areas of the

countryside that are valued for their distinctive landscape and environment qualities, including their wider settings.

Details (ii) – Ground Mounted Solar Photovoltaic Installations

The policy wording has failed to include the reference ‘and accord with other provisions of the LDP’, as per all the other references within the dPS.

The draft policy seeks to exclude large scale solar farms from within the Antrim Coast and Glenas AONB and Areas of Constraint on High Structures designated in the LDP with no apparent robust justification, yet even within Areas of Constraint on High Structures, no such moratorium exists for wind turbines over 15m, as certain policy exceptions are listed. In order to successfully decarbonise the power sector we need a suite of measures including both on and offshore renewables which must be delivered strategically and in harmony with nature to tackle both the climate and ecological emergencies. It is therefore vital that the UK’s efforts to decarbonise through offshore wind are part of a wider energy mix which includes increased deployment of onshore renewables in harmony with nature: solar photovoltaic (PV) and mainland onshore wind. (This must be alongside energy efficiency measures, reduced consumption and nature-based solutions (e.g. the restoration of peat habitats and tree planting in appropriate locations)).

Failure to maximise the potential of these appropriately sited additional measures could risk the ability of the UK to meet net zero targets and take the urgent action required to tackle the climate and ecological emergencies.

Modifications (ii)

Include additional text as referenced above at end of first sentence in this section.

Furthermore, MEABC should reexamine its approach to large scale solar deployment within the council area in light of the need to provide a renewable energy mix (in harmony with nature) if we are to meet net zero targets and take the urgent action required to tackle the climate and ecological emergencies. Notably, Technical Appendix 10 makes reference to the fact that the council area has not and is not currently subject to development pressure from large scale solar development.

Details (iii)

Within the main policy box wording, the consideration of cumulative impact should be extended to include all types of renewable energy development (e.g. solar farms) and not just wind farms as is

currently proposed in dPS Policy RE 1.

In this regard, Paragraph 6.229 of the SPPS provides for the cumulative assessment of **all renewable energy developments**, not just wind turbines. This requirement should therefore be removed from the Wind Energy Development section of dPS Policy RE 1 and moved to the general policy wording section above of dPS Policy RE 1, (i.e. applicable to all forms of renewable energy development) so as to be effective in preventing unacceptable adverse impact and accord with the SPPS.

Modifications (iii) (amended text – bold and underlined)

The wording as currently proposed in the Wind Energy Development section, should be removed from the wind section and inserted within the general renewable energy section above, and be reworded as follows **'the development proposal has taken into consideration the cumulative impact of existing renewable energy developments, including extant permissions and undetermined applications'**

While it is acknowledged that Paragraph 9.3.10 states 'proposals should not be considered in isolation, but cumulatively with other renewable energy development's, it is not clear whether this justification and amplification relates only to the cumulative assessment expressly stipulated in the wind energy section, or something else. In the circumstances, the modification as proposed would provide further clarity in this regard and be consistent with the SPPS.

Details and Modifications (iv)

Paragraph 9.3.17 needs to be further clarified so that it is clearly understood that the references to development on active peatland is with respect to IROPI (overriding reasons of public interest) development as defined under The Conservation (Natural Habitats, etc.) Regulations (NI) 1995, as amended.

Furthermore, the paragraph goes on to state 'in promoting mitigation/compensatory measures for renewable energy developments the Council may require developers to restore areas of active peatland that are within or adjacent to the development site'. While restoration of active peatland is to be encouraged, such restoration may not be possible outwith the development site as it may not fall under the ownership or control of the applicant/developer. Furthermore, even if the land in question outwith the application sites falls under the control/ownership of the developer, unless the area in question is included within the red line application boundary, or subject to a Section 76 Planning Agreement, there is no mechanism in place to enforce the restoration requirement outwith the development site.

Details (v)

Absence of a Strategic Spatial Framework for Renewable Energy

(save the identification of Areas of Constraint on High Structures, as contained within dPS Policy CS 3 and Special Countryside Areas as defined by dPS policy CS 2 – both zonings graphically depicted in Proposals Maps 1, 2 and 3).

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

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

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

Please refer to our Response to the DoE’s Call for Evidence: Strategic Planning Policy for Renewable Energy Development, from May 2016 which outlines inter alia our case for a strategic and spatial approach to wind energy development across the whole of Northern Ireland. Please also refer to the more recently published RSPB’s 2050 Energy Vision Report¹⁶.

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

¹⁶ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

The Energy Futures project was established in order to explore these complex issues and better understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details¹⁷.

Modifications

In this regard, RSPB NI would highlight the following areas considered to be sensitive to wind energy development, and further consideration should be given to the protection of such areas through spatial designation within the LDP (please note that the information below is correct at the time of writing):

Hen Harriers

Hen harriers are Annex I species under the EU Birds Directive and are of medium conservation concern in Ireland^[1]. The most recent 2016 UK Hen Harrier Survey shows the population in Northern Ireland has declined from 59 pairs down to 46 since 2010, a decline of 22%^[2]. As a SPA for hen harrier (and Merlin) is located within the Mid and East Antrim Borough Council area, hen harriers should warrant careful consideration for any wind energy applications, both within the designated site and functionally linked land beyond. Against this background, it will be essential that such areas located outwith any designations (including LDP designations of Areas of Constraint on High Structures, and Special Countryside Areas), do not become sink holes for inappropriately sited wind energy proposals.

Breeding Waders

Curlew is a NI priority species¹⁸; breeding populations are of a high conservation concern in Ireland¹⁹; and they are also protected as a Schedule 1 listed species under The Wildlife (NI) Order 1985 (as amended)²⁰ and are thus protected by special penalty. Curlew are of particular concern as their global breeding range has declined enough that they are now recognised as near threatened in a global context by the International Union for the Conservation of Nature (IUCN)²¹. Additionally, Brown *et al.* (2015)²² consider that curlew should now be considered the UK's highest conservation priority bird species.

¹⁷ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

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

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

¹⁸ <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/northern-ireland-priority-species-list.pdf>

¹⁹ Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

²⁰ [Schedule 1](#)

²¹ <http://www.iucnredlist.org/details/22693190/0>

²² Brown D., Wilson J., Douglas D., Thompson P., Foster S., McCulloch N., Phillips J., Stroud D., Whitehead S., Crockford N. & Sheldon R (2015) The Eurasian Curlew – the most pressing bird conservation priority in the UK? *British Birds* **108**, 660-668.

Breeding pairs have significantly declined in recent years in Northern Ireland to an estimated 526 pairs²³, representing a decline of 82% in the mean breeding densities of curlew in the last 30 years. Curlew have also been recorded as sensitive to the presence of wind farms during their breeding seasons with a reduction in breeding pairs of up to 48% within 500metres (m) of turbines and/or associated infrastructure, with negative impacts on breeding curlew, specifically reduced breeding densities through displacement, within 1km of turbines²⁴.

The 2013 breeding wader survey²⁵ also presents current population estimates for lapwing as 860 pairs and snipe as 1123 pairs. As such, there has been continued significant population declines since the 1985/87 breeding wader survey for all of these species, with declines in mean breeding density for curlew of 82%, for lapwing of 89% and for snipe of 78%, with the distributions of all species becoming increasingly fragmented. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside.

The Glenwherry Area in the Antrim Hills is one of the last hotspots for breeding waders in Northern Ireland, and in particular curlew. While the habitat of this area may attract the curlew, the topography of the area attracts a substantial number of wind farm and single turbine planning applications. Unfortunately, the Antrim Hills SPA does not at this time include curlew as a feature species (only hen harrier and merlin cited), the matter is further compounded by the fact that curlews are particularly susceptible to disturbance by wind turbines, as confirmed by scientifically robust research²⁶. In light of the decline of the curlew previously documented in our POP response, the safeguarding of this area from inappropriate development is critical to the longer term recovery and survival of the species in Northern Ireland.

Within this context, the MEABC LDP has a critical role in protecting such species and their habitats from inappropriate development, and to make space for the creation and management of additional habitat in the Antrim Hills around Glenwherry.

²³ Colhoun *et al.* (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013. *Bird Study* 2015, 62, 394-403

²⁴ Pearce-Higgins *et al* (2009): The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins *et al* (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394

²⁵ Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

²⁶ Pearce-Higgins *et al* (2009): The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 2009, 46, 1323-1331; and Pearce-Higgins *et al* (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394

Please also refer to the following RSPB NI response documents for further details:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 18

10.0 Stewardship of our Built Environment and Creating Places

Policy HE3 Listed Buildings – Change of Use or Extension /Alteration or Conversion of a Listed Building

Page 270

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?
- ☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Please refer to our original submission to the POP for full details of our comments on urban design and the opportunities for biodiversity and further sustainable development, including examples of best practice elsewhere. For convenience, a copy of our original POP response will be attached to our draft Plan Strategy email response submission.

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

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

As outlined in our response to the POP, there is no regard to protecting and enhancing the biodiversity that such places hold. Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/refurbishment proposals should incorporate measures to continue to give nature a home by retaining the site/building biodiversity in any proposals for their re-development – please see comments within our POP response with regards to Place Making and Good Design for ways in which this can be achieved. This should not only apply to internationally protected species or priority species, but to wildlife in general. Good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3).

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

In this regard, RSPB NI advocated in its response to the POP the following points:

- RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.
- RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
 1. Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipistrelle and house sparrow;
 2. Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
 3. Green/living roofs and green walls;
 4. A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
 5. Wildlife friendly lighting.

Modifications

To this end, it is recommended that Policy HE 3 be amended to include the following **additional text in bold and underlined**

'All works to a listed building must ensure that the essential character and special architectural and/or historic interest is protected, conserved and where possible enhanced. **Any extensions, alterations or adaptations should not result in a net loss of biodiversity, and where possible enhance.**

(It should also include reference to the abovementioned biodiversity features which may be

incorporated, where appropriate, into the design and layout).

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

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 19

10.0 Stewardship of our Built Environment and Creating Places

Policy HE8 Non-listed Locally Important Building or Vernacular Building

Page 280

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?
- ☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Please refer to our original submission to the POP for full details of our comments on urban design and the opportunities for biodiversity and further sustainable development, including examples of best practice elsewhere. For convenience, a copy of our original POP response will be attached to our draft Plan Strategy email response submission.

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

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

As outlined in our response to the POP, there is no regard to protecting and enhancing the biodiversity that such places hold. Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/refurbishment proposals should incorporate measures to continue to give nature a home by retaining the site/building biodiversity in any proposals for their re-development – please see comments within our POP response with regards to Place Making and Good Design for ways in which this can be achieved. This should not only apply to internationally protected species or priority species, but to wildlife in general. Good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3).

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

In this regard, RSPB NI advocated in its response to the POP the following points:

- RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.
- RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
 1. Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipistrelle and house sparrow;
 2. Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
 3. Green/living roofs and green walls;
 4. A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
 5. Wildlife friendly lighting.

Modifications

To this end, it is recommended that Policy HE 3 be amended to include the following **additional text in bold and underlined**

'All development proposals for the sympathetic conversion of a locally important and/or vernacular building should involve the minimum intervention and should maintain or enhance the existing character of the building and its setting. **Any extensions, alterations or adaptations should not result in a net loss of biodiversity, and where possible enhance.** .

(It should also include reference to the abovementioned biodiversity features which may be incorporated, where appropriate, into the design and layout).

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

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 20

11.0 Safeguarding our Natural Environment

11.1 Natural Heritage

Paragraph 11.1.7

Page 297

AND

Policy NAT 1 European And Ramsar Sites – International

Paragraph 11.1.8

Page 298

General Comments

The aforementioned sections of the dPS make interchangeable references to European Sites (SPA, SAC etc) and International Sites (Ramsar). In this regard, Paragraph 11.17 refers only to international and nationally important sites – this includes Ramsars and Areas of Special Scientific Interest (ASSI), but excludes European designated sites (SPA, SACs etc). The text of this paragraph should therefore be amended accordingly.

Furthermore Paragraph 11.1.8 of Policy NAT 1 initially refers to SACs, SPAs and Ramsar sites as European designations, and incorrectly goes on to state that they (assuming reference is to all sites, as no differential is made in the text) that there are designated under European law under the auspices of the Birds Directive (which protects wild birds and their habitats) and the Habitats Directive (which protects habitats and species of animals and plants'. While this statement is true for SPAs and SACs etc, it is incorrect for Ramsar designations. Ramsar sites are wetlands of international importance that have been designated under the criteria of the Ramsar Convention on Wetlands.

The following extract from the JNCC website²⁷, provides further clarification in this regard

'The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention' or 'Wetlands Convention') was adopted in Ramsar, Iran in February 1971 and came into force in December 1975. It provides the only international mechanism for protecting sites of global importance and is thus of key conservation significance. The UK ratified the Ramsar Convention and designated its first Ramsar sites in 1976..... Accordingly, these receive statutory protection under The

²⁷ <https://jncc.gov.uk/our-work/ramsar-convention/> - accessed 10.12.19

Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (as amended). Government and the devolved administrations have also issued policy statements relating to Ramsar sites which extend to them the same protection at a policy level as Special Areas of Conservation and Special Protection Areas.’

The narrative in this paragraph should therefore be amended accordingly, for clarity and accuracy purposes.

Response 21

11.0 Safeguarding our Natural Environment

11.1 Natural Heritage

Policy NAT 2 Species Protected by Law

Paragraph 11.1.7

Page 297

General Comments

In the interests of clarity and consistent with the approach adopted in Paragraph 11.1.8 of dPS Policy NAT 1, a reference/link should be inserted in the paragraph to indicate where a full list of species of animals and plants can be found. It should also clarify that that as all fish are protected, no lists have been produced. Both these amendments are consistent with the provisions of PPS 2, Paragraph 5.6.

Response 22

11.0 Safeguarding our Natural Environment

11.1 Natural Heritage

Policy NAT 5 Habitats, Species or Features of Natural Heritage Importance

Paragraph 11.1.15

Page 303

Unsound ☒

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

Details and Modifications

Paragraph 11.1.15 of Policy NAT 5 should be strengthened to reflect the policy wording of PPS 2, Policy NH5, Paragraph 5.1, which states 'to ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned above are material considerations in the determination of planning applications'. The draft wording contained as within Paragraph 11.1.15, reads as if such material considerations are simply a desire of the policy, rather than higher level responsibilities and environmental considerations.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to MEABC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 23

Technical Supplement 1 – Monitoring and Review

Unsound ☒

- ☒ CE3 Are there clear mechanisms for implementation and monitoring?

Please note that there are a number of elements to our response to Monitoring and Review as follows:

Details

While RSPB NI generally welcomes the attempt to make the indicators and targets SMART i.e. Specific, Measurable, Achievable, Realistic and Timely, with trigger points, there are a number of amendments/revisions/clarification points which if included, could facilitate an enhanced assessment of the Plan Strategy in meeting its objective, for example:

Details (i)

Point of Clarification - Appendix A

Indicator Reference 1

Trigger:

Number of new dwellings approved in:

- a village;
- small settlements as a whole;
- the countryside;

exceeds 5% of the target set in the Strategic Housing Allocation.

However, it is unclear whether this 5% refers to the total Strategic Housing Allocation total, or is 5% of the allocation to each tier (i.e. % of HGI). If it is the latter, while this approach seems reasonable for both the proposed small towns and countryside allocations as their proposed individual allocations is greater than 5%; it would not however make sense in relation to the small settlement allocation which is 2.5% (where the proposed trigger point equates to twice the % of HGI allocation).

Modification (i)

Further clarification is required in this regard.

Details (ii)

Point of Clarification - Appendix A

Indicator Reference 22

Environmental Objective (a): To protect, conserve, enhance environmental quality, biodiversity and the natural processes underpinning the delivery of ecosystem services in Mid and East Antrim, is lacking an indicator, target and review trigger. While the dPS has stated that not every plan objective will have such, given the requirement to further sustainable development, as laid down in the Planning Act 2011 and the SPPS), the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011) Northern Ireland, alongside the objectives of the NI and EU Biodiversity Strategies, other legislative provisions, and the motion passed by Mid and East Antrim Borough Council that will see an all-party working group on climate change being established, it is considered that there is a real need to provide a monitoring framework in this regard.

Modifications (ii)

A similar approach could be adopted to that proposed for Indicator Reference 15 - Restriction of new accesses onto Protected Routes, where the Target is no new accesses onto Protected Routes, except where justified through policy provisions, and the Review Tigger is more than 1 application permitted in any one year contrary to DfI Roads advice. With regard to Indicator Reference 22, the indicator could be 'furthering sustainable development, where the Target is halting biodiversity loss, and the Review Trigger is more that 1 application permitted in any one year contrary to DAERA advice.

Details (iii)

Point of Clarification - Appendix A

Indicator Reference 31

Environmental Objective (g): To contribute towards climate change mitigation and adaptation measures, where practicable through the planning system

Like Indicator Reference 22 above, no details have been provided in respect of this Environmental Objective. Our environment is in crisis. The United Nations and other international institutions have issued stark warnings that we have only 12 years to avert a climate catastrophe and species are declining at a rate not previously seen. Northern Ireland is not immune to this. The State of Nature 2016 report revealed that between 1970 and 2013, 56% of UK species declined. Although the principal driver of change is agricultural intensification, urbanisation was identified as one of the top ten drivers of biodiversity change. The RSPB therefore attaches great importance to ensuring that planning systems and policies across the UK protect the environment and promote development that is truly sustainable – an

approach that we know is feasible through our partnership with Barratt Developments to build new communities, providing homes for people and wildlife (refer to Kingsbrook example in our POP response for further details).

Against this background, the LDP monitoring framework should be measuring what contribution the LDP is contributing to climate change and mitigation measures, in order to ascertain whether such is sufficient to address the climate and ecological emergencies faced. This would also help inform Mid and East Antrim Borough Council's all-party working group on climate change.

Modifications (iii)

An Indicator Reference could include for example the restriction of further commercial peat extraction, where the target is no new approvals for peat extraction (either new sites or extension of existing), and the Review Tigger is more than 1 application permitted in any one year.

Details (iv)

It is also noted that there is no monitoring framework for the loss of open space (though it is acknowledged that the creation of open space is monitored). Loss also requires to be monitored in order to ensure that one policy objective within the LDP is not working against/counteracting the other.

In this regard, an additional Indicator Reference could be added to the Social Objective (d): To deliver quality residential environments (including associated public open space and linkages to green infrastructure networks) as follows:

Modifications (iv)

An Indicator Reference could include the restriction of existing areas of open space, where the target is no loss of existing open space, and the Review Tigger is more than 1 application permitted in any one year.

Review of Strategic Planning Policy on Renewable Energy

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

www.planningni.gov.uk/spps (pages 90 - 93)

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

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

Wind Energy

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

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

☐ Yes

☒ No

Comment

Introduction

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

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

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

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

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

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

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

Background

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

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

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

Need for a Strategic Spatial Approach

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

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

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

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

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

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

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

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

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

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

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

☒ Yes

☐ No

Comment

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

Wales

Spatial Approach

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

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

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

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

Scotland

Spatial Approach

Current planning policy in the form of the Scottish Planning Policy² (SPP) (<http://www.gov.scot/Resource/0045/00453827.pdf>) requires planning authorities to set out a spatial framework which identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities following the approach set out in Table 1 of the SPP (refer to paragraph 161 onwards of the SPP for details). The document published in June 2014 places a ban on wind farms in national parks and national scenic areas and wild land was added as a constraint. Other areas of constraint include designations such as SPAs/SSSIs, deep peat and priority peatland habitat. Such an approach ensures a consistent approach is taken to the deployment of onshore wind. However, given the geographical scale of Northern Ireland, it is considered that it would be more appropriate for DfI to develop this spatial framework.

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

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

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

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

Site Restoration and Decommissioning

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

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

Community Benefit

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

England

³ <http://www.project-gpwind.eu/>

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

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

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

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

☒ Yes

☐ No

Comment

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

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

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

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

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

⁶ Renewables Capacity Mapping (pg 37)- http://www.centralbedfordshire.gov.uk/Images/renewable-report_tcm3-12981.pdf

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

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

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

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

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

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

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

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

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

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

☐ Yes

☒ No

Comment

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

☒ Yes

☐ No

Comment

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

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

☒ Yes

☐ No

Comment

Spatial Planning

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

coherent long-term policy framework to guide and influence future development across the region (SPPS, paragraph 5.4). In order to fulfil the visionary nature of spatial planning envisioned in paragraph 5.4, SPPS, this must include integrated spatial planning for renewable energy sites in harmony with nature and local needs.

In this regard, the front-loading of the conversation about the location of renewables by promoting a spatial strategic approach which creates a transparent discussion through the mapping process should not only achieve greater stakeholder support when applications are submitted, but also reduce the potential for planning official recommendations for refusals to be overturned at planning committee. A comprehensive and structured approach to identifying areas which are more or less suitable for deployment (methodology as advocated in our 2050 Energy Vision peer-reviewed publication), would offer a valuable steer to developers. It would also help build public support, reduce risks for all stakeholders from financiers to conservation groups.

Community Benefits

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

In our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DfI about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act) (<http://www.legislation.gov.uk/nia/2011/25/section/76>)⁸ process by both planners and developers.

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

⁸ <http://www.legislation.gov.uk/nia/2011/25/section/76>

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

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

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

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

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

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

DfI Planning and the Local Authorities must avoid situations where community benefit is seen to be used essentially as an enticement to secure planning permission. If a wind farm application, for example, is consented for sound planning reasons, the community should be eligible for any community benefits agreed, regardless of whether they supported the application or not. In this context there is important case law to support this in *R (Wright) v Forest of Dean District Council* [2016] EWHC 1349 (Admin) re-affirms a fundamental principle of planning law that, as Lloyd LJ put it in *City of Bradford Metropolitan Council v Secretary of State* [1987] 53 P&CR 55, "planning consent cannot be bought or sold" (<http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf> accessed 25/01/2017).⁹

⁹ <http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf> accessed 25/01/2017

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

Cumulative Impact

The issue of cumulative impact, including single turbines needs to be robustly and comprehensively addressed in strategic policy and guidance. For example, under current policy, single turbines which develop (as a result of individual planning decisions) in clusters can in effect create a wind farm by stealth without ever having to under go the cumulative environmental rigors of an individual windfarm application comprising the same number of turbines as that created by the multiple applications for single turbines.

In the circumstances, guidance, and thresholds require to be addressed to avoid the creating of windfarms by stealth through multiple individual planning decisions in the absence of full environmental assessment of the windfarm totality.

Notably, we urged the Department in the consultation exercises of both the Draft SPPS, and Draft PPS 18 to provide guidance on ‘cumulative impact’. For example, in Scotland, cumulative impact on birds is considered within Natural Heritage Zones (NHZs) for which data on bird populations are available from Scottish Natural Heritage (SNH). The RSPB currently requests that developers provide an assessment of the cumulative impact on protected species such as hen harrier by considering local, regional and national impacts on the population, but this is problematic where there are insufficient data to run population models for those species. To date this has not occurred. The recommendations contained within the Birdlife International Report ¹⁰ detailed above, underscore this requirement. This Report was prepared by Birdlife International on behalf of the Bern Convention (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

Addressing Data Gaps

It is most disappointing that Northern Ireland has failed to acknowledge or implement one of the five key actions which were identified in the Draft Onshore Renewable Electricity Action Plan 2011 – 2020

¹⁰ prepared by Birdlife International on behalf of the Bern Convention (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

(October 2011) (<http://www.nigridenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>)¹¹ as follows:

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

Furthermore, as new technologies emerge, or existing ones modified, it will be necessary for continued research into the potential effects (including cumulative) of such technologies on species and habitats – see section below on continued investment for further details).

In moving forward, it will be imperative that policy and decision makers address these data gaps as a matter of urgency.

Continued Investment and Robust Enforcement of Post-Construction Monitoring Requirements

Continuing investment in research into the environmental impacts of renewable technologies will be critical, particularly to ensure that the cumulative impacts are monitored in order to know when the thresholds of impacts on species/habitats may be reached.

Government must take a lead role in ensuring that post-construction monitoring is carried out and critical research is delivered, thereby delivering a nationally coordinated and consistent approach which will assist the industry as a whole. To this end, planning authorities will need to adopt a much stronger and proactive role (than that currently adopted) in ensuring post-condition monitoring is carried out in accordance with planning approval conditions. RSPB NI is currently aware of a number of windfarm cases in Northern Ireland where post-construction monitoring data has not been submitted to the planning authority in compliance with approval condition, we are currently liaising with the respective councils on the matter. Our initial findings suggest that the lack of a robust approach to post-construction monitoring requirements is more prevalent in some council areas than others. In the circumstances, a robust approach to the proper and effective enforcement of planning conditions should be adopted by all planning authorities, and sufficient resource should be made available to conduct such a task. A failure to do so undermines the use of mitigation measures and conditions within development management.

Resourcing and Access to Experts

Planners must also have access to competent experts in all stages of the assessment process and the appropriate authorities must be properly resourced to facilitate this service provision. This will

¹¹ <http://www.nigridenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>

become more pertinent as the full effects of the transposition requirements of the 2014 EIA Directive Review take effect, having been recently transposed into our Planning EIA Regulations, particularly when set against the backdrop of ever diminishing public sector resources.

Integrated Planning and Assessment

Strategic spatial planning must be informed by a robust and appropriate assessment process to ensure that delivery of our renewable energy network is in harmony with nature.

As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

8 NA

Solar Energy

Solar power development is a growing renewable energy generating technology which now makes a measurable contribution to Northern Ireland's energy mix.

9. Is the current strategic planning policy approach for solar energy development fit for purpose? If not, please explain how improvements could be made?



Yes



No

Comment

Background

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

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

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

Need for a Strategic Spatial Approach

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

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

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

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

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

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

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);

3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-38).

The RSPB strongly supports the deployment of solar arrays on roofs and other built infrastructure, such as car parks and bridges, where few if any risks are posed to the natural environment. Policy should seek to maximize installations in such locations.

There is little scientific evidence for fatality risks to birds associated with solar PV arrays. However, birds can strike any fixed object so this lack of evidence might reflect absence of monitoring effort, rather than absence of collision risk. Structurally the risk is broadly similar to many other man-made features, though PV arrays may be more likely to be developed in sensitive locations. Developments will need to be connected to the grid, and there would be concerns where overhead wires and supports pass through areas used by birds susceptible to collision risk or electrocution. As such, the RSPB would like to see investment in monitoring and developing our understanding of the collisions risks associated with solar PV.

Consideration also needs to be given within policy for floating solar farms, particularly with regards to situations where such developments are located within an area of multiple water bodies, here some of these bodies may be designated and others not; this may mean that undesignated bodies are developed upon yet perform an important supporting role to the designated site. As such, there will be a need for a robust strategic policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

The application of a strategic and spatial approach to renewable energy does not however negate the need for each development proposal to be considered on a case-by-case basis.

With regards to ground-mounted solar arrays, strategic policy should also have regard to potential impacts due to land use change through direct habitat loss; habitat fragmentation and/or

modification; and disturbance / displacement of species (e.g. through construction/ maintenance activities).

Furthermore, if the site is already valuable for wildlife, particularly if it is in or near a protected area, policy should facilitate a greater scrutiny of the scheme as there is potential for significant impact.

Suitable sites for large PV arrays are limited in terms of climate, topography, access, existing land use (usually lower-grade agricultural land), shading and proximity to grid connections. Therefore, proposed developments are likely to cluster together and potentially give rise to concerns about cumulative environmental impacts, in the same way as windfarms and single turbines. Ideally, cumulative impacts should be assessed at the district or county level, to inform site selection.

Please refer to Q.36 regarding the need for provision of guidance on mitigation and enhancement at a strategic level.

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

☒ Yes

☐ No

Comment

There is growing interest in how solar farms can be managed to benefit wildlife include managing the land to boost insect numbers, providing feeding and nesting opportunities for small animals and birds, and building wildlife connectivity corridors through the site. In seeking to further sustainable development and halt the loss of biodiversity, we believe that all new renewable developments should provide habitat enhancement alongside the developments. Please see examples in the response to questions 36 and 37.

Notably Natural England (2017) has suggested that solar farms should be avoided on protected sites due to concerns about the impact on biodiversity.

The RSPB collaborated on the BRE biodiversity guidance for solar farm developers (BRE (2014) Biodiversity Guidance for Solar Developments. Eds G E Parker and L Greene)¹². This guide provides examples of planning for biodiversity gains at solar farms. Including how to take advantage of the varied light and moisture levels on solar farms to grow a range of local plants and provide microhabitats for insects like bumbles.

The RSPB also has detailed advice (<http://www.rspb.org.uk/our-work/conservation/conservation-and-sustainability/farming/advice/details.aspx?id=367959>)¹³ for using solar panel sites to provide farmland birds with insect rich habitat in the breeding season (nectar flowers), seed rich habitat in winter (wild bird seed mix), and in-field nesting habitat (fine grasses). These measures are aimed at priority species such as the skylark and yellowhammer but will also benefit small mammals, arachnids and pollinating insects.

Please also refer to Question 3 above, while relating to wind energy, the approach to spatial mapping, decommissioning and reinstatement and community benefits for example are equally applicable and transferable to solar energy.

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

- ☒ Yes
- ☐ No

Comment

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

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

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

- Step 1: Map where the energy resource is technically viable (e.g. where there is sufficient average wind speed for wind turbines).

¹² BRE (2014) Biodiversity Guidance for Solar Developments. Eds G E Parker and L Greene.

¹³ <http://www.rspb.org.uk/our-work/conservation/conservation-and-sustainability/farming/advice/details.aspx?id=367959>

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

As the Councils start to publish their Preferred Options Papers for their Local Development Plan (7 out of 11 published to date), the need for a spatial approach to solar energy has become even more apparent, with councils varying in their approach to accommodating wind energy development and remaining silent on solar energy within their respective council area. For the majority of the Councils, the preferred approach advocated (for wind energy, no specific direction on solar) seeks to continue to rely on a market-led approach to technology choice and locations for new developments. As a consequence, the deployment of onshore wind (and indeed other renewables e.g. solar) in Northern Ireland will continue to remain ad hoc and uncoordinated, determined by individual planning decisions. Such an approach in no way contributes to the furthering of sustainable development.

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

Furthermore, in developing more structured and spatially explicit approach, regard will also need to be had to the biodiversity that falls outside the protected area network, thereby avoiding areas which are sensitive in both species and habitat terms. This is necessary because only a very small proportion of our biodiversity falls within the protected site network.

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

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

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

☐ Yes

☐ No

Comment

As with wind energy, the RSPB believes that the best way to determining solar energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The outline of how we undertook spatial mapping for renewables is further detailed in our Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to solar energy.

13 NA

Energy from waste - Biomass

Biomass fuels can be utilised to provide energy either by combustion or fermentation/digestion technologies. This includes wood, biodegradable waste and energy crops. Like other renewable energy technologies biomass development is covered by the SPPS and PPS18.

14. Is the current policy approach for biomass development fit for purpose? If not, please explain how improvements could be made?

☐ Yes

☒ No

Comment

Need for a Strategic Spatial Approach

Northern Ireland should seek to have a strategic spatial approach to renewable energy. In order to deliver on all three pillars of sustainable development, and to promote high quality developments that do not negatively affect biodiversity at the scale needed, site planning must be undertaken at a strategic spatial level (SPPS, paragraph 3.3, 4.38). This will also help to meet the SPPS's aim to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment (para 6.218). Furthermore, given that the councils are now in the early stages of their Local Development Plan (LDP) development, there is now an opportunity to integrate spatial

planning for renewable energy into the LDP spatial strategies that are currently being prepared (SPPS, para 5.7). (Please see additional comments at Q 32 in this regard).

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

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

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

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

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

More specifically, Bioenergy can play at most a limited role in Northern Ireland's energy mix. Developments that make use of bioenergy feedstocks and technologies would help to protect the natural environment by relying on only the most sustainable feedstocks. However, the supply of sustainable feedstock will be limited and competing industries could also be relying on the same resource.

There are two key risks associated with many bioenergy feedstocks. First, they create pressure on land or result in the direct loss of habitat through practices such as deforestation. This can result in the degradation or loss of habitat. The use of woody biofuel from forests, monoculture maize for anaerobic digestion and crops for biofuels have all resulted in significant environmental impacts. Some of these have been well documented in case studies by BirdLife Europe¹⁴.

Second, many direct changes in land use or indirect changes (such as the displacement of other crops) can result in significant emissions. The use of woody biomass can result in loss of carbon stocks and sinks, and regrowth of forests means it can take years or even decades to repay this debt. Because of this, many types of bioenergy can result in meagre emissions savings compared to fossil fuel alternatives, or even in emissions increases.

Recent research by the European Academies Science Advisory Council concludes that many types of forest-based biomass could have long carbon repayment periods that mean they should be ruled out (www.easac.eu/fileadmin/PDF_s/reports_statements/Forests/EASAC_Forests_web_complete.pdf)¹⁵.

The research institute Chatham House recently published reports reaching the same conclusion (<https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-02-23-woody-biomass-global-climate-brack-final2.pdf>)¹⁶. The UK Government's own scientific evidence shows that some types of woody biomass can result in emissions several orders of magnitude greater than those from coal power

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349024/BEAC_Report_290814.pdf)¹⁷.

Crop-based bioenergy can result in similar effects and this has been the experience with biofuels made from crops

¹⁴ http://www.birdlife.org/sites/default/files/bbb_3.2_web_lowres.pdf

¹⁵ www.easac.eu/fileadmin/PDF_s/reports_statements/Forests/EASAC_Forests_web_complete.pdf

¹⁶ <https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-02-23-woody-biomass-global-climate-brack-final2.pdf>

¹⁷

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349024/BEAC_Report_290814.pdf

(https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report_GLOBIOM_publication.pdf)¹⁸.

All developments would need to comply with UK sustainability criteria on bioenergy (links below)

[1]. (1) <https://www.ofgem.gov.uk/publications-and-updates/october-2015-changes-non-domestic-rhi-regulations-sustainability-and-biomass-suppliers-list>

(2)

https://www.ofgem.gov.uk/system/files/docs/2016/03/ofgem_ro_sustainability_criteria_guidance_march_16.pdf

(3)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403105/Biomass_Sustainability_Requirements_-_Info_Sheet_-_Domestic_RHI_Feb_15_Final.pdf

N.B. It is important to note though that in all these criteria biomass is counted as ‘carbon neutral’ and that the only emissions that are accounted for are transport and processing emissions, not the ones released when the bioenergy is burned.

However, it should be noted that in many cases, the RSPB considers that these criteria provide insufficient environmental protection and do not guarantee that bioenergy will deliver meaningful emissions reductions.

The most energy efficient installations should be prioritised, ideally those that deliver both heat or heat and power at a community, neighbourhood or household level. In some cases, the use of materials from genuine wastes or residues or from material arising from nature conservation management could have an environmentally positive effect.

¹⁸ https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report_GLOBIOM_publication.pdf

[1] Links to bioenergy criteria: (1) <https://www.ofgem.gov.uk/publications-and-updates/october-2015-changes-non-domestic-rhi-regulations-sustainability-and-biomass-suppliers-list>

(2) https://www.ofgem.gov.uk/system/files/docs/2016/03/ofgem_ro_sustainability_criteria_guidance_march_16.pdf

(3) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403105/Biomass_Sustainability_Requirements_-_Info_Sheet_-_Domestic_RHI_Feb_15_Final.pdf

It's important to note though that in all these criteria biomass is counted as ‘carbon neutral’ and that the only emissions that are accounted for are transport and processing emissions, not the ones released when the bioenergy is burned.

15. Do you consider that Northern Ireland has lessons to learn (positive and/or negative) from strategic planning policy for biomass development in other jurisdictions? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.

☒ Yes

☐ No

Comment

The UK's Bioenergy Strategy attempts to set out the principles for the use of biomass for energy in the UK. While the document contains sound principles, the policies that enact it are flawed and are failing to ensure that biomass is sustainable or to deliver guaranteed emissions savings.

The UK Government's recent Bioeconomy Strategy call for evidence will help to explore competing uses for a limited sustainable biomass resource. However, a quantification of that resource will be needed.

Please also refer to comments at Q3 above in respect of wind energy which are also relevant in this context.

16. Do you have any other comments or suggestions to inform the future strategic planning policy approach for biomass development?

☐ Yes

☐ No

Comment

We also need to ensure that bioenergy supplies are sustainable and do not impact on important habitats. Evidence suggests that many types of biomass can result in harmful impacts on the natural environment caused by both direct and indirect land use change. Thus the cost-effectiveness of biomass as a carbon reduction strategy should be reviewed. A study undertaken for the Natural Resources Defence Council shows that, by 2020, biomass will be a more expensive renewable choice than onshore wind or solar, even when the grid balancing costs of these less flexible renewable technologies are taken into account.

For example, bioenergy should play at most a limited role in the decarbonisation of heat, whether used in domestic boilers, in combined heat and power boilers for local heat networks or as biomethane injected into the grid. This is because many types of biomass used for energy can result in significant adverse impacts on the natural environment and also fail to deliver their promised

emissions savings; some types of biomass can even result in emissions increases relative to fossil fuels (<http://www.birdlife.org/europe-and-central-asia/black-book>)¹⁹.

Evidence produced by the UK Government has shown that some types of biomass can result in emissions up to three times greater than those of coal, even forty years after combustion https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349024/BEAC_Report_290814.pdf²⁰. There is only a limited supply of sustainable biomass available and heat is one of the most efficient ways of using this limited supply <https://europeanclimate.org/wp-content/uploads/2014/02/WASTED-final.pdf>²¹. Only the most sustainable types of bioenergy should be used (for example wood should be restricted to FSC only-wood) and all biomass for energy needs to fully account for all of its emissions, including those released upon combustion.

As with wind energy, the RSPB believes that the best way to determining biomass energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The outline of how we undertook spatial mapping for renewables is further detailed in our Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to biomass energy.

17 NA

Energy from Waste - Anaerobic Digestion

Anaerobic Digestion is the process whereby organic material (plant and animal matter) is broken down by micro-organisms in a controlled, oxygen free environment (the anaerobic digester or 'bio-digester'). Planning policy for anaerobic digestion development is covered in the renewable energy section of the SPPS, PPS 18 and Draft Supplementary Guidance (June 2013).

18. Is the current strategic policy approach for anaerobic digestion development fit for purpose? If not, please explain how improvements could be made?



Yes

¹⁹ <http://www.birdlife.org/europe-and-central-asia/black-book>

²⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349024/BEAC_Report_290814.pdf

²¹ <https://europeanclimate.org/wp-content/uploads/2014/02/WASTED-final.pdf>



No

Comment

Need for a Strategic Spatial Approach

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

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

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

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

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

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

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological

sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);

3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

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

More specifically, anaerobic digestion can provide emissions savings in a sustainable way. However, the use of monoculture maize can result in significant environmental impacts through land use change and the impact of chemicals associated with it. This can also reduce the emissions savings it provides. The use of genuine wastes and residues (such as slurry or sewage sludge) or of material arising from the management of nature reserves, should be prioritised.

19. Do you consider that Northern Ireland has lessons to learn from other jurisdictions in relation to anaerobic digestion development overall and specifically in relation to material considerations such as: the types of material that can be used as a feedstock; landscape and visual impact; transport; traffic and access; odour; emissions and dust control; noise; and water environment? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.

☐ Yes

☐ No

Comment

As previously stated for wind and solar energy developments, a strategic spatial approach should be used in identifying potential suitable areas/sites with low ecological risk. Please see questions 2-7 and 31-37 for further details.

20. Do you have any other comments or suggestions to inform the future strategic planning policy approach for anaerobic digestion development?

☐ Yes

☐ No

Comment

As with wind energy, the RSPB believes that the best way to determining anaerobic digestion energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The outline of how we undertook spatial mapping for renewables is further detailed in our Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to anaerobic digestion energy development.

21 na

Hydropower

22. Is the current strategic planning policy approach for hydropower development fit for purpose? If not, please explain how improvements could be made.

☐ Yes

☐ No

Comment

Need for a Strategic Spatial Approach

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

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

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

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

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

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

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

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

Hydropower developments vary in size, type and operation, and the specifics of the design and management have a major influence on the severity of environmental impacts – though it is recognised that only small-scale opportunities exist in Northern Ireland.

Notwithstanding, even small to medium scale hydro schemes can have significant and lasting impacts on wildlife due to disturbance during construction, permanent loss of habitat, drainage of wetlands and bogs, and disturbance to river continuity and natural river flows.

We believe that development of any form of energy, renewable or otherwise, must not compromise the achievement of nature conservation objectives, and be in line with the strict tests established by the Water Framework Directive. Given the requirements of the Water Framework Directive, the RSPB believes that modernisation and the upgrading of existing infrastructure should be considered as the first option for increasing capacity in hydropower generation. Upgrading of infrastructure should also play a key role in addressing environmental impacts of the existing schemes.

23. Do you consider that Northern Ireland has lessons to learn (positive and/or negative) from strategic planning policy for hydropower development in other jurisdictions? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.

☐ Yes

☐ No

It is worth highlighting that some existing hydropower schemes in Great Britain are already having a negative impact on habitats and wildlife, and are a major cause of failure to achieve Water Framework Directive objectives.

Comment

24. Do you have any views and/or suggestions on the strategic planning policy for where best to locate hydropower development?

☐ Yes

☐ No

Comment

As with wind energy, the RSPB believes that the best way to determining hydropower energy development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. The outline of how we undertook spatial mapping for renewables is further detailed in our

Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to hydropower energy.

Like all other forms of renewable energy development, sensitive sites (both habitats and species should be avoided), and a strategic and spatial approach applied.

25. Do you consider that current strategic planning policy is adequately integrated with the process of obtaining an Abstraction and Impoundment licence? If not, how could this be improved?

☐ Yes

☐ No

Comment

26. Do you have any other comments or suggestions to inform the future strategic planning policy approach for hydropower development?

☐ Yes

☐ No

If so how should this be monitored?

27 na

Energy Storage

Energy storage is an emerging technology which is playing an increasingly significant role in energy networks and is particularly relevant to some renewable energy technologies such as wind and solar power which cannot provide continuous generation. There are a number of very different storage systems available, ranging from very small scale (car batteries) to major industrial-scale developments (pumped storage hydro and compressed air storage).

28. Do you consider that Northern Ireland has lessons to learn (positive and/or negative) from strategic planning policy for energy storage in other jurisdictions? If so, please explain how improvements could be made to strategic planning policy in Northern Ireland.

☒ Yes

☐ No

Comment

We consider that the Scottish Planning Policy <http://www.gov.scot/Resource/0045/00453827.pdf>²² is a clear example of supporting energy storage facilities and how to outline this. The Scottish Planning Policy which is broadly supportive of 'energy storage' is a positive and helpful framework that makes clear that the development of storage facilities is desired.

The development of energy storage needs to go hand in hand with the NI Government building a grid network fit for the future while developing a smarter system management in order to collectively ensure security of supply in 2050.

29. What are the key factors that should be taken into account in developing future strategic planning policy for energy storage if appropriate?

☐ Yes

☐ No

Comment

Need for a Strategic Spatial Approach

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

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

This spatial mapping, with nature in mind, will help to enable future renewable energy development and to meet carbon reduction goals with minimised effect on nature (SPPS, para 6.215). The Planning Policy Statement 18 on Renewable Energy does provide a reasonable list of the possible nature

²² <http://www.gov.scot/Resource/0045/00453827.pdf>.

conservation issues that must be accounted for during planning and several of these issues, and these (and others) can be included into the strategic mapping as constraints.

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

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

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

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

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

More specifically we support, in general, efforts to allow energy storage to play a greater role in the energy system, thus helping to better balance supply and demand as the energy generation mix becomes increasingly varied and decentralised. It is essential that the planning system protects against environmental degradation that may be caused by energy storage, including strategic planning around where energy storage will be located in order to minimise ecological risk as outlined above.

Particular care should therefore be taken with the consideration of any 'exemptions' to having to follow due process so that sufficient scrutiny is maintained, determination should take into account

the scale of impact on the environment, both local (e.g. physical size, design, construction) and global (e.g. component material life-cycle analysis).

30. Do you have any other comments or suggestions to inform the future strategic planning policy approach for energy storage?

☒ Yes

☐ No

Comment

As with wind energy, the RSPB believes that the best way to determining energy storage development locations is to undertake strategic spatial mapping, such as in our Energy Vision 2050 report. As mentioned in our response to Q29 particular care should be taken with the consideration of any spatial planning for energy storage and any siting to follow due process so that sufficient scrutiny is maintained, determination should take into account the scale of impact on the environment, both local (e.g. physical size, design, construction) and global (e.g. component material life-cycle analysis).

An outline of how we undertook spatial mapping for renewables is further detailed in our Wind Energy (Q.7) and General Question responses (Qs.31-37). In this regard, to avoid repetition, please refer our comments in Q7 in relation to wind energy on matters relating to spatial planning, community benefits, cumulative impact, addressing data gaps, the need for continued investment and robust enforcement of post-construction monitoring, resourcing and access to experts and an integrated approach to planning assessment are relevant and transferrable to energy storage development.

Like all other forms of renewable energy development, sensitive sites (both habitats and species should be avoided), and a strategic and spatial approach applied.

More specifically on the sustainability of different types of storage facilities, we would like to highlight evidence in relation to the life-cycle impacts of lithium-ion batteries. The reserves of concentrated lithium of the world are mainly in shallow saline lakes in the high-elevation Andean deserts of Argentina, Chile and Bolivia. These lakes are important sites for three flamingo species including the globally threatened Andean Flamingo (*Phoenicoparrus andinus*). Research on the wider sustainability of batteries (including toxicity, scalability and recycling) is also ongoing (Larcher, D. & Tarascon, J-M. Towards greener and more sustainable batteries for electrical energy storage. *Nature Chemistry*. **7**, 19–29 (2015) - <http://www.nature.com/nchem/journal/v7/n1/full/nchem.2085.html>)²³. These potential challenges remain a hurdle to ensuring a truly clean and sustainable flexible future energy

²³ Larcher, D. & Tarascon, J-M. Towards greener and more sustainable batteries for electrical energy storage. *Nature Chemistry*. **7**, 19–29 (2015) - <http://www.nature.com/nchem/journal/v7/n1/full/nchem.2085.html>

system and we consider that planning has a responsibility to ensure that end-to-end environmental impact of developments are considered.

General Questions

31. Are the aim and objectives of the SPPS' Renewable Energy policy (reproduced below) appropriate under the reformed two-tier planning system?

The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.

The regional strategic objectives for renewable energy are to:

- ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
- ensure adequate protection of the region's built, natural, and cultural heritage features; and
- facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

☐ Yes

☒ No

Comment

We strongly support efforts to increase renewable energy technology into new developments while addressing any possible environmental impacts. Our concern is that while the two-tiered system may increase the incorporation of renewable energy within other developments (a positive step); it is imperative that the planning system also provides space for individual renewable energy developments. In order to deliver the scale of renewable energy necessary for the future, we believe there must be strategic spatial planning that incorporates renewable energy, as outlined in question 32 and the wind energy (specifically question 7) and solar energy sections.

A further suggestion is to introduce an objective around scope for biological enhancement in new developments as outlined in question 10.

While RSPB NI supports the aim of facilitating renewable energy development facilities in appropriate locations, policy must also recognise the need for securing the right development in the right place, at the right time. In the circumstances, the aim should also include reference to the appropriate type and scale of development, as the identification of an appropriate location is only one of the aspects for consideration.

Furthermore, under a two-tier system the subjective terms of ‘adequately address’ and ‘adequate protection’ are not considered to be helpful as they are likely to carry different interpretations across the 11 councils areas, thereby potentially undermining any strategic and spatial approach conveyed and advocated by the DfI. In the circumstances, the use of such vague statements at strategic level is to be discouraged and replaced by wording which provides clarity on the parameters to be applied including the use of criteria or definitions as appropriate.

32. Is the current level of strategic planning policy prescription for renewable energy development within the SPPS appropriate to ensure effective local operational planning policy and guidance within Local Development Plans?

☐ Yes

☒ No

Comment

Fundamental to meeting the outlined renewable energy targets are the massive strides required in demand reduction and increase in energy efficiency, both to ensure that energy is affordable in future, and to avoid significant ecological impacts. Reducing overall energy demand reduces ecological risks, as energy-saving measures lower the need for new energy infrastructure which can pose risks to biodiversity. Our research has shown that reducing energy demand and improving energy efficiency are also important to ensure that the energy system is affordable in the future. This finding is supported by other studies, which suggest that reducing energy demand is likely to be a cost-effective way of reducing emissions and meeting the UK’s climate targets (Steward T (2014). *Demand and Decarbonisation in 2050: Themes from Scenarios*. EPG Working Paper 1401. www.projects.exeter.ac.uk/igov/wpcontent/uploads/2014/02/WP-6-Demand-and-Decarbonisation-in-2050.pdf)²⁴. Local Development Plans have a key role in facilitating and securing our ability to meet the renewable energy targets.

²⁴ Steward T (2014). *Demand and Decarbonisation in 2050: Themes from Scenarios*. EPG Working Paper 1401. www.projects.exeter.ac.uk/igov/wpcontent/uploads/2014/02/WP-6-Demand-and-Decarbonisation-in-2050.pdf

For example, RSPB NI supports the encouragement of Local Development Plans in Northern Ireland to be more ambitious and to be ideally aiming for delivering zero carbon buildings. In this regard, our general overarching policy ask relating to energy efficiency is that UK Government and devolved administrations should designate energy efficiency as a National Infrastructure Priority and implement ambitious policies to improve energy efficiency and reduce demand, including through robust energy efficiency standards for new buildings.

However, the introduction of a spatial planning approach solely at the Local Development Plan level, in the absence of a bigger picture strategic view at country level brings serious limitations. While it is acknowledged that the Local Plan process can help to identify specific locations for specific renewable energy development, this scale of spatial planning will however not be sufficient to facilitate the delivery of Northern Ireland's renewable energy infrastructure to meet our energy targets.

To be effective, planning of renewable energy deployment needs to consider potential resources, and do so at a larger spatial scale than local authority areas. Crucially, planning renewables at a larger scale can help maximise the renewable energy deployment potential in the area and facilitate more efficient grid planning to ensure the network can better support the future energy system.

Having an overarching strategic spatial strategy for renewable energy deployment in Northern Ireland will assist the LDPs in integrating renewable energy siting into their strategic spatial planning. Mapping exercises like the one undertaken for the RSPB's 2050 Energy Vision help to give an indication of the low-ecological risk areas for potential development which can inform strategic planning. However, thorough environmental assessment of potential site-specific impacts (alone and in combination with other developments) should always be carried out, and relevant stakeholders consulted. LDP's should consider the finer grain data they have available to their teams. With biodiversity in trouble, we cannot afford to allow development to damage our environment (https://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf).²⁵ Poorly planned energy infrastructure can seriously harm wildlife, adding to existing pressures, including those caused by climate change (Pearce-Higgins J & Green R (2014). *Birds and Climate Change: Impacts and Conservation Responses*. Cambridge University Press, Cambridge).²⁶ A power sector which does not take into account impact on biodiversity, and therefore consequently damages the health of the UK's natural capital, would not be an effective or sustainable power sector in the long-term. Development

²⁵ https://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf

²⁶ Pearce-Higgins J & Green R (2014). *Birds and Climate Change: Impacts and Conservation Responses*. Cambridge University Press, Cambridge.

that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

Please see details below on the mapping methodology that the RSPB has developed to support strategic spatial planning for renewable energy in harmony with nature. **It is emphasised that our maps are not intended for individual site selection and local environmental assessments such as EIA must still be applied and that we recommend areas to carry out their own strategic spatial planning with finer grain data than was available to the RSPB team.** However, the maps do provide a high-level indicative estimate of the capacity of technologies that is likely to be able to be delivered without conflicting with nature conservation, and indicate areas that are more and less likely to be suitable for renewable energy development. The methodology has been peer-reviewed and full information is available here:

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

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

33. Do you have any views and/or suggestions on the introduction of a strategic planning policy that requires all new developments to meet a percentage of its energy needs from on-site renewable energy sources?

- ☒ Yes
- ☐ No

Comment

RSPB NI supports the introduction of a planning policy that requires all new developments to meet a percentage of its energy needs from on-site renewable energy resources. While we do not have a specific percentage to suggest, it must be high enough to meaningfully contribute to renewable energy and climate change mitigation goals. For the UK to meet its Carbon Budgets both off-site renewable energy generation as well as on-site renewable energy resources within developments will be required.

The Carbon Budget only stands to get tighter in order to align with the Paris Agreement, which enshrines a commitment to pursue efforts to limit global temperature rise to 1.5C rather than the previously agreed 2C. This implies zero carbon emissions by 2050, so carbon reduction work undertaken by Northern Ireland now will set it up to meet future carbon reduction goals <https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law>²⁷.

To this end, all new developments in the UK should, in our view, be zero carbon (i.e. a combination of the best energy efficiency measures available and onsite generation) as any development being built now that are not zero carbon will only add to the scale of retrofit problem that will need to be addressed by the 2040s, the time by which the UK will need to achieve net zero emissions in order to play its part in keeping temperature rises to 1.5 degree. Local authorities and their respective Local Development Plans have a role to play in helping the UK to deliver the low carbon future that is needed to mitigate climate change.

34. Do you consider that current strategic planning policy appropriately addresses the terrestrial elements of off-shore marine developments? If not, how could this be improved?

☐ Yes

☐ No

Comment

There needs to be a greater integration between the terrestrial planning and marine licensing consenting regimes, with respective applications being submitted and assessed simultaneously in order to fully consider any environmental effects. Given that both elements are inextricably linked, *the terrestrial elements of off-shore marine developments should not be permitted where there is no prospect of the marine element securing a marine construction license and vice versa.*

35. Do you consider that there is sufficient connection between Energy Policy and Planning Policy for Renewable Energy? If not, how could this be improved?

☐ Yes

☒ No

Comment

²⁷ <https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law>

Currently, decisions about land-use are made by different organisations and government departments, each with their own priorities and interests. To tackle cross-sectoral issues such as biodiversity loss and climate change, policies affecting land-use must be taken forward in a co-ordinated way. In general terms, there is a need to join up the policies, targets and investment decisions of government departments on land, sea, and air, transport, energy, housing, employment, education, health, agriculture and food supply, protection and enhancement of natural resources, water management, energy generation and supply – all which have spatial implications, but which are dealt within in different departments; energy policy and planning policy is but only one such example. Planning should therefore be broad-ranging and integrated with other programmes, plans, policies and projects that affect the development and use of land.

Furthermore, the need for a grid network fit for the future has been highlighted above, along with the adoption of an integrated approach for the additional electricity grid network infrastructure to support those areas which have been identified as potential strategic areas for renewable development (as is currently the case in Wales with regards to Strategic Search Areas (SSAs)).

36. Is existing Planning Guidance that supports the current policy approach for Renewable Energy development fit for purpose? If not, how could this be improved?

- ☐ Yes
- ☒ No

Comment

In general terms, there is a need to review the Best Practice Guidance which was published in 2009, not only reflect changes in renewable energy technologies, but also to reflect the conclusions of additional scientifically robust research in the intervening years.

The guidance document, Wind Energy Developments in Northern Ireland's Landscapes while published in 2010, considers cumulative wind energy development in Northern Ireland's distinctive landscapes in 2007, highlighting the landscape issues that need to be carefully considered in the future. In light of the significant increase in wind energy development (both farms and single turbines) since the 2007 assessment, there is now a need to bring this assessment up to date. Furthermore, sensitive areas should also include reference to species and habitats.

In terms of site restoration and decommissioning, East Ayrshire Council (<https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law>)²⁸ has developed some very useful guidance on financial guarantees. This was based

²⁸ <https://www.east-ayrshire.gov.uk/Resources/PDF/P/Planning-SG-FinancialGuarantees.pdf>

on their experience of failure to restore, site abandonment, and lack of financial guarantees in the open cast coal sector which ultimately resulted in significant restoration costs falling to the tax payer or remaining outstanding. Such guidance is considered particularly relevant where there are significant restoration, or decommissioning of ongoing mitigation requirements e.g. habitat restoration commitments, peat restoration etc.

Within this context, Paragraph 1.3.87 of the PPS 18 Best Practice Guidance which states '*developers should demonstrate that funding to implement decommissioning will be available when required*' is not sufficiently strong. RSPB NI recommends that regard is made to the East Ayrshire Council guidance on such matters.

In addition it worth highlighting that Scottish Natural Heritage (SNH) has recognised the importance of statutory guidance to support the assessment of sites, even with the best spatial guidance there will still be a need to consider detailed issues at the site level. In this regard, SNH has produced a wide range of guidance documents, for example impact on birds (<http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/>)²⁹ which has helped with the consenting process including complex issues such as cumulative assessment. DfI should similarly have regard to this and other guidance produced by SNH.

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

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

Please also refer to additional guidance provided by RSPB which is linked into Question 10.

With regards to Community Benefits, in our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DfI about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act) (<http://www.legislation.gov.uk/nia/2011/25/section/76>)³⁰ process by both planners and developers.

²⁹ <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/>

³⁰ <http://www.legislation.gov.uk/nia/2011/25/section/76>

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

Strategic Guidance for Solar Energy Mitigation and Enhancement

Guidance should be provided on mitigation and enhancement at a strategic level. The following are suggestions for mitigation and enhancement measures that can be adopted by solar developers to reduce their environmental impact and enhance biodiversity on solar sites. It is important to note, however, that mitigation and enhancement should be considered on a case-by-case basis, and not all of these measures will necessarily be relevant to any particular case. A more extensive document – produced by the BRE National Solar Centre in conjunction with the RSPB and other conservation organizations is also available:

<http://www.bre.co.uk/filelibrary/nsc/Documents%20Library/NSC%20Publications/National-Solar-Centre---Biodiversity-Guidance-for-Solar-Developments--2014-.pdf>³¹.

Mitigation

- Avoid legally protected areas (SACs, SPAs, Ramsar sites, ASSIs etc.), and other ecologically sensitive sites such as Important Bird Areas (IBAs) and some freshwater aquatic features.
- Landscape features such as hedgerows and mature trees should not be removed to accommodate panels and/or avoid shading. If removal of a section of hedge is essential, any loss of hedges should be mitigated elsewhere on the site.
- All overhead power lines, wires and supports should be designed to minimise electrocution and collision risk (for example, bird deflectors may be necessary).
- Power lines passing through areas where there are species vulnerable to collision and/or electrocution should be undergrounded unless there is adequate evidence that mitigation measures will reduce the risk to an acceptable level.

³¹ <http://www.bre.co.uk/filelibrary/nsc/Documents%20Library/NSC%20Publications/National-Solar-Centre---Biodiversity-Guidance-for-Solar-Developments--2014-.pdf>

- Time construction and maintenance to avoid sensitive periods (e.g. during the breeding season).
- Whilst solar farms generally do not have moving parts, any risk to grazing animals or wildlife from moving parts that are present must be avoided.
- White borders and white dividing strips on PV panels may reduce attraction of aquatic invertebrates to solar panels (Horváth et al., 2010).

Vegetation will grow under the solar panels and this will require management. Grazing by sheep, chickens or geese should be acceptable, and are preferable to mowing, spraying or mulching. Ideally sites should be maintained without chemicals, fertilisers and pesticides. In terms of future management, it is important the current interest is maintained or enhanced in line with national and local planning policies. So whilst grazing may be appropriate, there may be more appropriate management options for arable wildlife and farmland birds that could be incorporated.

Enhancement

Consistent with the strategic aim of the Regional Development Strategy (RDS) 2035 and the SPPS of furthering sustainable development, the requirement for enhancement measures should also be incorporated within proposals.

Potential exists in this regard for solar PV as the panels are raised above the ground on posts, where generally greater than 95% of a field utilised for solar farm development is still accessible for plant growth and potentially for wildlife enhancements. Furthermore, solar sites are secure sites with little disturbance from humans and machinery once construction is complete. Most sites have a lifespan of at least 20 years which is sufficient time for appropriate land management to yield real wildlife benefits.

- Biodiversity gains are possible where intensively cultivated arable or grassland is converted to extensive grassland and/or wildflower meadows between and/or beneath solar panels and in field margins. The best results are likely to come from sites that contain both wild flower meadows and areas of tussocky un-cropped grassland.
- Planting wild bird seed or nectar mixes, or other cover crops could benefit birds and other wildlife. For example, pollen and nectar strips provide food for pollinating insects through the summer period, and wild bird seed mixes provide food for wild birds through the winter.

- Bare cultivated strips for rare arable plants, and rough grassland margins could also be beneficial. For instance, small areas of bare ground may benefit ground-active invertebrates.
- It may be possible for panels to be at a sufficient height for regular cutting or grazing to be unnecessary. Rough pasture could then develop, potentially providing nesting sites for birds.
- Boundary features such as hedgerows, ditches, stone walls, field margins and scrub can provide nesting and foraging areas, as well as a means for wildlife to move between habitats.
- A variety of artificial structures can be built to provide suitable habitat for nesting, roosting and hibernating animals such as hibernacula for reptiles and amphibians, log piles for invertebrates, and nesting or roosting boxes for birds and bats. Built structures such as control buildings can be designed to promote access e.g. by providing access to loft spaces.
- ‘Community benefit’ funds may provide money for local environmental enhancement such as energy conservation measures or nature conservation initiatives. (See also further comment at questions 7 and 37).
- Biodiversity enhancements should be selected to fit the physical attributes of the site and should tie in with existing habitats and species of value on and around the site.

37. Do you have any other comments or suggestions to inform the best strategic planning policy approach for onshore renewable energy development overall?

☒ Yes

☐ No

Comment

A sustainable renewable energy system for people and wildlife

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

While some progress has been made in the decarbonisation of our energy supply, much however remains to be done. Even to attain our existing renewables and emissions targets (http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf)³² a huge shift in where we source our energy from will be required. An increasing proportion of energy will need to be sourced from renewable and low carbon technologies, as well as reducing our overall energy

³² http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf

demands. However, the meeting of such targets should not be at the expense of our biodiversity. As such there is a need for sustainable renewable energy to be the cornerstone of our energy systems. To put it simply, there is no either/or choice between cutting emissions and protecting wildlife – we have an obligation to do both if we are to leave a planet which is able to support people and the ecosystems upon which we and other species depend (BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK)³³.

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years (State of Nature Partnership (2013) State of Nature report http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf)³⁴, poorly sited, designed or managed energy infrastructure can seriously harm wildlife – adding to the pressure already caused by climate change.

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

RSPB's 2050 Energy Vision

As noted throughout this consultation response, the RSPB's 2050 Energy Vision: Meeting the UK's climate targets in harmony with nature' examines how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats, so that our climate change targets are delivered in harmony with nature. It uses DECC's 2050 Pathways Calculator and innovative mapping techniques³⁵ to assess the deployment potential for a range of renewable energy technologies.

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

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

³³ BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

³⁴ State of Nature Partnership (2013) State of Nature report http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf

³⁵ RSPB has developed a mapping methodology to support strategic planning at national and local levels. The methodology employed in this Report can be easily be replicated at the finer scale. See Summary Report for methodology outline, more details are available within the Technical Report

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

Suitable sites for renewable energy with low ecological sensitivity are a limited and valuable resource. Governments have a key role to play in facilitating strategic spatial planning, informed by robust strategic environmental assessment, in order to steer development towards the least ecologically sensitive sites, thereby ensuring that this resource is maximised. Good strategic planning also helps to minimise planning conflicts, leading to more efficient outcomes.

The RSPB's 2050 Energy Vision report sets out a mapping methodology that could support strategic planning at national, regional and local scales by identifying resource opportunities, constraints, and ecological sensitivities for renewable energy development. Developments should seek to avoid the most important sites for wildlife such as Natura 2000 sites, which are protected under the EU Birds and Habitats Directives, as well as nationally designated sites such as ASSIs and locally important wildlife sites. Thorough environmental assessment of potential site-specific impacts (alone and in combination with other developments) should be carried out, and a precautionary approach adopted if impacts on vulnerable species or habitats are unclear or unknown. As well as identifying the least ecologically sensitive sites, it is important to identify opportunities for biodiversity enhancement alongside renewable energy generation. For example, onshore wind and solar farms can be managed to provide habitat for wildlife, and power lines can be managed to support "wildlife corridors".

Additional guidance provided by RSPB is linked in question 10.

Managing renewable sites for the improvement of biodiversity is an excellent way to achieve the goals of prioritising climate change mitigation and adaptation as well as conservation and enhancement of the natural environment. In particular:

- Assessments and maps of existing and potential ecological networks should be taken into account as part of the evidence base for climate change mitigation. These should be expressed as positive ‘Spatial Visions’ within plans.
- Areas of potential biodiversity enhancement and specific policies and actions to strengthen and/or create ecological networks should also be clearly set out and mapped within these spatial visions. In order to minimise impacts on biodiversity and provide net gains where possible.
- Management plans in line with the objective of the ecological network should be required as part of planning conditions for renewable energy development.
- The remote locations of many renewable energy developments can provide a safe haven for a range of species if actively managed with a range of habitats and organisms in mind.

Strategic approach to Community Benefits

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

In our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DfI about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act) (<http://www.legislation.gov.uk/nia/2011/25/section/76>)³⁶ process by both planners and developers.

We also previously advocated that there should be guidance on when a planning agreement is likely to be required, as opposed to when an agreement could be used to facilitate a developer offer. Where a developer offer proceeds entirely outside the planning process, there needs to be security that the offer will result in tangible community benefits and not ‘greenwash’ or superficial unsustainable

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

community projects. There is a danger, particularly in areas where there are many wind farms or other projects, that there will be no strategic overview of planning agreements or developer offers, such that small piecemeal projects will proceed and the opportunity for larger scale benefits or environmental enhancement through cooperation between developers and communities will be missed. Reliance on developer offers may also mean that less scrupulous developers will not offer or deliver, leading to inequality between receiving communities.

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

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

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

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

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

DfI Planning and the Local Authorities must avoid situations where community benefit is seen to be used essentially as an enticement to secure planning permission. If a wind farm application, for example, is consented for sound planning reasons, the community should be eligible for any community benefits agreed, regardless of whether they supported the application or not. In this context there is important case law to support this in *R (Wright) v Forest of Dean District Council* [2016] EWHC 1349 (Admin) re-affirms a fundamental principle of planning law that, as Lloyd LJ put it in *City of Bradford Metropolitan Council v Secretary of State* [1987] 53 P&CR 55, "planning consent cannot

be bought or sold”
<http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf>).³⁷

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

Cumulative Impact

The issue of cumulative impact, including single turbines needs to be robustly and comprehensively addressed in strategic policy and guidance. For example, under current policy, single turbines which develop (as a result of individual planning decisions) in clusters can in effect create a wind farm by stealth without ever having to under go the cumulative environmental rigors of an individual windfarm application comprising the same number of turbines as that created by the multiple applications for single turbines.

In the circumstances, guidance, and thresholds require to be addressed to avoid the creating of windfarms by stealth through multiple individual planning decisions in the absence of full environmental assessment of the windfarm totality.

Notably, we urged the Department in the consultation exercises of both the Draft SPPS, and Draft PPS 18 to provide guidance on ‘cumulative impact’. For example, in Scotland, cumulative impact on birds is considered within Natural Heritage Zones (NHZs) for which data on bird populations are available from Scottish Natural Heritage (SNH). The RSPB currently requests that developers provide an assessment of the cumulative impact on protected species such as hen harrier by considering local, regional and national impacts on the population, but this is problematic where there are insufficient data to run population models for those species. To date this has not occurred. The recommendations contained within the Birdlife International Report ³⁸ detailed above, underscore this requirement. This Report was prepared by Birdlife International on behalf of the Bern Convention (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

Addressing Data Gaps

³⁷ <http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf> accessed 25/01/2017

³⁸ prepared by Birdlife International on behalf of the Bern Convention (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

It is most disappointing that Northern Ireland has failed to acknowledge or implement one of the five key actions which were identified in the Draft Onshore Renewable Electricity Action Plan 2011 – 2020 (October 2011) (<http://www.nigridenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>)³⁹ as follows:

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

Furthermore, as new technologies emerge, or existing ones modified, it will be necessary for continued research into the potential effects (including cumulative) of such technologies on species and habitats – see section below on continued investment for further details).

In moving forward, it will be imperative that policy and decision makers address these data gaps as a matter of urgency.

Continued Investment and Robust Enforcement of Post-Construction Monitoring Requirements

Continuing investment in research into the environmental impacts of renewable technologies will be critical, particularly to ensure that the cumulative impacts are monitored in order to know when the thresholds of impacts on species/habitats may be reached.

Government must take a lead role in ensuring that post-construction monitoring is carried out and critical research is delivered, thereby delivering a nationally coordinated and consistent approach which will assist the industry as a whole. To this end, planning authorities will need to adopt a much stronger and proactive role (than that currently adopted) in ensuring post-condition monitoring is carried out in accordance with planning approval conditions. RSPB NI is currently aware of a number of windfarm cases in Northern Ireland where post-construction monitoring data has not been submitted to the planning authority in compliance with approval condition, we are currently liaising with the respective councils on the matter. Our initial findings suggest that the lack of a robust approach to post-construction monitoring requirements is more prevalent in some council areas than others. In the circumstances, a robust approach to the proper and effective enforcement of planning conditions should be adopted by all planning authorities, and sufficient resource should be made available to conduct such a task. A failure to do so undermines the use of mitigation measures and conditions within development management.

Resourcing and Access to Experts

³⁹ <http://www.nigridenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>

Planners must also have access to competent experts in all stages of the assessment process and the appropriate authorities must be properly resourced to facilitate this service provision. This will become more pertinent as the full effects of the transposition requirements of the 2014 EIA Directive Review take effect, having been recently transposed into our Planning EIA Regulations, particularly when set against the backdrop of ever diminishing public sector resources.

Integrated Planning and Assessment

Strategic spatial planning must be informed by a robust and appropriate assessment process to ensure that delivery of our renewable energy network is in harmony with nature.

As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard. With ambitions targets for renewable energy, developing plans of where these developments can best be accommodated is integral to the successful roll-out of renewable energy technologies.

38. Thank you for contributing to the survey.

We intend to hold review meetings for consultees to discuss the findings of this survey.

We would welcome your attendance.

If you would like to attend an open meeting to review the survey please complete the fields below



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

Consultation response by RSPB Northern Ireland

January 2014

1. Summary

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

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

2. General Comments

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

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

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

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

1.0 Introduction

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

2.0 Policy Context

There are various existing policy areas that PPS15 must compliment if full integration is to be realised. The European Commission Floods Directive¹ entered into force on the 26th of November 2007, requiring member states to produce community legislation two years later. The aim of the directive is to reduce and manage the risk that floods pose to human health, the environment, cultural heritage and economic activity.

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

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

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

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

3.0 Policy Objectives

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

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

4.0 Role of Development Plans

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

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

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

We support the catchment scale approach advocated in paragraph 4.5.

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

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

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

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

5.0 Development Management Considerations

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

Draft SPP³, with regards to development management notes that *'proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place'* (paragraph 247), and we would support the inclusion of this within Revised PPS15.

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

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

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

6.0 Planning Policies

Policy FLD 1 Development in Floodplains

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

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

It is useful to compare FLD1 with paragraph 203 in SPP⁴: *Built development should only take place on functional flood plains where it will not affect the ability of the flood plain to store and convey water, where the*

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

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

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

Where development does take place, and flood defences are required, the Department may wish to consider developer contributions. This is presented in England Planning Policy Statement 25⁵ Annex G.

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

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

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

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

Policy FLD 2 Protection of Existing Flood Defences

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

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

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

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

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

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

In this regard, given that peatlands are internationally recognised as important for water storage⁶, we would hope that policy FLD 3 is reflected in the assessment of plans to extract peat from lowland and raised bogs in Northern Ireland, and that the precautionary approach will be adopted.

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

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

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

Policy FLD 4 Artificial Modification of Watercourses

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

Policy FLD 5 Development in Proximity to Reservoirs

No comment.

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

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

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

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

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

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

Annex B: Impact of Flooding on People and Property

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

Annex C: Sustainable Stormwater Management

The European Water Framework Directive (WFD) was adopted in 2000 and passed into UK law in 2003. It aims to improve the chemical and ecological status of rivers, lakes, estuaries, coastal waters and groundwater and their dependant ecosystems. SuDS have a key role in delivering those objectives. After the 2007 summer floods and the subsequent Pitt Review, came the Flood and Water Management Act 2010⁸. This is set to become the key legislation relating to SuDS in England and Wales. In seeking to effectively manage floods, it will make the installation of SuDS compulsory for nearly all new developments. It will also remove the right of automatic connection to sewers unless the drainage scheme is approved by the soon to be created SuDS Approving Bodies (SABs). Local Authorities have a duty to ensure high quality, fit for purpose SuDS are delivered as a result of this legislation. The SABs will be created within local authorities and they will be tasked with approving all SuDS in new developments (and also redevelopments). The SAB will also be responsible for their adoption and management.⁹ PPS15 should incorporate this model to allow local authorities and communities to make space for nature in urban areas.

Annex D: Assessing Flood Risk and Drainage Impact

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

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

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

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

⁹ http://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf

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

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

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

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

Annex E: Flood Proofing – Resistance and Resilience

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

In the absence of any comparative assessment of the relative benefits of either method within the document, it is recommended that reference is drawn to the following extract from the National Planning Policy Framework (NPPF) Technical Guidance document¹⁰:

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

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

Annex F: Section 75 Equality of Opportunity Screening Analysis

No comment.

7.0 Conclusion

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

██████████ (Senior Conservation Officer) and ██████████ (Senior Conservation Officer)
RSPB Northern Ireland ██████████
January 2014

¹⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf



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

A response from the RSPB, 06 May 2016

Introduction

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

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

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

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

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



Our response to the following question is outlined below:

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

Long Term Vision

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

Protection of Biodiversity

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

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

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

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years², the DOE must consider what more the planning system can do to deliver for biodiversity. It is clear

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

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

Development within Environmental Limits

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

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

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

² State of Nature Partnership (2013) State of Nature report http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf



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

Ecosystem Services

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

The last year has seen major floods causing havoc through parts of the UK, many of which could be prevented through correct management of our uplands. Peatlands naturally store water and release slowly over time. This provides flood alleviation in its more natural form. Inappropriate development in our uplands, particularly forestry, can degrade peat and prevent it from delivering this vital service. In addition to this, other human benefits include the storage of carbon peat provides and the natural water filtration within water catchment areas. In this context, the RSPB has been involved with a Sustainable Catchment Area Management Plan in The Garron Plateau (Antrim Hills) as an example of blanket bog restoration and management in Northern Ireland³.

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

Useful sources of information include:

- Defra Ecosystem Services⁴ — Government website providing general information about the ecosystems approach and ecosystem services, including ecosystem services valuation.
- The Economics of Ecosystems and Biodiversity (TEEB)⁵ — A global initiative highlighting the economic benefits of biodiversity, the global costs of ecosystem degradation and biodiversity loss. Through its various publications TEEB is driving forward the awareness of ecosystem services, and provides decision makers with an accessible means of considering ecosystem services identification and valuation.

³ http://www.climatenorthernireland.org.uk/cmsfiles/ClimateNI_RSPBFINAL.pdf
https://www.rspb.org.uk/Images/Blanket_Bog_sm_tcm9-335643.pdf

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

⁵ <http://www.teebweb.org/>



- UK National Ecosystem Assessment (UK NEA⁶) — The report forms the first analysis of the benefits the UK's environment provides, both to people and the economy, and commonly forms the basis of much of the ecosystem services thinking underway in the UK at present.

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

Health and Well-being

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

In 2007, again for RSPB, Dr Bird correlated the link between nature and mental health⁸. His 'Psycho - Physiological Stress Recovery Theory' suggested that simple views or exposure to nature can reduce stress and reduce blood pressure, muscle tension and pulse rate. Dr Bird concluded that 'contact with the natural environment may offer considerable mental health benefits and have a positive effect on communities. The natural environment has a quantifiable impact on health and provides a service in terms of maintaining and sustaining a healthy population.

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

Reduce, Reuse and Recycle – Government Targets

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

⁶ [UK National Ecosystem Assessment \(UK NEA\)](#)

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

⁸ Bird, W. (2007) Natural Thinking. Sandy. RSPB



construction materials. Concentrating rural housing growth⁹ around existing public transport and utility infrastructure, and re-using or restoring existing buildings would help combat these issues.

A Land Strategy for Northern Ireland

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

For further information contact:

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⁹ Based on a need assessment

¹⁰ http://www.nienvironmentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI_2015-Main-Report.pdf



Mid and East Antrim Borough Council - Local Development Plan Preferred Options Paper

A response from RSPB Northern Ireland, 06 September 2017

Introduction

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

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

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

RSPB NI welcomes the opportunity to comment on the Mid and East Antrim Borough Council (MEABC) Local Development Plan Preferred Options Paper (POP).



For convenience, section numbering follows that contained within the Preferred Options Paper (POP) and Response Form. Please note that not all sections /questions have been commented on within this response.

Please note that there is a number of RSPB NI consultation responses referred to throughout this MEABC POP response. These are included with the original submission response email and comprise the following:

- RSPB NI's response to the DOE's call for evidence on Renewable Energy
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

These documents should be read in conjunction with the contents of this response.

Comments on Opening Sections of the Preferred Options Paper

1.0 Introduction

Stages in the Local Development Plan process

Sustainability Appraisal (SA) / Habitats Regulation Assessment (HRA)

RSPB NI welcomes the commitment to undertake both a Sustainability Appraisal (SA) and a Habitats Regulation Assessment (HRA), which are required under The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 and the Habitats Directive¹ respectively. In this regard, we seek clarification on the current status and availability of the HRA. While the POP states that 'a baseline HRA has been prepared to accompany the SA Scoping Report' no further detail on its content is available. Now is the ideal time to establish what the key sensitivities of the various protected sites

¹ EU (1992) Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC, Habitats Directive) Article 6 (3)

(both within and those with linkages outwith the Council area) are to ensure that their needs are reflected in the design of the Plan, and to employ effective avoidance techniques, as opposed to mitigation measures.

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

2.0 Setting the Context

Regional Policy Context

RSPB NI strongly recommends that the publication ‘Valuing Nature: A Biodiversity Strategy for Northern Ireland to 2020’² is included within the list of documents relevant to informing the regional policy context. This *‘strategy is for Northern Ireland to meet its international obligations and local targets to protect biodiversity and ensure that the environment can continue to support our people and economy’*.

Supplementary Guidance

RSPB NI welcomes the comprehensive list of supplementary guidance contained within Appendix A, however further clarification is required at Page 24 of the POP with regards to the status of the Supplementary Guidance once the LDP Plan Strategy is adopted. This should be clarified by MEABC in any future iteration the LDP. RSPB NI recommends that all guidance documents should be carried over into the LDP.

3.0 District Profile

Under the environment heading, the Borough’s nature conservation designations are identified in numerical value only. In this regard, it would be most helpful if a map and narrative could be provided which provides detail on their spatial extent (similar to that provided in Section 10 ‘Protecting and

² <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/natural-policy-biodiversity-strategy-to-2020-2015.pdf> (accessed 05.0.17)

Accessing our Natural Environment’), and also lists the species and/or habitats for which they are designated. (See also our comments in relation to Section 10 below for further information).

The POP also correctly recognises that there are ‘many more assets that are not given special protection at present but require sensitive management for tourism, cultural or leisure purposes’. While this is welcomed, the purposes identified in the POP are considered to be too narrow and should include matters such as renewable energy proposals, and others such as eco-systems services, mitigating and adapting to climate change, and protection of the environment and biodiversity for its own sake, consistent with the approach advocated by the RDS. The reference to the connection to green spaces for health and wellbeing is also welcomed, and will be discussed further in our response below.

In order to meet the government targets on climate change and carbon emissions, the Borough will need to move away from its primary production of energy through fossil fuels to more sustainable low carbon renewable technologies. While such a move is necessary, it nevertheless brings with it a new set of challenges for example, the effects of windfarms and single turbines in landscapes with sensitive species and habitat features. This is not to say that such developments should not occur, rather it is about getting the right development in the right place at the right time – and the MEABC has a significant contribution to make in this regard. This will be discussed further in our response below.

4.0 Local Development Plan

Vision

Q1. Do you agree with our Vision for the LDP?

While RSPB NI welcomes the reference to ‘sustainable’ within the LDP Vision it does not however go far enough in meeting the Council’s legislative requirement³ of furthering sustainable development in the plan making process or being in general conformity with the Regional Development Strategy 2035 (RDS) and the Strategic Planning Policy Statement (SPPS). Furthermore, there is no regard to protection and enhancement of the natural environment for its own sake either now or for the future within the vision.

³ As set out in the Planning Act (NI) 2011, and MEABC has a responsibility to exercise this objective in its plan making function.

The new LDP should be set within environmental limits. As noted in the introduction, sustainable development is at the heart of the planning system and such is expressed in both the Regional Development Strategy (RDS) 2035, and the Strategic Planning Policy Statement (SPSS).

These aspects will be discussed further throughout this response.

Strategic Objectives

Q2. Do you agree with our LDP Strategic Objectives?

In general terms, RSPB NI welcomes the identification of the need to use of the United Nations Assembly definition of sustainable development within the LDP Strategic Objectives. RSPB NI firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs. *‘...The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. The aim is to achieve the right development in the right place. The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society’⁴*

However, the proposed LDP strategic objectives while going some way to achieving this requirement nevertheless require further enhancement in a number of areas (see below) to ensure that they are **all** set within environmental limits which have furthering sustainable development at their core.

Furthermore, the importance of ecosystem services has not been fully explored within the strategic objectives. The SPSS recognises that *‘the careful management, maintenance and enhancement of ecosystem services are therefore an integral part of sustainable development’* (para. 3.14). RSPB NI recommends that the condition of ecosystem services, the provision of services and their relationship to human well-being should be integrated into plan-making and decision-taking processes (as set out in the SPSS (para. 3.16)) through overarching LDP objectives.

⁴ One Future - Different Path: The UK's Shared Framework for Sustainable Development (2005)

Similarly, mitigating and adapting to climate change could be significantly strengthened within the LDP objectives. Paragraph 3.13 of the SPPS sets out how the planning system can mitigate and adapt to climate change – these measures should be incorporated into the LDP, if it is to truly further sustainable development. Climate Change is one of the most pressing challenges facing our society. In this regard, the SPPS advocates that the planning system should mitigate and adapt to climate change. The LDP should therefore be an opportunity to identify and implement opportunities to build resilience into the built and natural environment and to develop and implement sustainable strategies to explore, address and manage significant flood risk, as stated in para. 3.12 Of the SPPS.

Social Objectives

In terms of Social Objectives, (d) could go further by requiring sustainable and convenient locations, while (k) could be extended to include the protection of (in addition to the provision) of public places. Public places should also include areas of open spaces (green and blue). Access to open space is not only beneficial to our health and well-being but also to our biodiversity. These aspects will be discussed further below.

Economic Objectives

RSPB NI is of the view that there needs to be an additional objective which refers to the economic importance of fully functioning ecosystems services or natural capital of the environment, as required by the SPPS. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

For example the contribution fully intact/functioning blanket bog makes to our greenhouse gas targets, or the ecosystem services it provides in respect of flood management and water quality. In this regard the RSPB, with funding from NIEA, produced a management plan for the 2000 hectares of the Garron Plateau ASSI owned by NI Water. NI Water is now delivering the plan by working with tenant farmers to reduce grazing pressure and employing a contractor, to block drains.

The project aims to restore the ASSI, secure habitat for wildlife, improve water quality and maximise the bog's potential as a vital carbon store. This approach, adopted previously by water companies in England, has proved more sustainable and more cost effective than dealing with water quality issues at

the treatment works. Read more at <https://www.rspb.org.uk/our-work/rspb-news/news/361922-giving-nature-a-home-at-garron#Hlkl7Kf22JWcsLvM.99>

Against this background, new development should not be considered the sole economic driver. This factor must be addressed in any future iteration of the LDP.

Environmental Objectives

In order to halt the loss of our habitats and species, MEABC (like all other councils in NI) will need to ‘work(ing) towards the restoration of and halting the loss of biodiversity’ as identified in paragraph 3.33 of the SPPS. Which, when considered in combination with the biodiversity duty on public bodies, (as contained within Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011), which includes the furthering of conservation of biodiversity and enhancement of species or habitat serves only to highlight that objective (a) to ‘where possible, enhance environmental quality’, does not go far enough in fulfilling either of these requirements. This objective must be strengthened accordingly in any future iteration of the LDP.

With regards to **objective (b)** it is disappointing that visual landscape quality matters are given prominence, the other areas referred to as ‘areas designated for their nature conservation and/or scientific importance’ include species and habitats which are recognised as being important in an international context e.g Special Protected Areas (SPAs), Special Areas of Conservation (SACS), and Ramsar. This objective should make reference to all internationally and nationally protected areas, and not just single out the AONB, as we will elaborate further, it is not always how aesthetically pleasing an area is in its contribution to nature conservation, biodiversity and the ecosystems services which flow from it.

Objective (d) should be extended to recognise the value of old, vacant or utilised buildings for biodiversity. Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/ refurbishment proposals should incorporate measures to continue to give nature a home – see comments below with regards to urban design for ways in which this can be achieved. This should not only apply to internationally protected species or priority species, but to wildlife in general. Good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3). See comments below relating to Sections 9 and 10 for further information in this regard.

Objective (f) is welcomed.

Objective (h) should be extended to include reference to the incorporation of sustainable technology within development design to reduce carbon emissions and increase opportunities for biodiversity e.g. swift bricks, bat boxes etc – see comments below with regards to urban design (Section 9.0) for ways in which this can be achieved).

Objective (i) can also secure economic benefits - reduced sick days through improved health and well-being, and quicker travel to work times avoiding congested and often air and noise polluted routes. This should also be recognised within the LDP.

Overarching Principles

Q.3 Do you agree with our LDP Overarching Principles?

In general terms, RSPB NI welcomes MEABC's sustainable and integrated approach to its overarching principles. Further commentary on each objective is provided below:

Principle 1 – as noted in Objective (d) above, in developing a sense of place and helping a place realise its potential, important wildlife refuges must not be lost, but also enhanced. With regards to sustainable design, the wording here needs to be stronger than encouragement if we are to meet our government targets on climate change and meet the needs of the present without compromising the ability of future generations to meet their own needs.⁵

Principle 2 – in promoting accessibility and connectivity, there needs to be acknowledgement within this principle that development which results in an increased number of journeys (by private car) and/or journey length is not consistent with the strategic policy direction and legislative requirement of furthering sustainable development.

⁵ United Nations Assembly definition of sustainable development

Principle 4 – in having regard to healthy and active lifestyles, regard should also be made to the value of access to nature and biodiversity. This will be discussed further below.

Principle 6 – this principle needs to recognise the value of urban biodiversity, and the role the local plan has to play in its continued survival. Furthermore, as noted above, the requirement for enhancement, where possible, is not strong enough if we are to truly halt the loss of biodiversity. As will be discussed later in this response, urban biodiversity is in serious trouble. The State of Nature 2016 report⁶ highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years. RSPB NI believes that the protection and enhancement of urban biodiversity can be achieved through careful planning and development, which aims to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.

Equally, the requirement for biodiversity enhancement is applicable to those areas outside our settlement limits, which are also subject to development pressure.

Furthermore, it should not just be features of importance which the LDP will seek to protect, conserve and enhance, but all biodiversity. Further clarification on what is meant by ‘biodiversity natural heritage features of importance’ is sought.

Key Issue 1 Developer Contributions

Q.4 Do you agree with our Preferred Option to securing developer contributions from landowner and/or developers?

No. RSPB NI is concerned that the use of thresholds could result in situations where developments (under the threshold, and therefore not subject to the contribution requirement) could create deficiencies in or add to existing problems within regard to infrastructure needed to serve the development, without the need to developer contributions.

⁶ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>
http://www.rspb.org.uk/Images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf
 - this is the NI specific element of the report

In the circumstances, a hybrid of Option 1(a) and (c) could satisfactory address this matter, the use of thresholds along side the site by site basis where development under the identified threshold would create deficiencies or add to existing infrastructure problems could be utilised to prevent any policy gaps.

It should also be noted that caution should be exercised with regards to the wording of Developer Contributions, as any wording on this aspect must be clear so as to avoid an interpretation that planning permission can be bought or sold. In this regard there is important case law to support this in *R (Wright) v Forest of Dean District Council* [2016] EWHC 1349 (Admin) re-affirms a fundamental principle of planning law that, as Lloyd LJ put it in *City of Bradford Metropolitan Council v Secretary of State* [1987] 53 P&CR 55, “planning consent cannot be bought or sold”.⁷

5.0 Spatial Growth Strategy

Key Issue 2 Settlement Hierarchy

Q5. Do you agree with the Preferred Option for our settlement hierarchy?

In terms of the POP’s proposed settlement hierarchy, is worth noting the contents of SFG 12 of the Regional Development Strategy 2035 (RDS). In this regard, SFG 12 ‘Grow the population in the Hubs and cluster of Hubs’ states, ‘the evidence is that over the last 10 years there has been a disproportionate amount of growth in smaller settlements (Appendix B). If this pattern were to continue, it could affect the role of the larger settlements and be contrary to the objectives of the Strategy for strong growth in larger urban areas’.

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

⁷ <http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf> accessed 25/01/2017

In this regard, caution should be exercised by MEABC in its approach to growth within the smaller settlements of the hierarchy, and in the identification of new small settlements in order to comply with the RDS and SPPS. Furthermore, care should be exercised with the proposed amalgamation of any existing settlements, as this would appear to run contrary to current policy, which seeks to protect the setting of each settlement and prevent coalescence.

Key Issue 3 Spatial Growth Strategy

Q6. Do you agree with the Spatial Growth Strategy proposed for our Borough?

Currently, decisions about land-use are made by different organisations and government departments, each with their own priorities and interests. To tackle cross-sectoral issues such as biodiversity loss and climate change, policies affecting land-use must be taken forward in a co-ordinated way. There is a need to join up the policies and investment decisions of government departments on land, sea, and air transport, energy, housing, employment, education, health, agriculture and food supply, protection and enhancement of natural resources, water management, energy generation and supply – all which have spatial implications, but which are dealt within in different departments. Planning should therefore be broad-ranging and integrated with other programmes, plans, policies and projects that affect the development and use of land.

Against this background, RSPB NI would recommend reference to the document 'Planning naturally - Spatial planning with nature in mind: in the UK and beyond'⁸ as a key reference document for the Council. This document is structured around 12 principles of good spatial planning, and illustrates them with case studies from all four countries of the UK, as well as some international examples. It recognises that the principles are not the last word on planning, but they capture a broad range of issues that are critical for all effective planning systems.

The twelve principles of good spatial planning are:

1. Planning should be positive, setting out a clear vision for how areas should look and function in the long-term.

⁸ <http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx>

2. Spatial plans should integrate all the issues that affect the development and use of land within a specific territorial area, whether social, economic or environmental.
3. Plans should consider strategic issues that may affect a wider area than the individual plan, including functional ecological areas.
4. Plans should contribute to sustainable development by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits.
5. Plans and projects should be based on up-to-date and scientifically robust evidence, including evidence on the value of the natural environment.
6. Plans and projects should be rigorously assessed for their environmental impacts, and the results used to improve the plan.
7. Alternative options should be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public.
8. Public participation is essential. It should be both timely and inclusive of civil society, whether community groups or other stakeholders.
9. Decision-making must be transparent and made by a democratically accountable body or person.
10. Those adversely affected by a planning decision should have a fair opportunity to challenge it.
11. Public authorities should be given the legal powers and resources to enforce planning laws, especially where illegal development is resulting in environmental damage.
12. Plans should be monitored and reviewed regularly.

Please also refer to the Lawton principles, as noted under the Natural Heritage section of this response towards the end of this document (page 62).

In terms of growth *per se* within the MEABC, RSPB NI does not object to increased levels of development, such as housing and low carbon energy infrastructure that the country needs. Development is not, however, inherently sustainable. It only becomes sustainable if it incorporates environmental and social consideration.

As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development

that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

Furthermore, there is no reference to the environmental capacity to absorb further development within the MEABC area (capacity studies should be employed to inform), or a commitment to steer development away from sensitive areas (including habitats and species). Such sensitive areas should be complemented with a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy 2020. Such an approach is necessary to ensure that growth does not exceed the capacity of the environment or the essential infrastructure expected for modern living.

Furthermore, in adopting such an approach, the LDP spatial growth strategy must have cognisance to the importance of ecosystem services within and adjoining the Council area.

Key Issue 4 Housing Allocation Strategy

Q7. Do you agree with our Preferred Option for allocating housing growth across the Borough?

No. In the interests of delivering sustainable patterns of growth, protecting and enhancing the natural environment and stimulating urban regeneration, any such preferred option must increase the ability to meet the RDS 60% Brownfield target in settlements over 5,000 (Ballymena, Carrickfergus, Larne and Greenisland). It is therefore of great concern that the POP lacks ambition in seeking to achieve this target. In the circumstances, Option 4(c) is considered to more sustainable option. Using an evidential sequential approach to development, will help produce settlement patterns which further sustainable development, and are set within environmental limits.

While strategic policy advocates for increased housing density without town cramming in town and city centres, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the LDP or strategic policy, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and should exclude minerals workings and landfill or soil dredging and landfill.

As previously noted, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network, and

include priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites. For example, within the settlement of Ballymena, river flood plains should be avoided so as not to prejudice their ability to act as flood storage areas, and thus allowing them to make a positive contribution towards biodiversity and nature conservation. Within Larne, consideration should be given to restricting any further extension of the town beyond its presently defined southern development limits, given its proximity to Larne Lough. Similarly, housing growth in Carrickfergus should consider the wider implications of such development given its proximity to Belfast Lough. Within the rural area, there should be a general presumption against dispersed rural housing which increases pressures on areas which are more likely to be of value for nature conservation.

Please also refer to our comments above in respect of question 5 with regards the caution which must be exercised in allocating to the smaller tier settlements.

Existing Housing Commitments

Q8. Taking account of the HGI for the Borough, our proposed Housing Allocation Strategy and existing commitments do you think there is:

- a) Sufficient land currently zoned for housing?**
- b) Insufficient land currently zoned for housing**
- c) Too much land zoned for housing?**

The HGI for MEABC is 6231 units. The most recent Housing Monitor shows a remaining capacity for approximately 12,363 units in all settlements (POP Table 5.7). Notably, the POP goes on to state that the current realistic potential from these monitored sites is reduced to 8,390, though no clear explanation is provided for such a drop in potential.

In simple terms it would appear that MEABC has too much land zoned for housing. In the circumstances, an overprovision of existing zoned housing land should not in itself be justification for an increase in HGI figures, or be the driver of reductions in site densities, both of which, either individually or combined, could prejudice sustainable forms of development.

It is therefore crucially important that the LDP ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. If not carefully checked, there is a real danger that the LDP could burden the environment with more housing land than is actually required for the plan period. In this regard, housing growth and allocations should therefore be based on a robust evidence base. As mentioned previously, land is a finite resource and we need to ensure that all development is within environmental limits.

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

Housing provision within the LDP should adopt the 'plan, monitor and manage' approach, with annual monitoring determining the need or otherwise for the release of a second phase of sites in order to maintain a 5 year supply of available housing land. Such an approach will be consistent with RG8 of the RDS which seeks to manage housing growth to achieve sustainable patterns of residential development, and avoids over-zoning or the premature release of housing land. This will ultimately avoid burdening the environment with more housing land than is actually needed.

It is unclear how the POP proposes to meet the requirement to maintain a 5 year supply. Further information in this regard will be regard in the next iteration of the LDP.

With regards to extant unimplemented historic land use zoning (i.e. with no extant permission or commenced developments), the LDP process should allow for an opportunity for the Housing Land Evaluation Framework approach to be applied to their designation to ensure that all zonings moving forward, met the Council's legislative requirement of furthering sustainable development in the plan making process. A similar approach identified in Stage 1 of the Employment Land Evaluation Framework (within the RDS) should be adopted with regards to existing unimplemented residential zonings, by undertaking an initial assessment of the 'fitness of purpose' including the environmental

implications of the exiting housing land portfolio. Historically, the carry over of any unimplemented zonings into a new plan preparation phase was not *fait accompli* – this position should be remain in order to ensure that the new plan truly furthers sustainable patterns of development.

As with all zonings, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network, and include priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

With regards to rural housing, the SPPS requires LDPs to bring forward a strategy for sustainable development in the countryside (SPPS, 6.6.8). The POP proposes to allow for 12% of the projected HGI figure in the countryside outside settlements, (N.B this decreases to 6% when utilising Option 4 (c) i.e increasing the ability to met the RDS 60% brownfield target) yielding approximately 748 units. Notably the POP states between the years 2010 to 2016, a total of 763 units were approved.

Using these past trends, and removing the approvals for replacement dwellings (which RSPB NI does not agree with as replacement sites do not always relate to an existing building in a currently habitable state – therefore even though it may fulfil the replacement dwelling criteria, it essentially adds new units to the overall housing quantum in the countryside), the POP calculates a need of 1,170 new units in the rural area (this figure rises to 1907 if replacement dwellings is included – RSPB NI calculation). Given that the HGI identifies 748 units, the POP suggests that it may be appropriate to make amendments to existing rural policy in order to better align patters of rural housing development with its Housing Allocation Strategy.

Justification for future patterns of allocation based on historic patterns is not considered to be a sustainable approach, as they may not necessarily further sustainable patterns of development.

Under RSPB NI's Preferred Option 4(c), the allocation for units in the countryside is cut by 50% to 374 units. While this is a significantly reduced figure, even this allocation must be set within an environmental assets appraisal and landscape assessment context to ensure that the projected growth does not exceed the capacity of the environment or the essential infrastructure expected for modern living.

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

RSPB NI advocates that not only should environmental considerations be taken into account in the location, siting and design of dwellings in the countryside, but that recognition of the environmental value of the countryside is included within any LDP policy – for example in terms of its value to wildlife, landscape quality, recreational and tourist assets or for the ecosystem services it provides. There is no recognition that the environment, in terms of its natural heritage is one of Northern Ireland’s and indeed MEABC’s greatest assets.

Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within the policy, as should the avoidance of sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. There needs to be an inherent recognition within this policy that the environment and its biodiversity should be protected for its own sake, consistent with the approach advocated by the RDS.

Furthermore a sustainable approach to dealing with waste water should be a priority requirement – for example linking dwellings into specially constructed wetlands for such purposes.

It is recommended that the LDP policy as a minimum replicates the wording of the SPPS and PPS21, and the addendum to PPS7.

Please also refer to RSPB NI’s response to the DOE’s Call for Evidence: Strategic planning policy for Development in the Countryside (attached in submission email) for further information.

Economic Development Strategy

Q9. Do you agree with our suggested approach to developing the LDP Economic Development Strategy?

No.

As noted previously, RSPB NI does not object to increased levels of development, such as housing and low carbon energy infrastructure that the country needs. Development is not, however, inherently sustainable. It only becomes sustainable if it incorporates environmental and social consideration. Likewise economic growth alone does not constitute sustainable development. There is a clear distinction between economic growth and sustainable economic growth that is compatible with, and ideally enhances social and environmental objectives. It is vitally important that LDP does not conflate, nor substitute, sustainable development with economic growth.

As we have already set out, land is a finite resource, and as such the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

RSPB NI is disappointed that there is no reference to or recognition of the environment within this section or the ecosystems services which flow from it. Furthermore it fails to place any emphasis on sustainability, or commitment to explore brownfield sites in identifying future economic sites, save the possible retention of vacant/under-used lands land was last used for economic development in the three main towns.

In the circumstances, it is unclear where the Employment Land Evaluation Framework approach and the environment will sit in the MEABC's proposed approach to economic development, particularly with regards to all of the ecosystem services upon which the economy relies (both within and adjoining the council area). Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within the various options.

With regards to the DOE Planning Service formula to calculate the number of jobs from each hectare of zoned land, RSPB NI recommends that caution is applied in the use of such an approach. Given that the formula itself dates back to 2006, some 11 years ago, its relevancy and accuracy in calculating the number of jobs per hectare may not be sufficiently robust to reflect current times. With the advent of new technologies and businesses, the land take necessary to allow these new and emerging technologies (clean and hi-tech technologies) may not be as large as previously required for traditional economic zonings. Therefore, in order to secure sustainable forms of development care must be taken to ensure that the environment is not over-burdened with more zonings that is necessary. It is worth noting that there is currently a significant amount of undeveloped zoned economic land within the Borough.

It is crucially important that the planning system ensures that economic zonings, both individually and cumulatively, do not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environment with more employment land than is actually needed. In this regard, Strategic Employment allocations should therefore be based on a robust evidence base (Stage 2 of the Employment Land Evaluation Framework) and be set within environmental limits.

Furthermore, as with all other allocations and zonings, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. As noted at the outset, while the protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites. Such an approach is necessary to ensure that growth does not exceed the capacity of the environment or the essential infrastructure expected for modern living.

Further clarification is sought on whether MEABC wishes to explore the concept of Simplified Planning Zones through the LDP process.

RSPB NI recommends that all economic/employment zonings (where there is no extant permissions, or commenced development), should be revisited in line with the approach advocated by The Employment

Land Evaluation Frameworks as set out in the RDS. In this regard, the initial assessment of the ‘fitness for purpose’ including the environmental implications of the existing land portfolio would be extremely beneficial in identifying what, if any, other unimplemented development zonings could make a positive contribution to furthering sustainable development within the Borough.

Balancing the Spatial Growth Strategy with Environmental Considerations

While RSPB NI welcomes this section within the POP, we nevertheless remain concerned that there is a balancing of considerations. As noted in our response to Q2. RSPB NI firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs. *‘...The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. The aim is to achieve the right development in the right place. The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society’⁹*

Within this section further consideration needs to be given to the ecosystems services which flow from the environment which can make positive contributions to both the economy and society, in this regard, the POP needs to be more ambitious looking beyond the tourism economy to the benefits of fully functioning flood plains in alleviating down stream flooding, or that of peatlands for carbon storage and water filtration for example.

⁹ One Future - Different Path: The UK's Shared Framework for Sustainable Development (2005)



6.0 Sustainable Economic Growth

Economic development

General Comments

Please refer to our comments above with regards to Economic Growth objectives.

Key Issue 7 Availability of start-up and grow-on business space across the Borough

Q14. Do you agree with our suggested approach to improve the availability of start-up and grow-on businesses across our Borough?

With regards to sustainable economic development in the countryside, there is minimal reference to the natural environment within this section. No mention is made of its complex variety of wildlife and habitats and the ecosystems services it provides. There is no recognition that the environment, in terms of its natural heritage is one of Northern Ireland's and indeed MEABC's greatest assets. Greater cognisance should be given the natural environment and recognition of the fact that areas particularly sensitive to change should be avoided.

Please refer to RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (attached in submission email) for further information.

Key Issue 8 Alternative uses on land zoned for economic development

From the POP it appears that there has been pressure across the Borough for alternative uses on land zoned for economic development, and that such proposals have been difficult to resist because of the low take of land by the target uses. In the circumstances, RSPB NI is of the opinion that this situation serves to illustrate why it is important to accurately identify the amount of economic land within the LDP (without over zoning) to ensure that it maintains strategic control over permitted uses. An overgenerous supply of zoned economic land will continue to fuel a plentiful supply and lower take up in some areas, and ultimately support the argument for alternative uses.

Absence of a Growth Strategy for sustainable development in the countryside

While the SPPS requires LDP's to bring forward a growth strategy for sustainable development in the countryside (SPPS, 6.6.8), there is no mention of this aspect within the POP. This matter requires to be redressed in any future iteration of the LDP. In developing such a strategy cognisance should be given to the natural environment and recognition of the fact that those areas particularly sensitive to change should be avoided.

Only after the approach set out by The Land Evaluation Framework has been adopted should this exercise be undertaken to ensure that any site identified is sustainable, has followed the sequential approach, and has steered development away from sensitive areas (including habitats and species and those outwith the protected site network). Furthermore, in terms of considering future rural economic development locations, particularly with regards to those outside defined settlement limits, the justification for future patterns of allocation should not be based on historic patterns as this is not considered to be a sustainable approach, as they may not necessarily further sustainable patterns of development. A fresh approach is required.

As mentioned previously, while protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits.

A robust Land Strategy for Northern Ireland would further assist in this regard.

Please also refer to RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (attached in submission email) for further information.

Tourism**Key Issue 11 Accommodating Future Tourism Demand****Q23. Do you agree with our suggested approach to identify the tourism potential of vulnerable, sensitive and opportunity areas within the Borough?**

Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to their local economies.

Tourism in rural areas will often be related to the enjoyment of the natural environment, and this is something we strongly advocate. However, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides.

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

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species) (Such sensitive areas should also include those outwith the protected site network). Furthermore, it will be vitally important that areas outside of any area of designation or constraint zoning must not become the 'sink holes' for development. This latter aspect will be discussed greater in our response below.

However, we do appreciate the role that the natural landscape plays in attracting tourists, and with this in mind we caution that where the landscape is a core part of the tourism offering, that all related tourism developments are designed to be wholly sustainable and should not be at the expense of the area's natural assets.

Against this background, in terms of the POP's Preferred Option 11(a), while the identification of vulnerable and sensitive assets is welcomed, it is difficult at this stage to comprehend how the

practicalities of this three tier matrix would work in reality, particularly when other types of development (i.e. non-tourist related) may not be subject to the same categories for example a windfarm within a natura 2000 site. In the circumstances, it may be more appropriate to develop such an approach across all types of development within vulnerable or sensitive landscapes (including species and habitats). Please also refer to our comments below with regards to a spatial strategic approach to renewable energy developments in Northern Ireland and to our response to the DoE's call for evidence on Renewable Energy for further information in this regard.

Issues of potential disturbance to key birds from recreational tourism should also be considered, for example: Larne Lough and Lough Beg designations of SPA/Ramsar/ASSI, and the Antrim Hills SPA. In addition we would draw your attention to the need for sustainable management of Garron Plateau an SPA, SAC, Ramsar and ASSI.

RSPB NI manages Blue Circle Island within Larne Lough. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

In addition to sustainable tourism benefits, RSPB NI recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

In this regard, river corridors for example, should be protected to ensure that there is no detrimental impact on biodiversity or on sensitive environmental areas and features. This should apply to all river corridors and not just to main rivers, as biodiversity is not solely found along main river corridors.

Cognisance to environmental considerations should form part of the policy wording to include a demonstration that there is no detrimental impact on biodiversity or on sensitive environmental areas and features. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

Q24. Are there any other areas that you feel should be protected?

In addition to the various statutory international, national and local designations, the Glenwherry area, while already designated as an SPA for Hen Harrier and Merlin represents one of the last few remaining hot spots for breeding waders and in particular curlew in Northern Ireland. Breeding waders have declined substantially from the 1980's. In this regard, conclusions from a recent publication¹⁰ found that breeding populations of Eurasian Curlew, Northern Lapwing and Common Snipe (known as breeding waders) have declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside. Within this context, the MEABC LDP has a critical role in protecting such species and their habitats from inappropriate development, and to make space for the creation and management of additional habitat in the Antrim Hills around Glenwherry. A map depicting this area can be provided upon request, so that this approach can be targeted.

Please also refer to comments in response to Section 10 below with regards to other special areas within the MEABC.

Q26. In relation to existing Policy TSM 8 (Safeguarding of Tourism Assets) in PPS 16, do you agree that the suggested amendment to the policy wording is sufficient to ensure the protection of the Borough's tourism assets from inappropriate development?

No. Further clarification and guidance is required on the definition of tourism value.

¹⁰ Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

Minerals Development**Key Issue 12 Balancing the need for Minerals Development with safeguarding of Landscape and Environmental Assets****Q27. Do you agree with our approach of identifying Mineral Reserve Areas where there would be a presumption in favour of minerals development?**

Such a presumption could imply a weakening of the force of environmental policies. In addition, a planned system must be predicated on the ability of planning authorities, *where necessary*, to refuse development that sits outside that which is planned for, where it would not constitute sustainable development.

Q28. Do you agree with our approach of identifying Areas of Constraint on Minerals Development where there would be a presumption against minerals development?

Yes, see below.

Q29. Are there any other areas you feel should be designated as a Mineral Reserve Area or as an Area of Constraint on Minerals Development?

Yes, see below

In general terms, this subject policy needs to be set in the context which ensures that levels of extraction do not exceed environmental limits, or serve to undermine the environmental integrity of wider ecosystems, while promoting the use of recycled construction materials. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The RSPB is unusual amongst UK NGOs because we engage with individual applications for minerals development across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Between 2012 and



2015, we were the lead partner in the RESTORE project¹¹ seeking to address the challenge of environmental degradation across north-west Europe by working to develop a framework for the restoration of minerals sites (quarries) to provide benefits for biodiversity, habitats and local people. It was co-financed by the EU's European Regional Development Fund through the INTERREG IVB NWE Programme.

This project aimed to increase the sustainability of northwest Europe by:

- Contributing to reversing biodiversity declines
- Protecting and buffering designated sites
- Enhancing landscapes
- Providing Green Infrastructure
- Improving quality of life

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration.

RSPB research has shown that focusing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets.

To this end, reference should be made to the RSPB's publication, *Habitat Creation for the Minerals Industry*. This covers a range of topics in detail and makes an excellent quick reference guide for example:

Restoration plan detail – we believe it is the applicant's responsibility to provide as much detail as possible in restoration plans at the early stages of planning. Submitted plans may lack detail to allow for future flexibility but we believe that a greater level of detail is required to allow necessary conditioning and is essential to help the biodiversity of the site.

Restoration fits with natural landscape – restoration design should tie in with the natural landscape. If there are unnatural features to the landscape such as improved grassland or conifer plantations, we advise against adding into these features.

¹¹<https://www.rspb.org.uk/whatwedo/projects/details/354133-restore-restoring-mineral-sites-for-biodiversity-people-and-the-economy-across-northwest-europe>

Phasing - it is best to restore in phases as extraction continues. In addition to this, working quarries can host specialist species that utilise this temporary habitat such as sand martins, peregrines many species of invertebrates.

Management – management should be detailed in any restoration plan so operators are aware of what is involved post habitat creation. Many operators have seeded fields with wildflowers, only for these same fields to succeed into fields of unmanaged scrub within 3-5 years.

Natural regeneration – while initially not looking visibly pleasing, natural regeneration is usually the most beneficial form of restoration when land forming is carried out correctly and the right management is in place.

Soil nutrients – many sites believe they are restoring to best practice by retaining and relaying topsoil. However, soil low in nutrients, particularly phosphorus, is more beneficial to habitats rich in biodiversity. Appropriate treatment and improvement of the substrate need only relate to preparing the site with a thin covering of subsoil.

Topography – the more varied the better. Diverse micro topography is important because it creates ecological niches and variable microclimates for different species. The worst case scenario is a typical 45° slope.

Bare earth – this is a rare habitat that can be beneficial in both hard rock and sand and gravel quarries. To leave areas 3-5% bare ground could really increase its value for biodiversity.

Woodland – many operators have a belief that trees are great for the environment. We believe trees are good for the environment, but only in the right places. We only recommend tree planting when there is no possibility to create more favourable habitats such as heath or species rich grassland. Trees in the wrong area can also host predators such corvids.

Hedgerows – these should be of local provenance and have a good mixture of species that will benefit invertebrates, birds and mammals. The management of these hedgerows are important for this wildlife and we would suggest a sympathetic cutting regime on a rotation of 3-4 years.

Improving habitat instead of 'giving back' – we would encourage trying to improve habitats as oppose to restoring land to what it was previously. Areas where semi natural habitats have been removed for extraction and restored to less favourable habitats such improved grassland should not be considered restoration as it is a net loss for wildlife.

Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from

artificial islands for ground nesting birds. Keeping the periphery free of scrub and trees is also desirable as this overshadows many aquatic plants.

In addition to nature conservation and biodiversity benefits, such restoration measures provide additional benefits for tourism and recreation provision, such as wetland on former peat extraction sites.

With regards to peat extraction, RSPB NI recommends that 'planning permission should not be granted for peat extraction from new or extended sites, or renew extant permissions', and would like to draw your attention to RSPB's Sustainable Catchment Management Programme (SCaMP) in Garron Plateau as a model to be utilised to demonstrate and support sustainable management in such areas. For further details please see web links below:

<http://www.rspb.org.uk/our-work/rspb-news/news/361922-giving-nature-a-home-at-garron>

<http://www.rspb.org.uk/our-work/rspb-news/news/340365-peat-district>

Notably, the English National Planning Policy Framework has clear requirements which do not allow new or extended planning permission for peat extraction.

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

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO₂) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

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

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

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

As with all other forms of development, MEABCs LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites; as such it will be vitally important that areas outside of any area of designation or constraint zoning must not become the 'sink holes' for development. This latter aspect will be discussed greater in our response below.

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

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration, in this context it is therefore important that the MEABC LDP recognises this potential and we therefore recommend that policy must require development proposals (either new or extensions) to contain details of sustainable restoration proposals including the



enhancement of biodiversity wherever possible (Please refer to our narrative above in respect of the RESTORE Project and the RSPB's publication, Habitat Creation for the Minerals Industry for further information on restoration).

Furthermore, the framework for restoration should facilitate regular inspection to ensure such plans are followed through to delivery.

It is also worth noting that under the English National Planning Policy Framework (NPPF) test, the significant biodiversity harm caused by the climate change from these greenhouse gas emissions cannot be avoided, mitigated or compensated for, as there is some wildlife that is or will be affected by climate change for which we have no known intervention methods.

With regards to the identification of Areas of Minerals Constraint, consideration should also be given to including those species and habitats most at risk in terms of environmental impact, and not just include areas of High Scenic Value for example Ramsar, SPA and ASSI designations. The ability to define such areas with LDPS is not new and is available within the existing policy-led approach in relation to mineral development.

Other minerals related issues

(i) Unconventional hydrocarbon extraction

RSPB NI welcomes MEABC's stated position to determine applications for unconventional hydrocarbon extraction in line with the strategic policy as contained within the SPPS (para.6.157) – i.e. there should be a presumption against their exploitation until there is sufficient and robust evidence on all environmental impacts. This policy should be replicated in full within the LDP so as to provide clarity.

(ii) Review of Old Minerals Planning Consents (ROMPS)

RSPB NI seeks clarification on MEABCs timescales for implementing the Review of Old Minerals Planning consents (ROMPS), as responsibility for this matter has now been passed to local councils as part of the transfer and local government reform process implemented in April 2015.

Key Issue 13 Safeguarding Against Potential Subsidence and the Effects of Land Instability

Q30. Do you agree with our approach to retaining current BMAP Areas of Potential Subsidence and assessing if there are any other known areas of potential subsidence within the Borough that should be identified and designated as new Areas of Potential Subsidence?

Yes, in the interests of furthering sustainable development.

Q32. Do you agree with the recommendations in the Policy Review to carry forward through the LDP existing (or amended) minerals policies MIN 1 – MIN 8 and Policy PSU 10 in relation to subsidence (land instability)?

Please refer to our comments above in respect of Key issues 11 and 12, and also to our submission in response to the Department's SPPS consultation exercise for further details. This is included with the original submission email.

7.0 Building Sustainable Communities

Q35. In relation to existing Policy QD 2 (Design Concept Statements, Concept Master Plans and Comprehensive Planning) in PPS 7, do you agree with the amended threshold for the submission of a concept master plan?

Yes, in the interests of furthering sustainable patterns of development.

Q39 – Q43 in relation to PPS21

Please refer RSPB NI's response to the DOE's Call for Evidence: Strategic Planning Policy for Development in the Countryside (response attached in submission email).

Open Space, Sport and Leisure**General comments in relation to Key Issues 16-19**

RSPB NI recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

Please refer to the RSPB's publication 'Wellbeing through Wildlife'¹². RSPB NI recommends that the LDP should promote multi-functional green spaces, and stipulate that they will be integral to the planning and design process.

River corridors should also be protected to ensure that there is no detrimental impact on biodiversity or on sensitive environmental areas and features. This should apply to all river corridors and not just to main rivers, as biodiversity is not solely found along main river corridors.

Cognisance to environmental considerations should form part of the policy wording to include a demonstration that there is no detrimental impact on biodiversity or on sensitive environmental areas and features.

Proposals should be required to submit detailed landscape strategy to demonstrate that the open space provision is adequate, well designed and integrated. Also, a requirement to support wildlife should be included within the criteria to be demonstrated, given its acknowledged benefits for our wildlife and our well-being and mental health.

With regards to Indoor Sport and Intensive Outdoor Sports Facilities, RSPB NI recommends that the existing policy approach of SPPS/PPS 8 should be adopted to ensure sustainable patterns of development are maintained and promoted. The SPPS sets out clear regional strategic objectives and policy which the LDP must be in general conformity with.

¹² http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

Like the policy for open space, cognisance to environmental considerations should form part of the policy wording to include a demonstration that there is no detrimental impact on biodiversity or on sensitive environmental areas and features.

RSPB NI is of the view that it is not just the quantity of open spaces within the plan area which is an important consideration. In this regard, the quality of and accessibility to are equally important considerations. Furthermore, it should be noted that the importance of a site for biodiversity is not always linked to how good it looks or how green it is. For example, well manicured areas of green grass can result in the creation of a homogenous habitat with limited benefit to biodiversity.

The Local Development Plan should contain proposals for the development of an integrated green and blue infrastructure network of green spaces and water features, providing access to amenities for recreation, walking, cycling and wildlife.

With regards to the importance of open space provision within new residential developments, please refer to our comments below in respect of Section 9 – Place-making and Good Design.

Health, Education, Community and Cultural Facilities

Q56. Do you agree with our approach to facilitating health, education, community and facilities within our Borough?

No.

RSPB NI is of the opinion that all of the proposed approach lacks ambition in delivering for the health and wellbeing of the council area's population, and simply states what a plan-led system will do in any event. In the circumstances, the zoning and protection of land from alternative uses is only a small part of what the LDP can achieve. The LDP needs to move away from the 'silo' approach and fully embrace the concept of fully integrating the three pillars of sustainable development.

In this regard, a LDP which facilitates and supports a 'connection with nature' will have a positive contribution in improving health, quality of life and well-being. RSPB NI recognises the crucial role that



green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

Furthermore it is not just about improved or enhanced provision, but also accessibility. There is no point in introducing all these additional measures if they are not readily accessible to the public.

While the recognition of the environmental benefits of green spaces as habitats for wildlife is an obvious one, there is also the recognition of wellbeing through wildlife. In this regard, we would refer MEABC to the following useful reports:

- Wellbeing through wildlife, RSPB¹³
- Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012 Exeter residential design code

A further publication of relevance is UK National Ecosystem Assessment: Technical Report¹⁴, and in particular Chapter 23: Health Values from Ecosystems¹⁵. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic intervention (Hine et al. 2009; Haubenhofer et al. 2010); that planners and architects should improve access to greenspace (green design); and that children should be encouraged to spend more time engaging with nature and be given opportunities to learn in outdoor settings (green education).'*

Some of the substantial mental health challenges facing society (Foresight 2008; HSE 2008), and physical challenges arising from modern diets and sedentary lifestyles (Wanless 2002; Wanless 2004; DH 2005a; Sport England 2006; Wells et al. 2007; NICE 2008; DH & DCSF 2009; NICE 2009), could be addressed by increasing physical activity in green settings. If children are encouraged and enabled to undertake more green exercise, then they are more likely to have active exposure to nature embedded in their lifestyle as adults and they will reap the associated health benefits' Paragraph 23.8, page 1173).

¹³ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

¹⁴ <http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82>

¹⁵ <http://www.cbd.int/financial/values/unitedkingdom-health.pdf>



In addition to the above, a 12 week pilot project called 'Head to Nature' organised by RSPB NI in partnership with Derriaghy Social and Educational Centre of the South Eastern Health Trust and the Public Health Agency, saw eight service users voluntarily attend Portmore Lough nature reserve near Aghalee to carry out nature-related activities like guided walks, wildlife photography and practical conservation work on the reserve. The participants all suffered from mild mental health problems like depression and anxiety.

Participants in the project were asked to fill out questionnaires at the beginning and end of the scheme and their answers were marked against the Warwick Edinburgh Mental Wellbeing Scale. The mean score in week one was 36.25 – classed as 'below average' wellbeing. But by week 12 the mean score had risen to 49.37 which is classed as 'average' wellbeing, showing that the Head to Nature scheme had a positive impact on the participants' wellbeing. The pilot saw 100% participant retention rate throughout the project. In comparison, only around one in eight people referred to gym programmes for similar mild mental health problems by their GP complete the course.

8.0 Transportation, Infrastructure and Connectivity

Key Issue 20 Reduce reliance on the private car / Promote sustainable transport and active travel

Q57. Do you agree with our suggested approach to assist in reducing reliance on the private car and increasing the use of sustainable transport and active travel?

Yes, however the approach needs to be more ambitious, and should also include the approach set out at Option 20(c). In this regard, the Council's Preferred Option is in any event intrinsically linked to the spatial growth strategy, which if conducted correctly can potentially make the single greatest contribution to securing sustainable transport and active travel.

The transportation of people and goods has a crucial role to play in fostering economic prosperity and social integration. However, it also accounts for 21% of the total greenhouse gas emissions for the UK, with cars alone accounting for 12%¹⁶. Planning can make a significant contribution to reducing these emissions through decision-making on the location, scale, mix and character of development. In

¹⁶ Greenhouse gas emissions by Transport Mode, Department for Transport 2008

particular, new development should be located/integrated so as to enable and support the use of public transport provision and reduce dependence on the private motor vehicle.

Walking and cycling should be promoted, while targeting new walking and cycling routes for example new river/lough side walks could create a sustainable product for visitors to the Larne Lough and Lough Beg landscapes. The protection of any disused transport corridors running through MEABC for future public access should be considered in any future LDP. Promoting active travel is only one of the ways in which greenhouse gas emissions can be reduced. In this regard, the LDP needs to be more cross-cutting and integrated with other sectors of the plan recognising the fact other factors can also contribute to a reduction in greenhouse gases, for example, policy which promotes an integrated transportation system that reduces the need to travel and the use private car (creating additional park and ride facilities is only one small part of this), or policy to protect our fully intact/functioning lowland raised or blanket bog which though its carbon storage makes a positive contribution towards meeting our greenhouse gas targets, or recognising the ecosystem services it provides in respect of flood management and water quality.

By their very nature, it is often difficult to zone lands for such uses as part of the LDP process. As such, there needs to be a linked-up and co-ordinated approach to addressing strategic infrastructure issues in the district – for example with transport and accessibility; this should assist in achieving sustainable forms of development in this regard. For example, as part of such an integrated approach, early dialogue with/between government departments could lead to a co-ordinated effort in areas where new roads are proposed, aligning power lines alongside any road schemes to help transform the area and its natural heritage / tourism potential for the future. However, the POP demonstrates little in the way of promoting a linked-up and co-ordinated approach to addressing this main aspect; this needs to be redressed in any future iteration of the LDP.

RSPB NI appreciates the difficulty of reconciling the need for some development in rural areas with an ability to serve that development with good public transport provision. However, any development that is likely to generate 'significant movement' and that cannot be served adequately by public transport provision should be refused. The wider implications of climate change dictate that local development cannot be allowed where it compromises the objective of minimising carbon emissions associated with new development.

Renewable Energy**Key Issue 23 Facilitating Renewable Energy**

Q63. Do you agree with our suggested approach to balancing the need for renewable energy developments whilst safeguarding our designated landscapes and/or key areas within the wider designation?

While RSPB NI welcomes the retention of the SPPS approach by adopting a cautious approach within designated landscapes, the Preferred Option is not sufficiently ambitious and should seek to identify the most sensitive landscape zones remaining for protection (including species and habitats – not just visual quality). It could also incorporate elements of the Alternative Option 23 (b). Such sensitive areas should also include those outwith the protected site network, and include priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

To this end, the LDP should promote the delivery of a strategically planned and integrated renewable energy generation supply, which gives cognisance to the role of the right renewable development in the right place at the right time.

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

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

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

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

We note that the Mid Ulster Council area, as part of its LDP process, is proposing a strategic spatial approach to renewable energy development within its council area, and while such an approach is welcome (and also recommended for the MEABC area), RSPB NI is nevertheless of the firm opinion that this should be carried out at the Regional level to be truly co-ordinated and effective. The scope of potential areas of constraint must include reference to sensitive nature features, as environmental capacity is more than a visual assessment alone, and includes habitats and species – many of which are located outwith designated areas. Areas of constraint should also have their nature designations listed. However, it is also important that areas outside of any area of constraint zoning must not become the ‘sink holes’ for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process.

Please refer to our Response to the DoE’s Call for Evidence: Strategic Planning Policy for Renewable Energy Development, from May 2016 which outlines *inter alia* our case for a strategic and spatial approach to wind energy development across the whole of Northern Ireland. Please also refer to the recently published RSPB’s 2050 Energy Vision Report¹⁷. In 2008, the UK Government set a target to achieve an 80% reduction in greenhouse gas emissions (relative to 1990 levels) by 2050.

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

¹⁷ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

The Energy Futures project was established in order to explore these complex issues and better understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details¹⁸.

Q64. In relation to existing Policy RE 1(Renewable Energy Development) in PPS 18, do you agree that our suggested amendment to the policy approach is sufficient to ensure protection of our Borough's designated landscapes from inappropriate renewable energy development?

It is recommended that the wording in paragraph 6.224 of the SPPS be transferred across into any new policy wording as follows, to preventing adverse impact on the natural environment, including species and habitats:

Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations:

- public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality or quantity; and,
- public access to the countryside.

Furthermore, there needs to be an explicit expression within any new policy that any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.

The LDP should list areas considered sensitive to wind energy developments and cite their nature conservation designations and or features of interest. In moving forward, this list should not be seen as the definitive list for sensitive areas, as it is likely that other areas will come forward during the plan development process.

The issue of cumulative impacts of single turbines will require further consideration within the LDP, as multiple single turbines in very close proximity to each other can effectively create the effect of wind

¹⁸ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

farm (both from environmental and visual perspectives), without ever having been robustly assessed as such.

Flood Risk and Drainage

Q66. Do you agree with our suggested approach to actively promoting SuDS within new developments in our Borough?;

Q67. Can you suggest any other areas where SuDS should be implemented?;

Q68. Do you agree with our approach that Policy FLD 3 (Development and Surface Water (Pluvial) Flood Risk outside Flood Plains) in Revised PPS 15 should be amended to reflect a greater commitment to implementing SuDS?; and,

Q69. Do you agree with our approach that Policy FLD 5 (Development in Proximity to Reservoirs) in Revised PPS 15 should not be brought forward in the LDP?

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

RSPB NI does not support the permission of new development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere. Natural flood plains and natural watercourses should not be subject to development pressure and should therefore be retained and restored of as a form of flood alleviation and an important environmental and social resource.

The Water Framework Directive, the Floods Directive, a SuDS policy and the Council's biodiversity duty could help us to restore our damaged rivers and coasts, manage our land more sensitively, and create new areas of flood storage. If Government is to fulfil its commitments to the environment and broader sustainability, physical modification of our flood plains, rivers and coasts must no longer be aimed solely at achieving the greatest cost: benefit in terms of flood risk reduction, with accompanying mitigation of adverse environmental impacts.

Instead, management should aim to identify and deliver on clear environmental, economic and social objectives for catchments or coastline through a range of integrated, cost-effective solutions. These 'win-win' options must be used to buffer us against the impacts of climate change, and reduce the long-term costs (economic, social and environmental) of flood management.

The RSPB has long-advocated an integrated approach to river and coastal management which steps away from defence and drainage and instead looks to contribute to the wider social, economic and environmental objectives set by Government.

For example, the potential for new flood plains to be created up stream should be examined to (i) allow water in, (ii) to be held, and (iii) then to be released when the river can once again cope with the flow. Where floodplains are prevented from functioning, due to artificial flood banks, consideration should be given to the removal of strategically targeted floodbanks, to allow the floodplain to function properly, and manage the risk posed downstream. Land that is then transferred into periodical wetlands due to our climate should be treated as an asset, both for the landscape it creates, the additionality it brings to those visiting the area, and the natural filtration of water that happens by allowing water to settle out on these floodplains.

Given all of these aforementioned additionalities, landowners (often dairy, beef or sheep farmers) should receive ecosystem service payments. These payments could be made through a joined up approach between for example, water companies; tourism providers; flood risk managers; and, environmental farming schemes. This makes best use of public money and delivers multiple benefits.

Flood Risk Strategy

MEABC should develop a Flood Risk Strategy which includes a number of key actions which are essential to the management of flood risk within the Plan area, as articulated at Regional Strategic Level, and are required to be included within policy at local level. These are:

- A strongly worded policy which clearly and robustly prevents new development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere.

- Include a policy to promote sustainable development through the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource.
- Promoting an integrated and sustainable approach to the management of development and flood risk which contribute to
 - the safety and well-being of everyone',
 - the prudent and efficient use of economic resources,
 - the conservation and enhancement of biodiversity, and,
 - the conservation of archaeology and the built heritage.

These should be included within the LDP policy.

Fluvial Floodplains

To manage floods economically and sustainably, RSPB NI believes there is a need to look to new approaches, including better warning systems, more floodplain storage, tighter controls on building on floodplains, and better land management. We would therefore fully support an overall presumption against development within river floodplains.

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

RSPB NI would not support the following flood protection and/ or management measures:

- New hard engineered or earthen bank flood defences;
- Flood compensation storage works;
- Land rising (infilling) to elevate a site above the flood level within the undefined fluvial flood plain.

In addition, there should be requirement for a Flood Risk Assessment included within the LDP policy, including the requirement when a site is close to the margins of the flood plain as depicted on the Strategic Flood Map, and a more accurate definition of the extent of potential flooding is required.

Protection of Flood Defence and Drainage Infrastructure

RSPB NI is content for this policy to remain within the new LDP, provided permission could still be given for development that would replace hard with soft flood defence mechanisms e.g. in certain cases to breach flood defences to allow flooding of low-lying land for managed retreat purposes, should this become necessary and appropriate in Northern Ireland. Examples of similar work already exist in the east of England, amongst other places.

Development at Surface Water (Pluvial) Risk

Given that peatlands are internationally recognised as important for water storage¹⁹, we would hope that this is reflected in the assessment of plans to extract peat from lowland raised and blanket bogs in Northern Ireland, and that the precautionary approach will be adopted.

Furthermore, where planning permission is granted subject to the undertaking of mitigation measures, a planning agreement to facilitate their long-term management may be required.

Artificial Modification of Watercourses

RSPB NI supports a continued general presumption against culverting and canalisation of watercourses. However, we wish to reiterate our concerns that canalisation of any form can disrupt the connectivity and interaction between wetlands, riparian zones and rivers.

Development in Proximity to Reservoirs

RSPB NI recommends the retention of the Regional Strategic Policy contained within the SPPS on this matter.

¹⁹ Resolution VIII.17 on Global Action on Peatlands. 8th Meeting of the Conference of the Contracting Parties to the Convention on Wetlands (Ramsar, Iran, 1971).

Sustainable Drainage Systems (SuDs)

RSPB NI recommends that MEABC should maintain the SPPS Regional Strategic Policy for Flood Risk. SuDs should be promoted within new developments, along with retrofits to existing developments when assessments prove the need.

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

Telecommunications, Power Lines and Overhead Cables (including High Structures)

Q71. Do you agree with our approach updating the wording of Policy PSU 11 (Overhead Cables) to reflect the SPPS wording?

RSPB NI recommends that a linked-up and co-ordinated approach to addressing strategic infrastructure issues in the district should be adopted within the LDP; this should assist in achieving sustainable forms of development in this regard.

Inappropriately located power lines for example can pose a risk to not only the area's scenery, but the ability to sustainably restore for example our wetland landscape for nature and for tourism and recreational economic benefit.

If landscapes are to be targeted for the growing tourism market (e.g wetlands), then power lines need to avoided in the first place. In this regard, opportunities should be explored to work with the utility regulator and others to bury lines where this is feasible.

Also, as part of the integrated approach which the LDP is seeking to advocate, early dialogue with other utility providers could lead to a co-ordinated effort in areas where infrastructure is proposed, thereby helping transform the area and its natural heritage / tourism potential for the future.

Sensitive landscapes must include references to species and habitats.

Waste and Sewerage Infrastructure

Q72. Do you agree with our suggested amendments to the policy approach of Policies WM 1 (Environmental Impact of a Waste management facility), WM 2 (Waste Collection and Treatment facilities), WM 3 (Waste Disposal) and WM 4 (Land Improvement) would better reflect the value of waste as a resource, and better integrate waste facilities into new developments?

RSPB NI strongly advocates a sustainable approach to waste management, having regard to minimising the amount of waste being sent to land fill, while ensuring that there are no environmental risks associated with waste management, disposal or treatment. To this end, there is no reason why the adopted existing policy approach cannot accommodate the policy provisions of PPS11 as amended by the SPPS. RSPB NI recommends that MEABC should apply a precautionary approach to all waste management proposals, similar to that advocated by Antrim and Newtownabbey Council (at page 111 of their POP).

Furthermore, any disposal of inert waste for land improvement should be steered away from sensitive sites, where such land improvement may have a detrimental impact on habitats or species.

It is considered that MEABC should have its own long term strategy for dealing with waste sustainably.

9.0 Stewardship of our Built Environment and Creating Places

Archaeology and Built Heritage

None of the Key Issues has regard to protecting and enhancing the biodiversity that such buildings and places hold. Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/ refurbishment proposals should incorporate measures to continue to give nature a home – see comments below with regards to urban design for ways in which this can be achieved. This should not only apply to internationally protected species or priority species, but to wildlife in general. Good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3).

Place Making and Good Design

Q80. Do you agree with our approach to identify and designate Strategic Focus Areas within some settlements, and develop bespoke design criteria for these areas?

No, in that it does not integrate the environment pillar of sustainable development.

As mentioned earlier in this response, the State of Nature 2016 report²⁰ highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years. RSPB NI believes that the protection and enhancement of urban biodiversity can be achieved through careful planning and development, which aims to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.

Against this background, RSPB NI is concerned that no regard has been had to the importance of quality design in delivering and furthering sustainable development, including biodiversity, health and well-being perspectives. This concerns not only the aesthetics of the building/place itself, but also the quality of place from a biodiversity perspective including the avoidance of development that impacts adversely upon natural ecosystems. The POP fails to recognise either implicitly or explicitly that good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3); this is a step backwards in policy formulation for sustainable development and biodiversity. By planning for nature and green space in our neighbourhoods, we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas (as required by LDPS in the SPPS). Policy and guidance should advocate that good design and place making should include the area around a scheme i.e. its immediate environment. Furthermore it should include a guiding principle which allows for the avoidance of development that impacts adversely upon natural ecosystems. Please also refer to our comments on well-being through wildlife, and to our narrative on the Kingsbrook development in England below.

²⁰ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>
http://www.rspb.org.uk/Images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf
 - this is the NI specific element of the report

RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.

These documents highlight key measures by which biodiversity can be protected and enhanced through planning and development.

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

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

As previously noted, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the LDP or strategic policy, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and should exclude minerals workings and landfill or soil dredging and landfill.

In this context, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network, and include priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

There is currently little evidence of how the LDP proposes to utilise urban design to mitigate and adapt to Climate Change. Paragraph 3.10 of the SPPS states '*a central challenge in furthering sustainable*

development is mitigating and adapting to climate change, whilst improving air quality’. Paragraph 3.13 of the SPPS sets out how the planning system can mitigate and adapt to climate change – these measures should be incorporated into the LDP if the LDP is to truly further sustainable development.

For example, RSPB NI supports the encouragement of Local Development Plans in Northern Ireland to be more ambitious and to be ideally aiming for delivering zero carbon buildings. In this regard, our general overarching policy ask relating to energy efficiency is that UK Government and devolved administrations should designate energy efficiency as a National Infrastructure Priority and implement ambitious policies to improve energy efficiency and reduce demand, including through robust energy efficiency standards for new buildings. Within this framework, we would strongly encourage MEABC’s localised efforts to write equivalent ambition into its local plan.

All new developments in the UK should, in our view, be zero carbon (i.e. a combination of the best energy efficiency measures available and onsite generation) as any development being built now that are not zero carbon will only add to the scale of retrofit problem that will need to be addressed by the 2040s, the time by which the UK will need to achieve net zero emissions in order to play its part in keeping temperature rises to 1.5 degree. Local authorities have a role to play in helping the UK to deliver the low carbon future that is needed to mitigate climate change.

In addition, RSPB NI would draw MEABC’s attention to the Kingsbrook development in England²¹. The RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

On the Kingsbrook development just outside Aylesbury, England, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

²¹<http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

Project objectives:

- 50 per cent wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve.
- Wildlife corridors. Kingsbrook is being designed so that wildlife can move all around and through the greenspace and the residential areas. Whether it is hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.
- Sustainable Urban Drainage. Rather than shunting rainwater straight underground into pipes, in many places it will be directed along rills and swales on the surface - great wildlife habitat - slowing the flow, and using nature to clean the water.
- Planting for wildlife, including a higher proportion than is usual of native shrubs, many hedges, areas of wildflower grassland for pollinators and butterflies, plus a fruit tree in each garden.
- All manner of wildlife homes, from bird boxes built into the walls of houses to places where amphibians can hibernate.

10.0 Protecting and Accessing our Natural Environment

RSPB NI is extremely disappointed that Natural Heritage is the final matter to be discussed within MEABC's POP. As a multi-faceted topic, the best way to ensure adequate protection and enhancement of the natural environment and to further the conservation of biodiversity is to ensure it is integrated thoroughly throughout the LDP. Notably, the latter is a duty placed on all councils by the WANE Act 2011, as detailed at the beginning of this response. The POP however remains silent on such a duty.

Table 10.1 of the POP provides a numerical list of the sites of nature conservation importance within the MEABC. It would be most helpful if this could be extended to include a map of the various protected areas and include their feature species and habitats. Furthermore, as biodiversity does not have cognisance of boundaries on a map, linkages with the protected areas of adjacent council areas should also be highlighted e.g hydrological linkages. Consideration could also be given to including Forest Service sites, and Important Bird Areas.

While RSPB NI welcomes the inclusion of Figure 10.1 Ecosystems Services, this however is an isolated table within the POP, and the importance of ecosystem services has not been fully explored within the POP *per se*. While references have been made in respect of regional policy, the POP is however silent on how it will seek to address, protect and enhance ecosystem services. This is of great concern. As previously set out, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. The SPPS recognises that *‘the careful management, maintenance and enhancement of ecosystem services are therefore an integral part of sustainable development’* (para. 3.14). RSPB NI recommends that the condition of ecosystem services, the provision of services and their relationship to human well-being should be integrated into plan-making and decision-taking processes (as set out in the SPPS (para. 3.16)) through overarching LDP objectives. These short-comings must be addressed in any future iteration of the LDP.

Full cognisance must also be given to the natural environment and its biodiversity outwith designated sites. This is necessary because only a very small proportion of our biodiversity is protected in designated sites, for example areas of lowland grassland, so important for NI’s declining breeding wader population, or the contribution fully intact/functioning blanket bog makes to our greenhouse gas targets, or the ecosystem services it provides in respect of flood management and water quality.

The Key Issues presented in this section are somewhat disjointed and it may have been more appropriate to keep the Preferred Options at a more higher level strategic context, for example retention and designation of Special Countryside Areas could have been presented in a Borough wide Context at this stage in the LDP process, with the identification of the character areas coming later in the plan process.

With regards to Key Issues 29-33, RSPB NI does not object in principle to the retention or designation of new Special Countryside Areas, nor the identification of Areas of Constraint on particular types of development. However in re-affirming or identifying such areas, it will be important that areas outside of any area of constraint zoning must not become the ‘sink holes’ for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process.

With regard to wind energy developments, we recommend that such a strategic approach should form part of a NI wide spatial approach to wind energy development – a position which the RSPB has been advocating for some time. Please refer to our response to the DoE’s call for evidence on Renewable Energy for further information in this regard. Please also refer to the RSPB NI’s response to the DOE’s Call for Evidence: Strategic Planning Policy for Development in the Countryside (both responses attached in submission email).

With regards to Special Countryside Areas, the LDP must clearly spell out what such areas mean and how they will be managed. They should be areas where the Council can demonstrate how a sustainable economy can be built around nature. Furthermore, these areas will require precise spatial expression. It is recommended that Special Countryside Areas should include for example, the ASSI/ SPA / Ramsar designations at Lough Beg, and Garron Plateau into the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale.

A co-ordinated and integrated approach will be required the various councils who international and national environmental designations within, linked to, or adjacent to their boundaries.

RSPB NI is of the view that the following Special places should be protected from development, managed appropriately and enhanced – it is welcomed that some of these areas correlate with those areas already identified in the POP (please note that this list is not intended to be a definitive nor exhaustive, but is provided simply to illustrate the plethora of other important areas for biodiversity within the MEABC, which will no doubt be added to as the LDP progresses):

Further details of the aforementioned sites can be provided upon request for facilitate spatial definition.

- include all areas designated for their conservation interest, with **Lough Beg, Belfast Lough, Larne Lough, Antrim Hills, Garron Plateau, Gobbins Cliffs, and Isle of Muck** being the greatest interest/concern to RSPB NI;
- **Lough Beg** – in acknowledging that the Council boundary bisects this water body, it is recommended that MEABC liaise with the other contiguous council area (Mid Ulster) regarding agreeing policy/approach for the area;

- **Belfast Lough** - due attention to this feature will be needed when considering the future location and volume of new housing for Carrickfergus, given its proximity.
- **Larne Lough** – like Belfast Lough, due attention to this feature will be needed when considering the future location and volume of new housing for Larne, and preferably not extending housing south of the current limit of development. The former quarry site at Magheramorne and any extant planning permissions/current uses will also require further consideration as part of the LDP process.
- Beyond Larne Lough, the **Gobbins Cliffs** and **Isle of Muck** are considered to be the best seabird areas. However there are cliff areas along the coast outside the designated areas which are also important for seabirds (primarily fulmars) which should also be protected from inappropriate activities.
- **Antrim Hills** – while this designated area is extensive, there are however areas outside its boundary that are of conservation interest for similar upland peatland/grassland habitat or similar bird conservation interest including for example breeding wader areas (eg Glenwherry River valley) that sit outside the existing boundary, which RSPB NI recommends should be protected/managed for under appropriate policies/actions. Please also refer to our response in respect of Q88 for further information in this regard.
- **Garron Plateau** – a similar approach to that suggested for Lough Beg should be adopted here with regards to liaison and common approaches across contiguous council areas. In this context, while although falling outside the MEABC area, the SCAMP initiative (as referenced to in response to Q29. of this submission, should be promoted as an example of best upland practice in an adjacent council area. Appropriate management of upland areas (drain-blocking, good grazing levels etc) should be a programme for working on in the plan in order not just to manage conservation interest, but to assist with flood prevention, water treatment and other services.
- Other important habitats in the MEABC area include, **coastal, wetland and upland peatland habitats**, but there are also other important habitats, albeit covering smaller geographical areas such as **woodland and lowland raised bog** (see below) which should also be recognised within the LDP.
- **Deciduous woodland** takes the form mostly of small and linear remnant areas, mostly on scarp slopes, such as on the western side of Larne Lough, eastern side of Garron Point, sides of glens

etc. In this regard, an integrated policy within the LDP should be developed so as to protect, best manage, potentially enlarge and connect.

- **Other woodland areas** include mixed and conifer plantations, which also generally have some value, and are largely Forest Service lands (such as Woodburn, Ballyboley).
- There are numerous small blocks of **lowland raised bog** which should have priority afforded them, given NI's importance for this habitat generally, as well as the carbon storage imperatives of managing them well. Such areas range from intact and designated (such as Frosses Bog) to cut-over or modified in some other way. Examples of cut-over bog are found immediately east of Lough Beg (Ballyscullion), whilst other sites within the council area may be subject/ have been subjected to hand-cutting of peat, and modified drainage (and thus drying out), colonised by scrub (usually following site being dried out), and followed by inappropriate agricultural activity etc. As previously noted within the Minerals section of this response, a coherent strategy should be put together to bring any extractions to a close as soon as possible, and to protect and ensure future appropriate management, including rehabilitation where required.
- **Offshore habitats also of importance** – and as such the LDP must have cognisance to the emerging Marine Spatial Plan. Off-shore developments require consideration through the marine licensing consenting regime and also through the terrestrial planning regime when such developments make land fall. Therefore an integrated approach will be required between these two regimes in order to further sustainable development.

Unlocking the biodiversity potential of other areas within MEABC

In addition to the above, there are other areas with potential to hold and/or do more for nature conservation which MEABC may have access to or may be able to influence:

- Amenity parklands etc

Whilst green areas are very important, green areas with lots of wildlife are better (for people as much as the wildlife): in the circumstances, it is suggested that a critical evaluation of all parks/amenity areas in Council area (perhaps including, for example, cemeteries, or areas outwith MEABC's control) to ascertain how they could be working better for nature conservation - promoting greater diversity and abundance of wildlife via interventions not currently happening.

- Golf courses

There are numerous golf courses within the area; these could be subject to the same assessment as amenity parklands above, whether or not under council control.

- Gardens

As noted above, the onus should be on promoting as much housing development on brownfield sites, where they exist. With such developments, it would be important to incorporate the needs of wildlife into building design, as well as include a significant amount of ecologically functioning green space into such developments. Other initiatives to promote the importance of gardens in built-up areas and how to improve them for wildlife and therefore quality of life for humans should be promoted within the LDP. Please refer to comments above in respect of Section 9 for further details in this regard.

- Other green areas

Furthermore, all current and any newly-provided green/conservation spaces in built-up areas could not only be linked for human access/quality of life purposes, but also in order to join them up for wildlife i.e wildlife corridors, via plantings and other interventions.

- Trees and Hedges

There is a requirement for more trees and hedges generally - not just in new developments; and increased protection for these through the use of tree preservation orders, and other initiatives to promote tree planting for residents for example: more trees = better air 'filtration' and more wildlife .

- Other innovative ideas for biodiversity

More swift towers and other innovative living spaces for wildlife should be incorporated into scheme designs (again please refer to our comments above in relation to Section 9 for further details in this regard).

- SuDS

Removal of hard surfaces where feasible and replacement with more natural and wildlife friendly alternatives will help with combating run-off in times of high rainfall and thus flooding risk in the built-up areas – please refer to our response to Q66 further details .

- Quarries

The potential for any interventions for nature conservation in quarries (in use/no longer in use) could be assessed. Please refer to our comments above on Minerals for further details.

In preparing LDPs, councils must take account of the Regional Development Strategy 2035 (RDS 2035), the Sustainable Development Strategy for Northern Ireland and any other policies or advice and guidance issued by the Department, such as the NI Biodiversity Strategy 2020. The later document recognises that *‘Development is essential to growing the economy, but it has the potential also to play a part in decreasing biodiversity. It can be a major threat to biodiversity depending upon where it takes place, how it is conducted and the manner in which the site is used following development’*(page 19).

The SPSS requires local plans to:

- take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area;
- Natural heritage features and designated sites should be identified, and policies brought forward for their protection and / or enhancement;
- identify and promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach;
- protect and integrate certain features of the natural heritage when zoning sites for development through ‘key site requirements’;
- identify and promote green and blue infrastructure where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements;
- consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes;

- incorporate biodiversity into plans for regeneration - by planning for nature and green space in our neighbourhoods we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas; and,
- ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered.

The SPPS recognises that the planning system plays an important role in conserving, protecting and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society (para. 4.38).

While the planning system is an important delivery tool for biodiversity enhancement, its potential is not being realised in current practice. A Defra survey found that the protection of biodiversity through the prevention or mitigation of potential impacts from development was more common than positive measures to enhance biodiversity.²²

However, in order to halt the loss of our habitats and species, MEABC (like all other councils in NI) will need to ‘work(ing) towards the restoration of and halting the loss of biodiversity’ as identified in paragraph 3.33 of the SPPS.

The Defra survey also provided further evidence that investing time and efforts in shaping Local Plans and getting the right policy hooks brings a range of benefits:

- Positive aspects of policy, such as habitat enhancement, are more likely to be achieved where plans are specific and relevant areas are spatially defined.
- When local planning authorities have published more detailed biodiversity-related supplementary guidance, the outcomes of the applications were more fully consistent with planning policy for biodiversity, than those where no such material was submitted.
- Planning authorities are going to be more confident about refusing planning permission for failure to provide biodiversity enhancement if the benefits are clearly required by a specific local policy.

²² “Effectiveness of the application of current planning policy in the town and country planning system”, Project Code CK042, http://randd.defra.gov.uk/Document.aspx?Document=10054_PhaseIIFINALREPORTPDF.pdf

This will add value to the provision, enhancement and connection of open space and habitats in and around settlements.

Q85. With reference to our policy review, do you agree with our policy approach to protecting and enhancing the landscape character, environment and natural heritage assets of the Mid and East Antrim Coast?

Not entirely. Coastal management should also be addressed within the LDP as Paragraph 3.13 of the SPPS sets out how the planning system can mitigate and adapt to climate change – these measures should be incorporated into the LDP to truly further sustainable development. Climate Change is one of the most pressing challenges facing our society. The LDP should therefore be an opportunity to identify and implement opportunities to build resilience into the built and natural environment and to develop and implement sustainable strategies to explore, address and manage significant flood risk, as stated in para. 3.12 of the SPPS.

Other Sensitive Landscapes

Key Issue 32 Lough Beg and the Lower River Bann Corridor

Q86. Do you agree that the most scenic and environmentally important areas associated with the Lough Beg fringe and the Lower River Bann corridor should be afforded extra protection to safeguard the landscape character, environment and natural heritage assets of these areas?

Yes, to ensure this area is protected from inappropriate development. Furthermore, the designation of a Special Countryside Area or an Area of Constraint should also include the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale. Please refer to our comments above in respect of Lough Beg for further information in this regard.

Key Issue 33 Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB)

Q87. Do you agree that the most scenic and environmentally important areas in the AONB should be afforded extra protection to safeguard the landscape character, environment and the heritage assets of these sensitive areas?

Yes, to ensure this area is protected from inappropriate development. Furthermore, the designation of a Special Countryside Area or an Area of Constraint should also include the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale. Please refer to our comments above on Special Countryside Areas and Areas of Constraint for further detail in this regard.

Q88. Are there any specific areas in the AONB that you consider should be included within spatial policy areas designed to protect the landscape character, environment and the heritage assets of these identified areas?

Yes, the Glenwherry Area in the Antrim Hills. As mentioned previously this is one of the last hotspots for breeding waders in Northern Ireland, and in particular curlew. While the habitat of this area may attract the curlew, the topography of the area attracts a substantial number of wind farm and single turbine planning applications. Unfortunately, the Antrim Hills SPA does not at this time include curlew as a feature species (only hen harrier and merlin cited), the matter is further compounded by the fact that curlews are particularly susceptible to disturbance by wind turbines, as confirmed by scientifically robust research²³. In light of the decline of the curlew previously documented in this response, the safeguarding of this area from inappropriate development is critical to the longer term recovery and survival of the species in Northern Ireland. Further details of this area can be provided upon request. Please also refer to our comments above in respect of other Special Areas for further information in this regard.

²³ Pearce-Higgins et al (2009): The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 2009, 46, 1323-1331; and Pearce-Higgins et al (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394

Key Issue 34 Areas of Scenic Quality

Q89. Do you agree with our preferred approach to protecting the landscape and natural heritage assets of identified Areas of Scenic Quality?

Yes, in that such areas could include significant sites or features of nature conservation value.

Key Issue 35 Local Landscape Policy Areas

Q90. Do you agree with our preferred approach to protecting features and areas within and/or adjoining settlements which are considered to be of greatest amenity value, landscape quality or local significance, and worthy of protection from undesirable or damaging development?

Yes, as such areas can include green and blue infrastructure, river banks and shorelines, woodland and trees, all of which make a positive contribution to the Borough's biodiversity.

Key Issue 36 Landscape Wedges

Q91. Do you agree with our preferred approach to protecting buffer landscapes and open areas recognised as essential for the protection of the setting of particular settlements and maintaining their visual separation, and maintaining the rural character of the countryside?

Yes, as they can provide important wildlife corridors linking up with other important areas for biodiversity, thus creating important ecological networks within the plan area, while providing space for nature to expand at a landscape scale.

Q94. Do you agree that these existing policies should be adopted by our Council with minor amendments to reflect the wording of the SPPS?

See narrative on 'Natural Heritage Policy Wording' below for further details.

Q95. Do you agree that this existing policy should be adopted by our Council?

Yes, please refer to comments below in respect of 'Other Habitats, Species or Features of Natural Heritage Importance' for further information.

Q96. Do you agree that the following features should be added to the list of habitats, species or features of Natural Heritage Importance identified for protection under Policy NH 5?

- Significant groups of trees and woodland;
- Species-rich grasslands;
- Green and Blue Infrastructure (e.g. significant nature corridors and waterways);
- Undeveloped Coastal Areas Natural Heritage Policy Wording

RSPB NI has to no objection to their inclusion; please refer to comments below in respect of 'Other Habitats, Species or Features of Natural Heritage Importance' and, 'Protected Habitats and Species' for further information.

Q97. Do you agree with our approach, that sites containing features of local nature conservation importance and not designated in our LDP, can be afforded sufficient protection under Policy NH 5 of PPS 2?

No – please refer to comments below on local designations.

Natural Heritage Policy Wording

LDP policies to protect and enhance the natural environment should be an integral part of the overall strategy. At the outset, RSPB NI recommends that any such strategy within the LDP should accurately reflect the Regional Strategic Objectives (RDS, SPPS, PPSs and associated guidance documents), with no weakening or dilution. For example, it should not seek to create 'and/or' scenarios in the LDP Strategy where the Regional Strategic Objectives advocate solely 'and' scenarios, or weaken any of the language, for example change the word 'must' to 'should /will or encourage' – they are all considered to represent a weakening in the policy wording, which must be avoided.

A reference within any proposed strategy should be made with regards to assisting with meeting the various site designations' (from international to local) responsibilities and obligations.

To protect, conserve, enhance and restore should be carried out for 'nature's sake', and the ecosystem services which flow from it. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This needs greater recognition within any future iteration of the LDP.

Furthermore, it recommended that the precautionary principle should be carried through into any LDP Natural Heritage Strategy, as part of its strategic policy approach. Indeed, Paragraph 3.9 of SPSS states 'in formulating policies and plans and in determining planning applications, planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'.

Potential zonings in the LDP should have full regard to natural heritage, as it constitutes more than cognisance of sensitive landscapes/views.

MEABC's LDP should promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

Policy on natural heritage should include restoration and enhancement; in a manner which reflects the Lawton principles²⁴ (see below).

In this regard, a useful reference document is 'The *Making Space for Nature*' report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

- Get sites into favourable condition;
- Increase the size of protected sites;
- Create new sites;

²⁴ <http://www.rspb.org.uk/our-work/rspb-news/news/349224-positive-planning-can-help-halt-wildlife-declines-new-report-shows>



- Improve the connectivity between sites; and,
- Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystems-scale', through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

Please also refer to natural environment comments throughout this consultation response, as the protection and enhancement of the natural environment is a cross-cutting requirement to furthering sustainable development.

International Designations

RSPB NI suggests that buffer zones around such designated sites should be considered for inclusion within the LDP (in addition to the designation of Special Countryside Areas) thus providing a hinterland to buffer the protected area and provide space for nature to expand at a landscape scale. The current policy provisions of PPS2 'Natural Heritage' should be carried across in full into the LDP. See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

National Designations

Again, consideration should be given to the formulation of buffer zones around such designations in the interests of creating a hinterland into which nature can expand at a landscape scale. The current policy provisions of PPS2 'Natural Heritage' should be carried across in full into the LDP. See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

This should also include Areas of Outstanding Natural Beauty, as an AONB designation is more than how a landscape looks. Rather, such areas are designated primarily for their landscape quality, wildlife importance and rich cultural and architectural heritage.

Local Designations

RSPB NI advocates that the LDP must be afford protection to local designations, including Sites of Local Conservation Interest (SLNCIs). The current policy provisions of PPS2 'Natural Heritage' should be carried across in full into the LDP. See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

Other Habitats, Species or Features of Natural Heritage Importance

RSPB NI recommends that existing policy from PPS2 in this regard should be adopted in full, as it provides an important 'catch-all' for habitats, specials or features of natural heritage importance which currently fall outwith designated areas. This has been weakened by the SPPS, and as such RSPB NI strongly advocates that the wording from PPS2 should be adopted in full.

See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

The Policy should provide a list of such habitats, species or features, as contained within the SPPS (6.192) which are found in the plan area, and where possible an indication of where these may be found.

Again, this section must make reference to the values of ecosystems services. As previously noted, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

Protected Habitats and Species

RSPB NI advocates that there should be no weakening of the existing policy approach, as contained within PPS2 'Natural Heritage'. It is recommended that a reference link is included to state where the terms priority habitats and priority species is found (as per the existing PPS). See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

Special Countryside Areas / Other Areas of Constraint

As mentioned previously, it is crucially important that areas outwith constraint zonings must not become the 'sink holes' for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process.

Q98. With reference to our policy review, do you agree with our policy approach to preclude development within areas of known risk of coastal erosion and land instability?

Yes, in order to secure sustainable forms of development which are also able to mitigate and adapt to climate change.

For further information contact:

██████████ MRTPI
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Call for Evidence: Strategic planning policy for Renewable Energy development

A response from the RSPB, 06 May 2016

Introduction

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

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

The RSPB's focus is on internationally and nationally designated sites and protected species or habitats that may be vulnerable to development even where these occur outside designated sites. Of particular concern are areas designated as Special Areas for Conservation (SACs) under European Habitats Directive¹ and Special Protection Areas (SPAs) under the European Birds Directive². Both are afforded protection under the Conservation (Natural habitats etc) Regulations (NI) 1995.

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

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

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

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



species of conservation concern in Ireland such as curlew³ and snipe⁴ have also been recorded in published research⁵ as vulnerable to disturbance from turbines (Curlew are Schedule 1 in The Wildlife (NI) Order (as amended) 1985). As such, these species would be of particular concern to the RSPB.

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

The RSPB believes that climate change is the most serious long-term threat to wildlife. We strongly support the Northern Ireland targets⁶ to obtain 40% of electricity from renewables and to cut greenhouse gas emissions by 20% against 1990 levels by 2020. (The PfG contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025.)

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

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

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

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

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

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

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

⁶ http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf



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

Our response to the following questions is outlined below:

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

A Sustainable Renewable Energy System for People and Wildlife

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

While some progress has been made in the decarbonisation of our energy supply, much however remains to be done. Even to attain our existing renewables and emissions targets⁷ a huge shift in where we source our energy from will be required. An increasing proportion of energy will need to be sourced from renewable and low carbon technologies, as well as reducing our overall energy demands. However, the meeting of such targets should not be at the expense of our biodiversity. As such there is a need for sustainable renewable energy to be the cornerstone of our energy systems. To put it simply, there is no either/or choice between cutting emissions and protecting wildlife – we have an obligation to do both if we are to leave a planet which is able to support people and the ecosystems upon which we and other species depend⁸.

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years⁹, poorly sited, designed or managed energy infrastructure can seriously harm wildlife – adding to the pressure already caused by climate change.

⁷ http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf

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

⁹ State of Nature Partnership (2013) State of Nature report http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf



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

The RSPB is currently conducting a major project which looks at how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats, so that our climate change targets are delivered in harmony with nature. It uses DECC's 2050 Pathways Calculator and innovative mapping techniques¹⁰ to assess the deployment potential for a range of renewable energy technologies. The results of this project are expected to be published in a peer-reviewed journal in Summer 2016 but the RSPB is happy to discuss its conclusions pre-publication.

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

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

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

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

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

Need for Strategic/Spatial Planning

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

A comprehensive and structured approach, identifying areas that are more or less suitable for deployment, would offer a valuable steer to developers. It would also help build public support, reduce risks for all stakeholders, from financiers to conservation groups. This would in turn speed up the consenting process, reducing the risk of contentious and unsuitable projects coming to the application stage. Notably, examination of the latest DOE planning statistics on renewable energy proposals¹¹ indicates a decreasing approval rate, increasing number of withdrawals, and a decline in total number of renewable energy applications submitted (this is explored further below). With regard to the latter, the DOE 2015-16 Statistics Report¹² notes that such declines could possibly be linked to government funding reductions and grid capacity issues.

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

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

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

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

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

¹² Ibid.

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

Integrated Planning and Assessment

Strategic spatial planning must be informed by a robust and appropriate assessment process to ensure that delivery of our renewable energy network is in harmony with nature. In this regard, a report prepared by Birdlife International on behalf of the Bern Convention¹⁴ (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

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

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

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

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

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

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



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

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

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

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

Learning by Example

A number of the references cited in this response provide illustrations of a positive approach to spatial planning. In this context, the RSPB is disappointed that the Environment Committee of the NI Assembly during its recent inquiry into Wind Energy¹⁵ came to the following conclusion with regards to a spatial approach to onshore wind:

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

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



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

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

RSPB therefore considers the out of time argument to be both unsustainable and weak. Using the most recently published renewable energy application data¹⁶ it is worth noting that there were 532 live renewable energy applications, mainly comprising 426 single wind turbines, 31 wind farms and 31 solar farms’ at the end of December 2015 . Within this context, it is worth exploring the approach adopted to renewable energy planning in other jurisdictions:

Wales

Within the context of Planning Policy Wales (PPW), seven Strategic Search Areas (SSAs) have been established on the basis of substantial empirical research. While these areas are considered to be the most appropriate locations for large scale (over 25 MW) wind farm development, it further establishes that Natura 2000 sites and Sites of Special Scientific Interest (SSSIs) as ‘absolute constraints’. (Please refer to Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005) and its annexes for further details¹⁷).

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

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

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

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

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

Scotland

Current planning policy in the form of the Scottish Planning Policy¹⁸ (SPP) requires planning authorities to set out a spatial framework which identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities following the approach set out in Table 1 of the SPP (refer to paragraph 161 onwards of the SPP for details). The document published in June 2014 places a ban on wind farms in national parks and national scenic areas and wild land was added as a constraint.

It is also worth noting that RSPB Scotland is a partner in the Scottish Government led *GP Wind* project¹⁹, which seeks to reconcile renewable energy objectives with wider environmental objectives. It has highlighted existing good practice in Scotland and across Europe, barriers to deployment, and lessons that should be learnt. The project has developed a set of good practice guidelines which can be used to facilitate sustainable growth in the renewables sector in support of the 2020 targets. This is a useful reference tool for the DOE in moving forward.

The Northern Ireland Context

Need for a strategic and integrated approach

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

While it is acknowledged that a detailed wind mapping exercise²⁰ was commissioned by the Department of Enterprise Trade and Investment (DETI) in 2003 to help identify areas of particular potential, and although a useful

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

¹⁹ <http://www.project-gpwind.eu/>

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

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

Against this background, the absence of any coordinated or strategic approach to the siting of on-shore wind turbines in Northern Ireland is evidenced by both the Northern Ireland single turbine map²² and wind farm map²³ which have been prepared by DOE depicting the spread of single turbines and wind farms from April 2002 to March 2015. In this context, it becomes apparent that Northern Ireland is well on its journey to the situation resisted by Welsh Planning Guidance *‘where wind turbines are spread across the whole of the Country’* (Paragraph 2.13 of TAN 8).

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

1. At the end of December 2015, there were 532 live renewable energy applications, mainly comprising 426 single wind turbines, 31 wind farms and 31 solar farms
2. The overall Northern Ireland approval rate for renewable energy was 72.9% in Q3, a decrease of 12.5 percentage points over the quarter and a fall of 3.0 percentage points on the same period last year
3. The overall Northern Ireland approval rate in quarter 3 for all planning applications was 93.3%
4. Table 7.1 of Northern Ireland planning renewable energy monthly statistics - April 2015 shows a general downward trend in approvals, a general rising trend in the number of applications withdrawn, and a downward trend in the number of renewable energy applications submitted²⁵

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

²¹ https://www.rspb.org.uk/Images/Positive%20Planning%20for%20Onshore%20Wind_tcm9-213280.pdf

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

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

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

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

increased uncertainty in the consenting regime process with a situation of reduced application numbers (possibly linked to government funding reductions and grid capacity issues²⁶), a lower approval rate and a higher number of withdrawals.

Moving forward, this should not result in a situation where every application for renewable energy is approved. On the contrary, the need to have the right development in the right place at the right time based on a robust evidence base of potential to generate energy, alongside consideration of other social and environmental factors remains paramount. While strategic planning has a key role to play in enabling the renewable energy industry to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes, the absence of a stable incentive regime, as demonstrated by the latest set of planning statistics²⁷ can undermine any such benefits.

In this context, the publication Meeting Europe's Renewable Energy Targets in Harmony with Nature²⁸ recognises *'the right policy frameworks for renewable-particularly strategic planning and adequate, stable incentive regimes – will enable rapid and sustainable deployment while safeguarding the natural environment for generations to come'*. Northern Ireland unfortunately has neither of these elements – this is of concern. The planning system alone cannot be responsible for the delivery of Northern Ireland's emissions and greenhouse targets.

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

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

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

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

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

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

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

³⁰ http://www.nienviromentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI_2015-Main-Report.pdf

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

While the geography and climate of an area will determine its likely capacity to generate renewable energy, these elements however, have no regard to administrative boundaries such as local government districts. There will therefore be a need for local councils to use up to date and appropriate evidence and to work collaboratively in order to gather evidence on a sub-regional basis wherever possible (consistent with PPW, Section 12.9). In England for example, the Department of Energy and Climate Change (DECC) in 2010 funded nine regional energy capacity studies³¹ to help local authorities and local communities in England identify and maximise opportunities for the deployment of renewable and local carbon energy technologies in their areas.

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

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

Need for Regional / Sub-regional Spatial Capacity Data

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

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

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

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



Such an approach is consistent with the findings of Birdlife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature – Summary Report³³. This report identifies *'eight areas where policy makers must help to enable a renewable revolution in harmony with nature, of which one is to "introduce strategic spatial planning for renewables...maps indicating where the most sensitive habitats and species are located are a valuable planning too; for identifying broad zones where renewable development is most appropriate'* (Section 3, Page 11).

With regards to the recommendations for national and EU policy makers within the main report³⁴, and Northern Ireland in particular, the following is recommended:

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

Need for Continued Investment

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

PPS18 - Best Practice Guidance

With regards to the narrative contained within Paragraph 1.3.7 of the PPS 18 Best Practice Guidance, and further to our comments made in respect of the draft SPPS consultation on the matter, the RSPB would reiterate that it does not agree that cows are necessarily a good indicator that wild animals are not affected by renewable energy development. There is, for example, good peer-reviewed scientific evidence³⁵ that wild birds can be disturbed by, and avoid, wind turbines. This reiterates our comments in respect of the same statement contained within the draft PPS 18 documentation.

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

³⁴ http://www.rspb.org.uk/Images/Renewable_energy_report_tcm9-297887.pdf

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



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

Decommissioning and Reinstatement

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

Reconciling National Priorities with Local Interests

Stakeholder Engagement

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

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



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

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

Community Benefits

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

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

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

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



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

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

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

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

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

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

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

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

Summary of Recommendations

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



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

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Strategic Planning Policy Statement (SPPS) for Northern Ireland (Draft)

A response from The RSPB, 29 April 2014

Introduction

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

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

The RSPB welcomes the opportunity to comment on the draft SPPS for Northern Ireland.

Summary

While containing some positive environmental policies and a welcome intention to increase local participation in decision-making, these however are undermined by the inherent presumption in favour of sustainable economic development and an overriding emphasis on short-term economic growth. The document requires a more even-handed expression of environmental, social and

economic needs , which would be more effective in encouraging the system to deliver on integrated sustainable development objectives.

We have found that references to the environment are often timid in comparison to those used for the economy, particularly within the 'Economic Development, Industry and Commerce' Subject Planning Policy.

The RSPB considers that the draft SPPS in its current form is a missed opportunity to provide a spatial, and strategic policy framework. Such a framework is the optimum way to reconcile increasing population and associated development needs within its finite space and environmental capacity. The link between strategic planning and local planning is a tremendous opportunity, yet the draft SPPS does not provide a 'map' of how the environmental system works. It fails to depict how all the land uses ink up (biodiversity, transportation, infrastructure etc.) In this regard, the RSPB believes that the document is not sufficiently ambitious, it should give users of the planning system a direction of travel, a place where we want to get to in the future, a 'business as usual' land management strategy will not achieve this vision or direction.

Response to consultation questions

Below we respond to the specific consultation questions. Please note we have not answered all of the questions, where we have no comment, we have omitted the question altogether.

Question 1: The Purpose of Planning

The RSPB agrees that sustainability should be at the heart of decision-making, and that the draft SPPS has a critical role to play in delivering sustainable development through the planning system. Planning is an essential tool for managing the use of our natural resources and for minimising the impacts of development on the environment.

While we welcome the statement that planning authorities should simultaneously pursue economic, and social priorities alongside the careful management of our and natural environments for the overall benefit of both current and future generations (paragraph 1.1), paragraph 1.3 goes on to contradict the aforementioned text at paragraph 1.1. In this regard, the overriding emphasis on economic growth within paragraph 1.3 seriously undermines the purpose contained within the opening paragraph.

The RSPB does not object to increased levels of development, such as housing and low carbon energy infrastructure that the country needs. Development is not, however, inherently sustainable. It only becomes sustainable if it incorporates environmental and social consideration. Likewise economic growth alone does not constitute sustainable development. There is a clear distinction between economic growth and sustainable economic growth that it compatible with, and ideally enhances social and environmental objectives. It is vitally important that the draft SPPS does not conflate, nor substitute, sustainable development with economic growth.

Furthermore, we are concerned that paragraph 1.3 focuses only on providing protection to the things we cherish most about our built and natural environment. This sentence should be amended to include enhancement, consistent within the policy objectives of PPS 2 'Natural Heritage'.

Question 2: Core Planning Principles

In general terms, the RSPB broadly agrees with the core principles.

We welcome a planning system that is more open, more accountable and more inclusive and would recommend the inclusion of the document 'Planning naturally - Spatial planning with nature in mind: in the UK and beyond'¹ as a key document within this section. This document is structured around 12 principles of good spatial planning, and illustrates them with case studies from all four countries of the UK, as well as some international examples. It recognises that the principles are not the last word on planning, but they capture a broad range of issues that are critical for all effective planning systems.

The twelve principles of good spatial planning are:

1. Planning should be positive, setting out a clear vision for how areas should look and function in the long-term.
2. Spatial plans should integrate all the issues that affect the development and use of land within a specific territorial area, whether social, economic or environmental.
3. Plans should consider strategic issues that may affect a wider area than the individual plan, including functional ecological areas.
4. Plans should contribute to sustainable development by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits.

¹ <http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx>

5. Plans and projects should be based on up-to-date and scientifically robust evidence, including evidence on the value of the natural environment.
6. Plans and projects should be rigorously assessed for their environmental impacts, and the results used to improve the plan.
7. Alternative options should be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public.
8. Public participation is essential. It should be both timely and inclusive of civil society, whether community groups or other stakeholders.
9. Decision-making must be transparent and made by a democratically accountable body or person.
10. Those adversely affected by a planning decision should have a fair opportunity to challenge it.
11. Public authorities should be given the legal powers and resources to enforce planning laws, especially where illegal development is resulting in environmental damage.
12. Plans should be monitored and reviewed regularly.

It is considered that the draft SPPS reflects these principles with varying degrees of success, with principles 1-4 being the weakest - justification in this conclusion will be addressed in answers to subsequent questions.

Question 3: Furthering Sustainable Development

Although not within the remit of the current consultation exercise, the RSPB does not fully understand why the NI Executive 's Sustainable Development Strategy was not able to fully endorse the guiding principles of the UK Sustainable Development Strategy² in the same way that the Coalition Government was able to in their publication *Mainstreaming Sustainable Development*³.

Notwithstanding, the inclusion of the NI Executive's six guiding principles are welcomed.

However, bullet points 4-6 underpin *living within environmental limits; and ensuring a strong, healthy just and equal society*. Achieving a sustainable economy; using sound science responsibly;

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69412/pb10589-securing-the-future-050307.pdf

³ *Mainstreaming Sustainable Development: The Government's vision and what this means in practice*, Defra 2011

promoting opportunity and innovation; and, promoting good governance are all means to an end. This 'hierarchy' is the way the guiding principles are approached in both the NI Executive's Sustainable Development Strategy and the UK Sustainable Development Strategy.

For the draft SPPS then to go on and discuss the three pillars of sustainable development is considered somewhat confusing.

These six guiding principles should be at the heart of the planning system and be seen as a golden thread running through both plan-making and decision-taking. Within this context, paragraphs 3.4 and 3.5 require to be amended to allow the six principles to be pursued in an integrated way, which can allow multiple goals to be delivered.

The RSPB firmly believes that planning, especially plan-making should seek to integrate these objectives rather than balancing, as this could potentially result in environmental trade-offs, particularly when viewed in the context of the economic emphasis detailed in the 'Purpose of Planning' section.

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

Question 4: Improving Health and Wellbeing

The RSPB welcomes this section, particularly in light of the evidence of health benefits of green spaces. While we welcome the recognition of the environmental benefits of green spaces as habitats for wildlife, there should also be a recognition of wellbeing through wildlife. In this regard, we would refer the Department to the following useful reports, and request that they be listed as key documents within this section:

- (i) Wellbeing through wildlife, RSPB⁴***
- (ii) Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012***

⁴ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

At paragraph 3.11 the draft SPPS states *'this infrastructure should be designed and managed as a multifunctional resource capable of delivering on a wide range of environmental and quality of life benefits for communities'*. In this context however there should be the recognition by the decision makers that sometimes particular functions will require precedence e.g. some species will require undisturbed habitat.

A further publication of relevance is UK National Ecosystem Assessment: Technical Report⁵, and in particular Chapter 23: Health Values from Ecosystems⁶. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic intervention (Hine et al. 2009; Haubenhofer et al. 2010); that planners and architects should improve access to greenspace (green design); and that children should be encouraged to spend more time engaging with nature and be given opportunities to learn in outdoor settings (green education). Some of the substantial mental health challenges facing society (Foresight 2008; HSE 2008), and physical challenges arising from modern diets and sedentary lifestyles (Wanless 2002; Wanless 2004; DH 2005a; Sport England 2006; Wells et al. 2007; NICE 2008; DH & DCSF 2009; NICE 2009), could be addressed by increasing physical activity in green settings. If children are encouraged and enabled to undertake more green exercise, then they are more likely to have active exposure to nature embedded in their lifestyle as adults and they will reap the associated health benefits'* (Paragraph 23.8, page 1173).

A key omission from the first two core planning principles is the reference to water quality. Similar consideration should be give to this topic as managing noise and improving air quality for example.

Question 5: Creating and Enhancing Shared Spaces

RSPB recommends that all opportunities to reconnect people with their natural surroundings should be promoted. Please refer to comments in respect of the health benefits of green spaces above.

Question 6: Delivering Spatial Planning

The RSPB welcomes the move towards a positive and more proactive approach to planning, though requests that further clarity is provided with regards to how the new community planning powers will assist in moving planning in this directions, as detailed at paragraph 3.31.

⁵ <http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82>

⁶ <http://www.cbd.int/financial/values/unitedkingdom-health.pdf>

Currently, decisions about land-use are made by different organisations and government departments, each with their own priorities and interests. To tackle cross-sectoral issues such as biodiversity loss and climate change, policies affecting land-use must be taken forward in a co-ordinated way. There is a need to join up the policies and investment decisions of government departments on land, sea, and air transport, energy, housing, employment, education, health, agriculture and food supply, protection and enhancement of natural resources, water management, energy generation and supply – which have spatial implications but which are dealt within in different departments. The Executive should consider developing those mechanisms in the context of its Sustainable Development Strategy – Everyone's involved. In this context we welcome the first bullet point of paragraph 3.30 which means planning should be *'broad-ranging and integrated with other programmes, plans, policies and projects that affect the development and use of land'*.

Question 7: Observing a Plan-Led System

The RSPB strongly supports a plan-led system. It underpins an intelligent, strategic planning system and is crucial to the delivery of sustainable development, public participation, and ultimately public faith in the planning system. The initial success of this system will be both dependant upon the Local Development Plans (LDPs) being in place as soon as possible following Reform and the quality of the plans.

Question 8: Supporting Good Design, Positive Place-Making, and Urban and Rural Stewardship

The written narrative at paragraph 3.36, and in particular the ten qualities of successful urban places should be accurately sourced to the 'Living Places: An Urban Stewardship and design Guide for Northern Ireland'. The RSPB welcomes these qualities especially the recognition of climate change through the responsible and hospitable qualities.

In addition at paragraph 3.38, we welcome the inclusion of guiding principles of good place making in the countryside, including the avoidance of development that impacts adversely upon natural ecosystems.

Question 9: Enhancing Stakeholder Engagement and Front-Loading

The RSPB welcomes the fact that Councils and the Department must each prepare a Statement of Community Involvement (SCI) in respect of their individual functions. In the absence of third party right of appeals, enhancing stakeholder engagement and front-loading will go some way in providing clarity and transparency for stakeholder and community involvement in the planning process.

Question 10: Enhancing Local Democratic Accountability

While we view enhancing local democratic accountability as a positive step, it will be necessary for Councillors to remain focused on the major/primary issues and not get caught up in lengthy debating over minor issues e.g. house extensions.

The Councillors Code of Conduct is a key document in Planning Reform and as such we would advocate that it is in place as soon as possible. Furthermore, given the absence of any planning decision making function within Councils for the past 40 years, there remains a significant amount of capacity building to be undertaken in order to fully maximise the potential of this approach.

Question 11: Decision-taking Principles and Practices

LDPs

The draft SPPS does not identify strategic priorities for LDPS nor does it set out detail on using a proportionate robust evidence base by which the local planning authorities can have a clear understanding of the needs and requirements in their area.

A section should also be included within the Local Development Plans section on environmental assessment.

Paragraph 4.3 should also include a reference to the addition of environmental designations.

On transparency (paragraph 4.15), we welcome public and stakeholder participation at the start of the plan-making process.

We would recommend that the key issues contained within the 'Preferred Options Paper' should include other issues such as:

- Provision of health, security, community and green infrastructure, and local facilities; and,
- Climate change mitigation and adaptation, protection and enhancement of the natural and built environment including biodiversity and landscape, and where relevant coastal management.

With regards to soundness, it would be extremely beneficial if the draft SPPS were to detail what the soundness tests comprise (similar to the way such tests are contained within the NPPF). Currently, the draft SPPS only states '*the Independent Examination will include soundness tests to ensure....*'.

Development Management

Once again there is an imbalance in the language used for the economy, society and the environment in paragraph 5.1. *'central purpose of growing a dynamic, innovative economy alongside efforts to improve our society, and protect and enhance our environment'*. A more even-handed expression of environmental, social and economic needs is required to address the more timid language used in references to the environment and society.

With regards to development hierarchy, and while the RSPB welcomes a fairer, faster and more transparent planning system, speedier planning decisions should not be at the expense of quality decisions. Any risk to investment decisions, should be viewed in the context that the planning application must be fully and competently assessed with regards to all other risks, including environmental.

Paragraph 5.9 should be clarified so as to reflect the contents of paragraph 5.7. In this regard, major development should be qualified as that not deemed to be regionally significant.

The RSPB welcomes the statutory requirements for pre-application community consultation for all major (including regionally significant) development proposals and the power of Councils to decline to determine applications which have not fully met the statutory requirement for pre-application community consultation.

Planning Enforcement

At paragraph 5.15, the RSPB considers that effective enforcement is **essential** to ensure the credibility and integrity of the planning system is not undermined.

Call-in

At paragraph 5.20 we would question the statement that call-ins *'will be used sparingly'* given that applications for determination will either have sub regional/regional impacts, or they will not. If they do, such applications will then be subject to a call-in, to use the term sparingly suggests that there could be another filter which has not been referred to in the narrative.

Developer Contributions and Community Benefits

At paragraph 5.32 we suggest that additional text should be inserted to reference that 'communities should be eligible for any community benefit agreed regardless of whether they supported the

application or not'. Furthermore, such benefits need to be tangible community benefits and not 'greenwash' or superficial unsustainable community projects.

STRATEGIC PLANNING POLICIES

Question 13: Coastal Development

It is recommended that aim of the draft SPPS in relation to coastal development be amended to protect all the coast from inappropriate development, regardless of whether it has been developed or not.

Coastal areas support some of our most spectacular wildlife in Northern Ireland, including many of our internationally important wildlife sites, with many of these habitats relying o complex biological relationships between marine and terrestrial habitats. Marine resources are also set to play an increasing role in delivering a sustainable, low-carbon economy. This should be addressed within this subject planning policy.

Integrated coastal zone management (ICZM) is therefore crucial in enabling a joined up approach to the management of the many different interests in coastal areas, both terrestrial and marine. The draft SPPS should include such provision.

Question 15: Development in the Countryside

While the RSPB welcomes the recognition of ecosystem services in the countryside, we are concerned about the adoption of a positive approach to new development in the countryside in the absence of the precautionary principle. The adoption of a positive approach to new development in the countryside could undermine the plan-led system, and the ability of local authorities to determine applications in accordance with the development plan and all other material considerations (Article 6.3 of the Planning Act (Northern Ireland) 2011). It is difficult to reconcile a plan-making process that has gone through a Strategic Environmental Assessment (SEA), before allocating sites strategically and often sequentially to ensure sustainable patterns of development - with the positive approach as it is currently worded.

At paragraph 6.63 we are similarly concerned that there is a premature presumption in its wording. In this regard, we recommend that it is amended to include the wording 'where appropriate' (as

contained within paragraph 6.61) as not all Dispersed Rural Communities (DRCs) will have the capacity to include everyone of the listed development activities.

In addition, we recommend that paragraph 6.64 makes reference to the consideration of cumulative impact.

Question 16: Economic Development, Industry and Commerce

It is unclear where the environment sits within this subject planning policy, particularly with regards to all of the ecosystem services upon which the economy relies. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within this subject policy. Paragraph 6.71 in discussing the environment fails to recognise ecosystem services.

Furthermore, we are concerned with the emphasis placed in the second policy objective for economic development to ensure '*a **generous** supply of land suitable for economic development*' (our emphasis).

In this regard, paragraph 3.3 of the draft SPPS recognises development must be within environmental limits. As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

Furthermore, within this subject policy as a whole, inconsistent language is used with regards to the supply of land suitable for economic development. The language as currently used is not considered to be interchangeable. In this regard, '*ample*', '*generous*' and '*sufficient*' have all been used. As a consequence, there needs to be a consistency exercise carried out in the use of the language, in accordance with the comments detailed in the paragraph above.

Within this section there appears to be an inherent tension between public good and private interests, as stated in paragraph 1.2 of the draft SPPS, the planning system operates in the public good, this must be addressed in any subsequent revision.

With regards to decision-taking, and in particular paragraph 6.78, it is recommended that the reference to the adoption of a generally positive approach in determining applications should be removed. The inclusion of this 'presumption' is an unnecessary repetition (which is already stated within The Purpose of Planning section) and implies a weakening of the force of environmental policies. In addition, a plan-led system must be predicated on the ability of planning authorities, *where necessary*, to refuse development that sits outside that which is planned for, where it would not constitute sustainable development.

A similar 'presumption' is found at paragraph 6.82, which should be amended accordingly. In addition, the final sentence of this paragraph requires stronger links with the contents of paragraph 6.83 in order to ensure that both paragraphs are read together, so as to avoid any misinterpretation.

Question 17: Flood Risk

For comments in response to this question, please refer to our consultation response submitted to the Department in response to the draft Revised PPS15 earlier this year (January 2014). (A further copy of same can be made available upon request).

Planning has a crucial role to play in delivering climate change mitigation and adaptation. This includes factors such as heat stress and potential for increased flooding. This should be explicitly recognised at paragraph 6.87, alongside the need for a robust evidence base to inform relevant policies. To state '*there remains much uncertainty as to the degree of climate change that will occur and the implications for particular areas of Northern Ireland*' is somewhat of a weak excuse and needs to be replaced by a statement encompassing likely predications based on the best available data at this time.

While we welcome the comments at paragraph 6.93 with regards to the opportunity presented by the preparation of a LDP for engagement with other relevant government departments and agencies, it however fails to recognise the need for a joined up approach between council areas when there are potential and recognised implications beyond plan areas. Such a requirement for council areas in such circumstances requires be added to this subject policy.

The use of the word '*should*' within paragraphs 6.96 and 6.102 needs to be replaced by 'must' or 'will' to remain true to PPS 15. The use of the word 'should' represents a weakening of the requirements set out in this paragraph. The use of the word 'should' could be interpreted as a

suggestion, whereas, the use of the word 'will' is a firm commitment. In this context, the RSPB recommends that 'should' be replaced by 'will' in this paragraph to be consistent with the tenor of PPS 15.

We would reiterate our PPS 15 consultation response comments in respect of paragraph 6.104 in that there should be no land raising within coastal flood plains, consistent with the restriction in fluvial flood plains.

We would also recommend that Figure 1 is amended as follows (additional text underlined) - this additional text is consistent with PPS 15, and necessary to retain the integrity of its policies:

Defended Areas

'Previously developed land protected by minimum standard flood defences'

Undefended Areas

'replacement of an existing building - proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be permissible.

Question 18: Housing in Settlements

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

It is therefore crucially important that the planning system ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environmental with more housing than is actually needed. In this regard, housing allocations should therefore be based on a robust evidence base.

While we welcome the sequential approach applied to the identification of suitable sites with the use of previously developed land, we recommend that the priorities of Brownfield land, wherever possible, should be further explicitly stated within the subject planning policy, as it plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration. A requirement should be added to the policy which requires local authorities to deliver as much housing as possible on Brownfield land.

However, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the Statement, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and excludes minerals workings and landfill or soil dredging and landfill.

Question 19: Minerals

This subject policy needs to be set in the context which ensures that levels of extraction do not exceed environmental limits, or serve to undermine the environmental integrity of wider ecosystems.

Furthermore, we recommend that the final sentence of paragraph 6.132 is amended to replace the word '*effectively*' with 'sustainably'.

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration. RSPB research has shown that focusing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets. It is important that the draft SPPS recognises this potential and we therefore recommend that paragraph 6.137 be amended to include the following narrative with regards to the final bullet point which seeks to 'secure sites are restored to a high quality, seeking to achieve other objectives such as the enhancement of biodiversity wherever possible'.

With regards to Local Development Plans we recommend that the first bullet point be amended to include reference to sustainable local supplies which include the use of recycled materials. The future needs over the plan period requires to set in a robust evidential context and not just on '*likely future development needs*' if we are to sustainably use such finite resources.

There is no reference to peat extraction within this strategic policy. In the circumstances we recommend the inclusion of the following bullet point 'not grant planning permission for peat extraction from new or extended sites , or renew extant permissions'.

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

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO₂) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

Question 20: Natural Heritage

With regard to Local Development Plans, paragraph 6.151 of the draft document states '*where appropriate, policies should also be brought forward for their protection and / or enhancement*'. This should not be an 'and/or' situation as both can occur together. PPS 2 'Natural Heritage' at paragraph 4.3 states '*local designations arising from the plan should be identified and policies brought forward for their protections and, where possible their enhancement*'. Paragraph 6.151 of the draft SPPS should therefore be amended to remove the and / or scenario, and replicate the text contained within paragraph 4.3 of PPS 2.

It is also recommended that paragraph 4.8 of PPS 2 regarding other considerations be added to the Local Development Plans section within the draft SPPS to ensure that full account is given to natural heritage objectives contained within other legislation, policies, strategies and guidance.

We welcome the reference to the promotion of the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

In this regard, a useful reference document is 'The *Making Space for Nature*' report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

1. Get sites into favourable condition
2. Increase the size of protected sites
3. Create new sites
4. Improve the connectivity between sites
5. Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystems-scale', through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

The statement contained within paragraph 6.155 is considered to be somewhat bold and inconsistent with the precautionary principle. While it is accepted that adverse impacts can, on occasion, be minimised through careful planning and design, such mitigation may not be sufficient or appropriate to render the proposal acceptable. Within this context, there is an inherent presumption in favour of development within this paragraph, which suggests that careful planning and design will allow any development to proceed even where there is adverse impacts. This is not the case and each case will need to be assessed on its individual merits. This paragraph requires to be amended to remove the inherent presumption.

At paragraph 6.172 there is a weakening of the force of the policy when compared with PPS 2. In this regard, at paragraph 6.172 '*planning permission should only be granted*' (our emphasis), whereas the comparative policy statement in PPS2 at Policy NH5 states '*planning permission will only be granted*' (our emphasis).

The use of the word 'should' could be interpreted as a suggestion, whereas, the use of the word 'will' is a firm commitment. In this context, the RSPB recommends that 'should' be replaced by 'will' in this paragraph to be consistent with the tenor of PPS 2. Similar comments apply at paragraph 6.175.

It is recommended that a reference link is included at paragraph 6.172 to state where the terms priority habitats and priority species is found (as per the existing PPS 2).

Question 21: Open Space Sport and Recreation

The RSPB recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

Please refer to the RSPB's publication 'Wellbeing through Wildlife'⁷, and our comments at Question 4 above for further details.

Question 22: Renewable Energy

Climate change is one of the most pressing challenges facing our society. The need to mitigate against climate change must be one of the crucial areas that local plans should cover. Doing so will require the identification of suitable sites for the delivery of renewable energy based on a robust evidence base. This must be reflected in paragraph 6.194 and wording will require the identification of sites for the deployment of renewable energy infrastructure added - a spatial element to the strategic approach is also necessary.

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

Paragraph 6.194 requires to be amended to include a reference to that fact that renewable energy development must not result in an unacceptable adverse impact on the factors listed, consistent with Policy RE 1 contained within PPS 18.

Furthermore paragraph 6.199 should be amended to include reference to the restoration of the site to '*generally to a condition as close as possible to its original state as appropriate to its condition*' consistent with paragraph 4.16 of PPS 18.

Question 24: Tourism

Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to their local economies.

⁷ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

Paragraph 6.217 includes a general presumption in favour of tourism development within settlements. The inclusion of this 'presumption' is an unnecessary repetition (which is already stated within The Purpose of Planning section) and implies a weakening of the force of other policies e.g. environmental. Furthermore, a plan-led system must be predicated on the ability of planning authorities, *where necessary*, to refuse development that sits outside that which is planned for, where it would not constitute sustainable development.

Within the countryside, a similar presumption is also contained within paragraph 6.218.

Furthermore, no regard is had to the environment or the ecosystem services it provides. Tourism in rural areas will often be related to the enjoyment of the natural environment, and this is something we strongly advocate. However, human activity, can in some instances, have a negative impact on biodiversity. In this regard a line should be added to this paragraph which clearly states that proposals should not have an adverse impact on biodiversity. In addition, the final sentence of this paragraph is somewhat open ended and requires some form of qualification of the circumstances and scale of development which may be appropriate.

Question 32: Transportation

The transportation of people and goods has a crucial role to play in fostering economic prosperity and social integration. However, it also accounts for 21% of the total greenhouse gas emissions for the UK, with cars alone accounting for 12%⁸. Planning can make a significant contribution to reducing these emissions through decision-making on the location, scale, mix and character of development. In particular, new development should be located so as to enable and support the use of public transport provision and reduce dependence on the private motor vehicle.

However this current strategic policy fails to require local authorities to include the necessary policies to achieve the above goals. Reducing carbon emissions is not a matter of practicability, it is a necessity. In this context we would recommend the inclusion of the following additional objective (paragraph 6.240) to provide a far stronger steer to local authorities:

- Support radial reductions in greenhouse gas emissions

⁸ Greenhouse gas emissions by Transport Mode, Department for Transport 2008

Furthermore, we are concerned that within paragraph 6.239, the aims of this draft SPPS (with regards to transportation) fails to acknowledge its requirement to deliver sustainable development. This should be added to the aims within this paragraph.

The RSPB appreciates the difficulty of reconciling the need for some development in rural areas with an ability to serve that development with good public transport provision. However, any development that is likely to generate 'significant movement' and that cannot be served adequately by public transport provision should be refused. The wider implications of climate change dictate that local development cannot be allowed where it compromises the objective of minimising carbon emissions associated with new development. The first bullet point of paragraph 6.240 should therefore be amended accordingly.

Question 34: Implementation and Transitional Arrangements

Until such time as local authorities have their own local plans in place, the RSPB strongly recommends that the current Planning Policy Statements remain as material considerations. As a result of having a unitary planning system, our Planning Policy Statements (PPSs) contain more than strategic policy, to therefore remove the effect of the PPSs before the new local development plans have been adopted, and rely solely on the draft SPPS could lead to a policy vacuum.

Furthermore, paragraph 7.8 states that detailed Departmental Guidance is currently being considered as a separate exercise. The RSPB recommends that such guidance is brought forward as soon as possible in order to provide guidance and clarity for all users of the planning system.

At paragraph 7.5, the RSPB requests that the sentence be strengthened to state that 'Department will undertake a fundamental review of the SPPS within 5 years', as an 'intention' is not considered sufficiently strong.

Q 35: Other SPPS Comments

Please see introduction and summary text for further comments.

Q 36: Interactive Digital Engagement

The RSPB believes that while the provision of a digital consultation has been partly successful, there are a number of issues with the consultation response setup which we believe to be problematic:

- The availability of text formatting within each of the response boxes is extremely basic and does not allow for highlighting or underling text for example. The availability of such formatting is critical in presenting responses in order to make them easy to read and coherent.
- There is no provision for footnotes or references within the consultation response text boxes - to have to resort to including such references within the main body of the response is disruptive to the flow of the response.
- The 'yes or no tick' boxes to the questions is somewhat basic, and on occasion neither response was directly applicable, an 'in between / in part' option would have been useful.
- Once the yes or no box has been highlighted there is no opportunity to de-select both options, it has to be either a yes or a no- yet neither may be the most appropriate (see comments above).
- Comments should be invited even where support for the policy is registered (we did this anyway, even though the text just invited responses where there was no agreement/support).
- Uploading of consultation responses was rather straight forward, albeit cumbersome having to respond on an question by question basis - though it is appreciated that such a format allows for easier processing by the Department on a question by question basis.
- No opportunity to include introductory or summary text - though we included this in our response to Q 35.

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