

Data Protection Officer
Mid and East Antrim Borough Council
The Braid
1-29 Bridge Street
Ballymena
BT43 5EJ

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

Miss

First Name **(Required)**

Emma

Last Name **(Required)**

Walker

Email

emma.walker@turley.co.uk

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

- ☐ Yes ☒ No ☐ Unsure

Section C. Individuals

Address Line 1 **(Required)**

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

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)**

Your Job Title / Position **(Required)**

Organisation / Group Address (if different from above)

Address Line 1 **(Required)**

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

Section E. Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you.

Please provide details of the individual, organisation or group that you are representing.

ABO Wind (NI) Ltd

Client Contact Details

Title

First Name (Required)

Last Name (Required)

Address Line 1 (Required)

ABO WIND (NI) LTD

Line 2

UNIT 1 WALLACE STUDIOS

Line 3

WALLACE AVENUE

Town (Required)

LISBURN

Postcode (Required)

BT27 6SJ

Q4. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?

Please only select one.

☐ Agent ☐ Client ☒ Both

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.

Section M. Tests of Soundness (Required)

Procedural tests

- ☒ P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- ☐ P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
- ☒ P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

Consistency tests

- ☐ C1. Did the Council take account of the Regional Development Strategy?
- ☐ C2. Did the Council take account of its Community Plan?
- ☒ C3. Did the Council take account of policy and guidance issued by the Department?

Coherence and effectiveness tests

- ☒ CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring Councils.
- ☒ CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- ☒ CE3. There are clear mechanisms for implementation and monitoring.
- ☐ CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

Section N. Which part(s) of the draft Plan Strategy are you commenting on?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to inform us that you consider more than one part of the draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

Relevant Policy number(s)

DRAFT POLICIES - CS1, CS2, CS3, CS5, RE1, TOC1 & HE1

(and/or)

Relevant Paragraph number(s)

SEE ENCLOSED REPRESENTATION REPORT

(and/or)

District Proposals Map

SEE ENCLOSED REPRESENTATION REPORT

Please give full details of why you consider the draft Plan Strategy to be unsound having regard to the tests(s) you have identified above. Please be as clear and concise as possible.

SEE ENCLOSED REPRESENTATION REPORT

If you consider the draft Plan Strategy to be unsound, please provide details of what changes(s) you consider necessary to make the draft Plan Strategy sound.

Representations to Mid & East Antrim Borough Council Draft Plan Strategy

On behalf of ABO Wind (NI) Ltd

December 2019

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Emma Walker
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Client

ABO Wind (NI) Ltd

Our reference

ABOB3002

December 2019

Executive Summary

1. This representation is submitted on behalf of ABO Wind (NI) Ltd in response to consultation on the Mid and East Antrim Borough Council draft Plan Strategy (dPS)
2. The dPS is unsound as the legal compliance tests have not been met.
3. Furthermore, the Sustainability Assessment (SA) provided in support of the dPS is flawed. These flaws render the dPS in its entirety unsound as soundness test P3 cannot be met.
4. The following table summarises the draft policies which are unsound, for the reasons specified:

Schedule of key draft Policy Comments

Policy	Comment	Cross ref.
draft Policy CS1	<p>The draft policy is reliant upon cross reference to other draft policies contained within the plan strategy which are considered to be unsound.</p> <p>The draft Policy conflicts with soundness test CE1.</p>	Section 4
draft Policy CS2	<p>The extent of the SCA has been determined on the basis of pre-emptive language included with the Council's Landscape Character Assessment that wind turbines are contentious and have a visual impact. The Council has also failed to assess the cumulative impact of such designations on the deliverability of the dPS objectives to deliver renewable energy.</p> <p>The draft Policy conflicts with soundness test CE1 and CE2.</p>	Section 5
draft Policy CS3	<p>The draft policy conflicts with the policy approach endorsed in the SPPS which does not introduce a requirement to identify areas of constraint on high structures within the LDP.</p> <p>The extent of the area of constraint is based on a flawed evidence base which assumes that tall structures have an adverse impact and which fails to consider renewable energy as a force for change in the character of the landscape. Furthermore the Council admits that the detailed assessment of sensitive landscapes has not been undertaken fully in accordance with best practice guidance.</p> <p>The restriction on the height of acceptable development within the proposed area of constraint is not supported by evidence.</p> <p>The consideration of visual impact of development</p>	Section 6

	<p>such as wind turbines is already considered in other draft policies proposed in the plan.</p> <p>It is unclear how regional exceptions to the policy will be defined.</p> <p>The proposal to restrict wind turbine developments is contrary to the Council's objectives relating to renewable energy provision and tackling climate change and undermines the ability of the Council to meaningfully contribute to the Regional objectives.</p> <p>The draft Policy conflicts with soundness tests C3, CE1, CE2 and CE3</p>	
draft Policy CS5	<p>A number of weaknesses in draft policy RE1 have been identified and the soundness tests that it currently fails to meet. Until such times as those comments can be addressed the cross reference within the draft policy also renders this policy unsound.</p> <p>The approach proposed by the Council does not take account of any social or economic benefits that may arise from the proposed development which is contrary to the SPPS.</p> <p>The draft Policy conflicts soundness test C3.</p>	Section 7
draft Policy RE1	<p>The draft policy fails to adequately reflect the exceptions identified in other relevant policies by cross reference.</p> <p>The draft policy is inconsistent with the existing policy approach set out in PPS18 and the prevailing policy contained within the SPPS.</p> <p>Some of the criterion for assessing development is unclear and further clarification is required.</p> <p>The draft policy conflicts with the Council's environmental and economic objectives to promote renewable energy and tackle climate change.</p> <p>The draft Policy conflicts with soundness tests C3, CE1, CE2 and CE3.</p>	Section 8
draft Policy TOC1	<p>The draft policy fails to adequately reflect the exceptions identified in other relevant policies by cross reference.</p> <p>The policy conflict with the prevailing policy approach set out in the SPPS.</p> <p>The implementation of the policy is unclear.</p> <p>The draft Policy conflicts with soundness test C3, CE1, CE2 and CE3.</p>	Section 9
draft Policy HE1	<p>The Council seeks to extend the KnockDhu ASAI. The Council fails to identify the particular features of the</p>	Section 10

ASAI to be protected and fails to provide evidence of the harmful effects of wind turbines and high structures on ASAs.

The Council also fails to identify the particular features of the ASAI to justify the proposed area of extension.

Therefore this policy fails soundness test CE2 and CE3.

1. Introduction

- 1.1 This representation is submitted on behalf of ABO Wind (NI) Ltd in response to the consultation on the Mid & East Antrim Borough Council draft Plan Strategy (dPS).
- 1.2 ABO Wind is a globally successful project developer for renewable energy technologies. Since 1996, the company has developed over 900 wind energy, solar and biogas plants across 18 countries with a total output of 2,000 megawatts.
- 1.3 Economical prudence, careful planning and ethical responsibility are at the core of ABO Wind. Installations completed to date avoid more than 2 million tonnes of carbon dioxide and generate around 3 million megawatt hours each year - equivalent to the domestic electricity consumption of 2 million people.
- 1.4 ABO Wind entered the UK market in 2006, with the head office in Bellshill in the central belt of Scotland. There are currently several projects in various phases of development, from early stage assessment to realisation. In 2011 ABO Wind commissioned its first British wind farm at Lairg in the Scottish Highlands.
- 1.5 ABO Wind NI was registered in 2010 with the head office now in Lisburn. Across Northern Ireland ABO Wind have a total of 71.4MW of wind farm projects 5MW of battery storage that have received planning permission, with a further c.106MW currently in the local planning system and several projects between early stage assessment and planning. Northern Ireland has an excellent wind resource although continued investment in the grid is needed to ensure integration of renewable energy to the grid.
- 1.6 ABO Wind is fully supportive of sustainable development and committed to exploring opportunities for wind energy development to deliver positive impacts to the local community and economy whilst addressing environmental considerations.
- 1.7 This representation focuses on the interests of ABO Wind (NI) Ltd within Mid & East Antrim and whilst some specific locations are identified, the comments apply to the relevant policies across the District.
- 1.8 In line with the Council's procedures, each representation is set out on a separate page within each of the chapter headings with the draft policy and response clearly identified.
- 1.9 The structure of the submission is as follows:
 - Section 2: Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests;
 - Section 3: Details our representations to the Strategy Environmental Assessment (SEA) and Sustainability Appraisal (SA);
 - Section 4: Details our representations to the draft policy on Sustainable Development in the Countryside;

- Section 5: Details our representations to the Special Countryside Area policy.
- Section 6: Details our representations to the draft policy on Areas of Constraint on High Structures;
- Section 7: Details our representations to the draft policy on the Antrim Coast and Glens AONB
- Section 8: Details our representations to the draft Renewable Energy policy;
- Section 9: Details our representations to draft policy on Telecommunications Development and Overhead Cables; and
- Section 10: Details our representations to the draft policy on Archaeological Remains and their Settings.

2. Legislative Compliance

2.1 In preparing their draft Plan Strategy (dPS), Mid & East Antrim Borough Council ('the Council') is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').

2.2 This section identifies issues in the compliance of the dPS with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

2.3 Part 2 of the Act stipulates that the Plan Strategy should be prepared in accordance with the Council's timetable, as approved by the Department for Infrastructure ('DfI') and in accordance with the Council's Statement of Community Involvement.

2.4 The Council's Timetable, as approved and published on the Council's website is dated 2019. We note that the Council did publish the dPS within the 3rd Quarter of 2019 as indicated in the approved timetable as it is made public on 17 September. However, we would highlight that the timetable shows that this timeframe will include:

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

2.5 We note that the formal consultation period on the dPS did not commence until the 16 October 2019 and therefore falls outside of the broad timeframe set out in the timetable. This also means that the counter-representation stage falls outwith the agreed timeframe and could result in further conflict with the timetable.

2.6 In preparing a Plan Strategy, the Council must take account of:

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

2.7 This representation identifies specific instances where, in particular, policy issued by the Department has not been adequately assessed.

2.8 The Act also requires that the Council:

"(a) carry out an appraisal of the sustainability of the plan strategy; and

(b) prepare a report of the findings of the appraisal."

- 2.9 We have identified significant flaws with the Council's Sustainability Assessment and identify them in this representation in Section 3.

3. Strategic Environmental Assessment and Sustainability Appraisal

- 3.1 This section of the representation provides comments on the Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) which have been prepared alongside the draft Plan Strategy. The preparation of these assessments is a procedural test for the soundness of the plan.
- 3.2 Our comments and formal representation on the key issues with the SEA and SA are set out below however it is considered that the plan would fail against soundness test P3.

A review of the Sustainability Appraisal supporting the Mid and East Antrim Borough Council LDP Draft Plan Strategy 2030.

- 3.3 A review of the Sustainability Appraisal (SA) documents produced in support of the Mid and East Antrim (M&EA) Local Development Plan (LDP) Draft Plan Strategy September 2019 has been undertaken on behalf of ABO Wind.
- 3.4 The documents that have been reviewed are;
- Mid and East Antrim District Council Local Development Plan 2030, Draft Plan Strategy, September 2019 (hereafter referred to as the dPS).
 - Mid and East Antrim District Council Local Development Plan, Sustainability Appraisal (hereafter referred to as The Draft SA Report) of the LDP Draft Plan Strategy Incorporating the Strategic Environmental Assessment, September 2019.
- 3.5 For Northern Ireland the relevant guidance with respect to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) is;
- Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (the EAPP Regulations); and
 - Development Plan Practice Note. Sustainability Appraisal incorporating Strategic Environmental Assessment. April 2015.
- 3.6 Given the complexity of the SA process and the experience (including relevant case law referenced in these representations) of its application in England, Scotland and Wales, it is also recommended by the guidance above refer to the following guidance where necessary;
- A Practical Guide to SEA. Department of Communities and Local Government, September 2005
 - National Planning Practice Guidance. Strategic environmental assessment and Sustainability appraisal. (<http://planningguidance.communities.gov.uk/>).

- SEA and SA; Planning Practice Guidance (PPG); Ministry of Housing, Communities & Local Government (HCLG); February 2015;
 - Strategic Environmental Assessment: Improving the effectiveness and efficiency of SEA/SA for land use plans; RTPI; January 2018; and
 - SEA & Climate Change: Guidance for Practitioners; Environment Agency; 2011.
- 3.7 ABO Wind are fully supportive of the principles of sustainable development and the need to positively tackle the climate crisis by radically increasing the percentage of energy we generate from renewable sources and reducing the combustion of fossil fuels.
- 3.8 Indeed Paragraph 6.216 of the SPPS states that:

“Renewable energy reduces our dependence on imported fossil fuels and brings diversity and security of supply to our energy infrastructure. It also helps Northern Ireland achieve its targets for reducing carbon emissions and reduces environmental damage such as that caused by acid rain. Renewable energy technologies support the wider Northern Ireland economy and also offer new opportunities for additional investment and employment, as well as benefitting our health and well-being, and our quality of life.”

The Importance of Renewable Energy to Northern Ireland

- 3.9 The central role of renewable energy in the delivery of sustainable development is recognised by national policy. Para 6.214 of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development¹ explains Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards sustainable development as well as being a significant provider of jobs and investment across the region.
- 3.10 Indeed, a 2017 analysis by NIRIG ‘Onshore wind: Economic benefits in Northern Ireland’² estimated that onshore wind created 500 jobs and £32 million in gross value added (GVA) in the Northern Irish economy in 2014.
- 3.11 Planning Policy Statement 18 (PPS18) Renewable Energy³ explains how greater use of renewable energy will also reduce dependence on imported fossil fuels, bring diversity and security of supply to our infrastructure, and help Northern Ireland achieve its targets for reducing carbon emissions.
- 3.12 Position Paper 12 Public Utilities Infrastructure recognises (para 3.2.1) the substantial contribution of renewable energy to Northern Ireland, with 44% of total energy

¹ https://www.planningni.gov.uk/index/policy/spps_28_september_2015-3.pdf

² <http://149.255.57.18/~nirigweb/wp-content/uploads/2017/03/Onshore-Wind-Economic-Benefits-NI.pdf>

³

https://www.planningni.gov.uk/index/policy/planning_statements_and_supplementary_planning_guidance/planning_policy_statement_18_renewable_energy.pdf

consumption Northern Ireland generated from renewable resources. Approximately 75% of renewable energy in Northern Ireland is derived from wind farms.

- 3.13 At a strategic policy level, ABO Wind agrees with the introductory paragraphs within the dPS 9.32 -9.33 which states that:

“Renewable energy reduces our dependence on imported fossil fuels and brings diversity and security of supply to our energy infrastructure. It also helps Northern Ireland achieve its targets for reducing carbon emissions and reduces environmental damage such as that caused by acid rain. Renewable energy technologies support the wider Northern Ireland economy and also offer new opportunities for additional investment and employment, as well as benefitting our health and well-being, and our quality of life. “

“With the growth anticipated in our Borough over the Plan period, the provision of renewables is vital to meet the greater energy demands of the future. Renewable energy developments must therefore be accommodated in order to meet this demand and regional targets, whilst also protecting our environment and our sensitive landscapes.”

- 3.14 The dPS contains several policies which, directly and indirectly control the feasibility, viability and location of renewable energy infrastructure and particularly wind turbines. These policies are:

- Draft Policy CS1 – Sustainable development in the Countryside (cross refers to Draft Policy RE1)
- Draft Policy CS2 – Special Countryside Area
- Draft Policy CS3, Areas of Constraint on High Structures
- Draft Policy CS5 – AONB
- Draft Policy RE1 – Renewable Energy; and
- Draft Policy TOC1 – Telecommunications Development and Overhead Cables
- Draft Policy HE1 – Archaeological Remains and their Settings

- 3.15 These policies have been reviewed by ABO Wind for both soundness and legal compliance with the SPPS and SEA Regulations.

Concerns relating to the SA process

- 3.16 ABO Winds overriding concern with the dPS and the SA process is that the policies significantly restrict the development of Wind Turbines in the M&EA plan area. The application of the policies above in effect create a presumption against large scale wind turbine development.
- 3.17 This is explained in greater detail below as part of the review of the individual policies listed in paragraph 3.15 above.

Draft Policy CS1 – Sustainable development in the Countryside (cross refers to Draft Policy RE1)

- 3.18 Draft Policy CS1 has been scoped out of the SA review on the basis that it is in effect a signpost to spatial policies specifically addressing renewable energy development. Representations made by Turley Planning conclude that this Policy is unsound on the basis that it relies upon Policies such as RE1 (Renewable Energy Development) which is in itself is considered unsound.
- 3.19 From an SA perspective, Policy CS1 will be amended through amendments to supporting policies such as RE1. Once this occurs, Policy CS1 should be re-screened for appraisal within the SA.

Draft Policy CS2 – Special Countryside Area

- 3.20 Draft Policy CS2 creates Special Countryside Areas (SCAs) with a presumption against all new development in these areas unless there is an exceptional circumstance. The evidence that underpins this policy is contained within the Landscape Character Assessment (LCA) within Technical Supplement 10 Countryside.
- 3.21 Representations in the remainder of this report confirm that the methodology within this LCA is flawed and that the designations are not justified from a planning perspective. Furthermore there is no criteria for a project to demonstrate regional significance and to justify an application.
- 3.22 Given these flaws in the plan and the fact that the designation of Areas of Outstanding Natural Beauty (AONB) exists as a sensitive landscape designation means that Policy CS2 is flawed and not required to ensure protection of the landscape.
- 3.23 From an SA perspective, Policy CS2 is assessed within Section 3.2.11 of the draft SA for which ABO Wind would like to make the following comments:
- No other reasonable alternatives to the preferred option (Policy CS2) appear to have been considered. The SEA Regulations and Development Plan Practice Note (DPPN) require the consideration of reasonable alternatives to policies that are practical and deliverable.
 - Given the existence of the AONB designation as a mechanism to protect sensitive landscapes then a reasonable alternative should have been to retain this designation and not introduce a further landscape classification based upon flawed evidence.
 - Page 177 of the draft SA presents the detailed SA scoring of Policy CS2 against the SA objectives. Given that the policy is based upon flawed evidence and that it effectively precludes any new development within the SCAs, ABO Wind have identified the following flaws in the SA Scoring:
 - SA Objective 5- Enable Sustainable Economic Growth- Given the presumption against any development (such as buildings or infrastructure) within the SAC then we do not believe that the policy can achieve a minor positive impact upon the local economy. Without new buildings and

infrastructure to support economic growth there can only be a significant negative impact upon the local economy in the SACs.

- Several significant positive environmental effects are noted against SA Objective 7 (physical resources) 10 (climate change), 11 (water resources), 12 (biodiversity) and 13 (landscape character). These scores are recorded simply by virtue of the Policy preventing any new development in the SAC which is not in the pursuit of sustainable development and contrary to Paragraph 6.65 of the SPPS which states:

“The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.”

- 3.24 From a sustainability perspective Policy CS2 is unsound as it does not facilitate sustainable developing in the Countryside as required by the SPPS.

Draft Policy CS3, Areas of Constraint on High Structures

- 3.25 ABO Wind have reviewed draft Policy CS3 and have significant concerns that the policy effectively restricts the deployment of any large scale wind turbines above 15m in height in the Areas of Constraint on High Structures (AoCHS) as designated in Policy CS3.
- 3.26 Turley Planning have made representations which state that the AoCHS are an additional land character designation not permitted under the SPPS without a policy compliant and robust evidence base.
- 3.27 Paragraph 5.9.18 of the dPS confirms that the areas designated under this policy are supported by the evidence contained in the Landscape Character Assessment within Technical Supplement 10 (Countryside Assessment). ABO Wind have reviewed this evidence base and cannot identify any justification for the selection of the 15m and 25m heights contained within Policy CS3.
- 3.28 Should this policy be found sound then only small, farm scale wind turbines will be allowed within the AoCHS's.
- 3.29 Section 3.2.12 of the SA presents the assessment of Policy CS3 against the SA objectives to which ABO Wind have the following comments:
- The policy confirms that no reasonable alternatives have been considered in drafting this policy with the justification for the preferred option being the need to protect sensitive landscapes. ABO Wind do not believe that this is a suitable justification for the selection of this reasonable alternative and, more importantly, believe that this policy has failed to meet the requirements of the SEA Regulations by identifying reasonable alternatives to this policy.
 - Given that there is no technical evidence or policy precedent to support the identification of a 25m ceiling on new development in an AoCHS, then it is entirely reasonable for the policy to consider other heights which apply to large

scale wind turbines. For example turbines can reach up to 100m and therefore it would have been appropriate for this policy to test heights up to this figure.

- Furthermore, there is established SEA Case Law which confirms the need for the SA to test all reasonable alternatives to a policy or allocation. Whilst it is acknowledged that the selection of these reasonable alternatives are the responsibility of the plan maker (M&EA) there is a clear obligation to test more than one reasonable alternative.
- By failing to identify any alternatives to the height restrictions within Policy CS3 the SA has failed to meet the legal requirements of the SEA Regulations.
- Page 181-182 of the draft SA presents the scoring of Policy CS3 against the SA objectives to which ABO Wind make the following comments:
 - SA objective 10 (reducing the impacts of climate change) secures a minor positive score as a result of Policy CS2. Given that the policy effectively stops all wind turbine development greater than 15m within an ACHS, wind energy deployment will be minimal at best and given the wind resource available in this area the policy should secure a significant negative objective.
 - SA objective 12 (protection of natural resources and biodiversity) secures a minor positive score from Policy CS3. ABO Wind firmly believe that there is substantial evidence to demonstrate that large scale wind turbine development has a minimal (if any) impact on biodiversity and land take and so it is unsound to assume a positive impact from the restriction of wind turbines in these areas.
 - An uncertain impact was recorded for Objective 5 (sustainable economic growth) however given the potential economic boost from renewable energy generation, ABO Wind believe that this policy should secure a major negative impact from restricting all wind energy generation.
 - A minor negative impact is recorded for SA Objective 6 (manage natural resources sustainably) because it restricts the deployment of wind turbines. ABO Wind believe that this should be reduced to a significant negative impact given the fact that Policy CS3 will only allow the sporadic development of small wind turbines with minimal generating capacity.

3.30 In summary, Policy CS3 is flawed from a planning perspective and does not meet the requirements of the SEA Directive by failing to identify and test reasonable alternatives to the minimum height identified in the policy.

3.31 Furthermore the SA scoring does not reflect the true impact of Policy CS3 which, if corrected will result in a greater number of significant negative impacts and a greater impact upon the district's ability to reduce the effects of climate change.

Draft Policy CS5 – Antrim Coast and Glens Area of Outstanding Natural Beauty

- 3.32 The remainder of this representation confirms that Policy CS5 is flawed because it presumes no development in the AONB is acceptable however this is contrary to the SPPS which states that development is possible if any adverse impacts are outweighed by the wider benefits with impact determined on a site by site basis.
- 3.33 From an SA Perspective, Section 3.2.14 of the draft SA presents the results of the assessment of Policy CS5 against the SA Framework to which ABO Wind make the following comments:
- A positive score is recorded against SA Objective 5 (Sustainable Economic Growth) despite a presumption against development in the AONB. Under this presumption a significant negative impact is the only reasonable conclusion on the basis that new services, facilities and jobs will be severely restricted.

Draft Policy RE1 – Renewable Energy

- 3.34 Policy RE1 is the principal policy that guides the spatial distribution of renewable energy infrastructure. It brings together the requirements from policies CS2, CS3, and CS5 which, in combination create a presumption against any wind turbine development in the M&EA district greater than 25m in height.
- 3.35 The remainder of this representation also confirm that the Policy does not conform with the SPPS with respect to the proximity of wind turbines to occupied, temporarily unoccupied or approved dwellings.
- 3.36 It is noted however that the policy does facilitate the installation of solar development although removes the permission for large scale solar arrays.
- 3.37 Section 3.6.11 of the draft SA Report summarises the assessment of Policy RE1 against the SA objectives to which ABO Wind have the following comments:
- No reasonable alternatives to this Policy have been considered with the justification being to maintain the policy approach of the SPPS. ABO Wind disagree with this justification given that the SPPS fully supports the development of wind energy provided that it meets the individual tests. Given that the district has one of the best wind resources within Northern Ireland, ABO Wind believe that a reasonable alternative to test for this Policy would have been the support in principle for large scale wind turbines provided that it met the requirements of the SPPS.
 - The policy scores a significant positive impact against the SA Objective 10 (reducing the impacts of climate change). Given that Policy RE1 effectively removes the potential for large scale wind and solar from the M&EA district (with wind being the most cost effective form of large scale renewable energy generation) then the policy cannot be deemed to have an effective impact upon the causes of climate change. ABO Wind believe that this policy should receive a significant negative impact against this SA Objective.
 - The policy scores a minor positive impact against SA objective 6 (managing resources sustainably) despite the removal of large scale solar and wind which

are the districts key natural resources. ABO Wind believe that the policy should receive a significant negative impact against this SA objective.

- A significant positive impact is recorded for this Policy against SA Objective 13 (landscape protection) with the justification being the prevention of large scale wind development. ABO Wind believe that this score is unsound on the basis that negative landscape impacts from wind turbines cannot automatically be assumed and must be judged on a case by case basis. Given that wind turbine projects have been consented in the district it is reasonable to assume that some projects are clearly acceptable. ABO Wind believe that the correct SA scoring would be an uncertain effect.

3.38 In summary, ABO Wind believe that Policy RE1 is unsound and ineffective as it does not encourage the development of renewable energy to ensure a positive impact upon the causes of climate change.

Draft Policy TOC1 – Telecommunications Development and Overhead Cables.

3.39 Policy TOC1 guides the development of telecommunications equipment and overhead cables with the latter typically required to transport power from large scale wind energy development. It has many aspects which includes the introduction of a height limit of 25m upon such equipment. It also restricts development in Special Countryside Areas.

3.40 Section 3.6.12 of the draft SA presents the results of the assessment of this policy by the SA to which ABO Wind have the following comments:

- As with Policy CS3, Policy TOC1 has failed to meet the requirements of the SEA Regulations be considering alternatives to the 25m height barrier given that this will effectively restrict all wind turbine development through the restriction of vital energy transmission infrastructure. Policy TOC1 should have tested different heights of infrastructure such as that typically achieved through energy transmission pylons.
- The policy records a no overall effect against SA objective 10 (reducing the impacts of climate change) yet in practice it severely restricts the ability to generate and transmit renewable energy across the district. The SA should therefore amend this score to a significant negative impact upon this SA Objective.

Policy HE1 Archaeological Remains and their Settings

3.41 Policy HE1 restricts new development (such as wind turbines) if it is close to archaeological remains. We have reviewed section 3.7.1 of the SA which assesses the effects of this policy upon the SA Framework and have the following comments:

- The Policy records no significant effect against SA Objective 10 (reducing the impacts of climate change) yet records a minor negative effect upon SA Objective 3 (provision of sustainable housing) on the basis that the assessment and preservation of archaeological remains will create an additional cost for house builders. The policy should have scored a minor negative effect against SA Objective 10 (reducing the impacts of climate change) on the basis that this

policy will have a negative effect upon the deployment of wind energy although this would only occur if archaeological remains were present.

Summary of representations to the draft Mid and East Antrim Sustainability Appraisal

3.42 ABO Wind have reviewed the draft SA supporting the M&EA plan and have a number of significant concerns which result in an unsound SA which does not meet the requirements of the SEA Regulations. These are:

- The draft Plan effectively introduces a presumption against large scale wind energy in the district which is contrary to the SPPS and removes the ability for the plan to effectively tackle the cause of the climate change crisis.
- The draft SA fails to identify and assess reasonable alternatives the height restrictions imposed though policies CS3 and TOC1 despite there being clear alternatives to consider and assess
- The draft SA fails to recognise the true sustainability impacts (many of them significantly negative) of the policies which severely restrict wind energy development.
- To ensure the SA is sound and legally compliant the council must undertake remedial action to amend the policies and SA scoring prior to any examination.

4. Sustainable Development in the Countryside

Draft Policy CS1 – Sustainable Development in the Countryside

- 4.1 Draft Policy CS1 identifies those forms of development which the Council deems to be appropriate within the countryside. This includes renewable energy development in accordance with draft Policy RE1. As set out in Section 8 of this representation, it is considered that draft Policy RE1 is unsound as it would conflict with soundness tests C3, CE1, CE2 and CE3. Given the need for policies to be consistent across the plan, we would consider that draft Policy CS1 is also unsound by virtue of the cross reference to other draft policies within the plan.
- 4.2 As such draft Policy CS1 would conflict with soundness test CE1.

5. Special Countryside Area

Draft Policy CS2 – Special Countryside Area

- 5.1 The draft policy sets out that within Special Countryside Areas (SCAs) there will be a presumption against all forms of development. There is no exception listed for renewable development which is an appropriate form of development within the countryside.
- 5.2 As with the Council's proposed AoCHS, the extent of the SCA has been determined on the basis of the Council's Landscape Character Assessment (Technical Supplement 10).
- 5.3 The assessment outlines that it is primarily based on the Northern Ireland Landscape Character Assessment (NILCA) 2000 but contains additional information on the cultural, historic and perceptual qualities of the landscape to complement the existing descriptions of the landscape's physical characteristics.
- 5.4 The boundaries for the extents of the SCAs have been defined based on a detailed landscape character assessment of the district. The update of the NILCA 2000 Assessment is welcomed however it is disappointing that in this assessment the following is stated in respect of Forces for Change, page 26:

"It is possible that certain locations in the more elevated parts of the Borough will be further targeted for the location of wind turbines and potential solar. Such structures are likely to be highly contentious due to their prominent location and the associated visual impact."
- 5.5 The pre-emptive language foregoes the detailed consideration of an appropriate assessment on a case by case basis of any wind turbine or solar development. This is at odds with the provisions of the SPPS and PPS18 and presents flaws in the detailed analysis and commentary to the Landscape Assessment.
- 5.6 To rely upon such strategic evidence is flawed and the dPS fails against soundness test CE2.
- 5.7 The Council has also failed to assess the cumulative impact of such designations on the deliverability of the dPS objectives to deliver renewable energy.

6. Areas of Constraint on High Structures

Draft Policy CS3 – Areas of Constraint on High Structures

- 6.1 Draft Policy CS3 is proposed to restrict the development of tall structures within areas which the council have deemed sensitive to high structures. As a starting point the SPPS does not make any provisions for the introduction of an area of constraint for high structures associated with telecommunications and renewable energy developments.
- 6.2 Instead the SPPS, paragraphs 6.223, advocates a cautious approach to renewable developments within designated landscapes. Paragraph 6.250 of the SPPS also sets out that proposals for telecommunications will be considered having regard to potential impact on amenity and should avoid areas of landscape sensitivity. This does not endorse the creation of additional designations to restrict such forms of development. Had the SPPS intended for such designations to be introduced it would have specifically identified the use of such designations, as it has done in the case of areas of constraint on minerals development.
- 6.3 For this reason the proposal to introduce an area of constraint is in conflict with the SPPS and therefore fails against soundness test C3.
- 6.4 The policy amplification text to draft Policy CS3 sets out that the extent of the areas of constraint identified has been informed by evidence contained within the Landscape Character Assessment (LCA) within Technical Supplement 10 Countryside Assessment.
- 6.5 At the outset, the LCA sets out that the 2018 assessment has been based on the Northern Ireland Landscape Character Assessment (NILCA) 2000 containing additional information about the cultural, historic and perceptual characteristics of the areas. The LCA has been used to identify a number of Candidate Sensitive Landscape Areas which are then considered further in Appendix E of Technical Supplement 10.
- 6.6 The LCA identifies that renewable energy and infrastructure are two of eight key factors contributing to the changes noted in landscape. In particular the LCA states at paragraph 3.7 that:

“New overhead power lines and pylons can cause substantial visual disruption leading to loss of tranquillity and erosion of rural character.”

- 6.7 Whilst renewable energy is identified as a key factor, this is not considered in further detail within Chapter 3. This would appear to be a significant gap in the evidence provided in support of the draft policy and therefore would fail against soundness test CE2. Renewable energy development and the pressure for wind energy and the impact on the countryside is considered by the Council in Appendix B of Technical Supplement 10. This assessment concludes at paragraph 3.76 that:

“Given the high environmental and/or visual sensitivity of some areas of the Borough, it may be considered reasons to provide these quality landscapes with ‘additional’

policy protection whether or not these areas have experienced pressure for wind energy development. Such a 'proactive' policy approach may be considered necessary as such landscapes have limited capacity to absorb high structures and can take only one turbine to compromise the quality of such landscapes."

6.8 It appears from the evidence that the council is seeking to further protect sensitive landscapes from development that it sees as obtrusive. Given that the areas proposed already benefit from landscape designations, including AONB, ASSI and SPAs it is not considered appropriate to apply a further policy protection. Given the status of the environmental designations already in place sufficient protection is already afforded to these areas and each development can be considered on its own merits.

6.9 What the LCA fails to consider is that renewable proposals often have locational requirements which lead to development being located within particular areas. The approach endorsed by the introduction of the area of constraint assumes that high or obtrusive structures are inappropriate in these areas as the landscape sensitivity limits the capacity for development in such locations. Paragraph 7.12 of Technical Supplement 10 considers draft Policy CS3. It states:

*"These are landscapes that are of exceptional scenic quality and/or are important for the setting of landmark features or settlements. **These areas are considered highly vulnerable to the adverse impacts of high structures or other types of energy infrastructure that are visually prominent or obtrusive in the landscape.** Therefore, within these designated policy areas, there is a presumption against the development of wind turbines, electricity pylons or telecommunications masts/equipment that exceed 15 metres in height or any other forms of energy infrastructure development that will adversely impact on the landscape character by virtue of their visual prominence and/or the environmental integrity of the designated area. However, in recognition of the need to accommodate rural needs and to facilitate regional energy strategies, the policy does allow for exceptions to this policy approach if certain criteria are met. These areas coincide with areas of the Antrim Coast and Glens AONB or Areas of Scenic Quality (NILCA 2000)."*

6.10 However, the SPPS sets out at paragraph 6.230 that:

"it will not necessarily be the case that the extent of visual impact or visibility of windfarm development will give rise to negative effects. Wind farm development are by their nature highly visible, yet this in itself should not preclude them as unacceptable features in the landscape."

6.11 The proposal by the council to restrict obtrusive structures is therefore in conflict with the SPPS and fails against soundness test C3.

6.12 The Council has sought to undertake a more detailed assessment of the areas that they deem are of an exceptional landscape quality and should be afforded further protection. These areas are then identified in various additional designations within the draft Plan Strategy, including the area of constraint on high structures. Section four of Technical Supplement 10 Appendix E sets out the methodology adopted by the Council.

- 6.13 It is concerning that the assessment of sensitive locations has only been undertaken 'broadly' in accordance with the HS/SNH Guidance on Local Landscape Designations. Given the use of this assessment as evidence base to support the addition of further designations within the emerging plan and the scrutiny which the evidence will be under from the Department and the PAC a more robust approach would be to fully align with best practice guidance from elsewhere. In this regard the approach undertaken by the Council would conflict with soundness test CE2.
- 6.14 Draft Policy CS3 establishes a height restriction of 15m, or over 25m in exceptional circumstances. No evidence is provided in the supporting information to demonstrate that development above this height will be harmful to the landscape. Therefore the draft policy fails against soundness test CE2.
- 6.15 Whilst the draft policy seeks to introduce a height restriction of 15 to 25m in most cases, even those cases the applicant is required to demonstrate that the development is not visually prominent. If this is the case then why apply a threshold if all forms of development will be required to meet the same policy test? This undermines the need for the area of constraint and is in conflict with soundness test CE2. It is noted that draft Policy CS1, CS2, CS4 and CS5 relating to the other environmental designations all reference the requirement to demonstrate there is no adverse harm to views and landscape character. In this regard draft Policy CS3 is duplicating other policy requirements and is therefore incoherent. The Council has also failed to provide any justification for the arbitrary 15m restriction and therefore the draft policy fails soundness test CE1 and CE2.
- 6.16 For structures above 25m the applicant will be required to demonstrate that the proposal is of such regional significance as to outweigh any detrimental impact. This wording is unclear as it is not clear whether this relates to all development which would fall under Section 26 of the Planning Act (Northern Ireland) 2011. No further clarification is provided within the supporting text. It is unclear how the Council will implement this consideration and therefore the draft policy conflicts with soundness test CE2 and CE3.
- 6.17 As set out in paragraph 5.9.22 of the draft Plan Strategy, the draft policy permits small wind turbines less than 15m in areas of constraint, subject to policy provisions. Within the Council's Technical Supplement 12 they identify that since 2002, 269 single turbines have been approved and only 10 wind farm developments have been approved in the same period. This would suggest that the proliferation of turbines that are concerning the Council is as a result of the dispersement of single turbines. Draft Policy CS3 would permit the ongoing proliferation of small, single turbines across the borough which could be more harmful to the landscape character than carefully selected and designed wind farm schemes. This would appear to run contrary to the intent of the draft policy and therefore conflict with soundness test CE2 and CE3.
- 6.18 Again this highlights the view taken by the Council, that tall structures are more harmful to the character. Whilst the SPPS does not endorse this approach.
- 6.19 Finally it is unclear how a policy approach endorsing smaller scale turbines with a lower energy output would ensure that the Council makes a continued contribution

towards the environmental objectives of the plan and the Regional Energy Strategy, namely tackling climate change. In this regard the approach endorsed by draft Policy CS3 would conflict with soundness test C3 and CE1.

7. Antrim Coast & Glens Area of Outstanding Natural Beauty

Draft Policy CS5 – Antrim Coast and Glens Area of Outstanding Natural Beauty

- 7.1 The draft policy sets out that development will only be permitted if there is no adverse individual or cumulative impact on its exceptional quality, distinctive character, heritage and wildlife, which would prejudice its overall integrity. It goes on to refer to accordance with the General Policy and lists a set of criteria, all of which should be met.
- 7.2 The justification and amplification text also cross references draft Policy CS1 and CS3, of which RE1 is linked.
- 7.3 A number of weaknesses in draft Policy RE1 have been identified and the soundness tests that it currently fails to meet. Until such times as those comments can be addressed the cross reference within the draft policy also renders this policy unsound.
- 7.4 Furthermore, the justification and amplification text for draft Policy CS5 sets out that account will be taken of landscape character assessments produced as part of the Development Plan process when considering proposals within the AONB. As set out in previous Sections of this representation the landscape evidence provided by the Council in support of the dPS is not considered to be robust. Therefore this fails soundness test CE2.
- 7.5 The approach proposed by the Council does not take account of any social or economic benefits that may arise from the proposed development. It prioritises environmental protection over social and economic benefit. This is contrary to the SPPS which identifies at paragraph 2.3 that:

“A key dimension of sustainable development for Northern Ireland is economic growth.”
- 7.6 The SPPS goes on to state that:

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

- 7.8 The proposed policy conflicts with and is inconsistent with the SPPS approach. The draft policy fails against soundness text C3. Without prejudice to participation in subsequent proceedings in respect of alternative wording, the wording of Draft Policy CS5 should be amended to include the following statement:

“Regard shall also be had to a development proposal’s economic, social and other considerations.”

8. Renewable Energy Development

Draft Policy RE1 – Renewable Energy Development

- 8.1 Draft Policy RE1 sets out the proposed policy criteria for the assessment of proposals for all forms of renewable energy development and then goes on to identify policy criteria specific to wind energy developments.

- 8.2 At the outset the draft policy states:

“Outside of Special Countryside Areas, a proposal for a renewable energy development together with any associated buildings and infrastructure will be permitted where it meets the General Policy and accords with other provisions of the LDP.”

- 8.3 This wording indicates that within and SCA, no renewable energy development will be permitted, however the draft policy for SCA’s (draft Policy CS2) allows for development in exceptional circumstances. This should be reflected within draft Policy RE1 to ensure consistency across policies within the plan and prevent a conflict with soundness test CE1.

- 8.4 The draft policy sets out eight criteria that will apply to all forms of renewable development. Existing policy for renewable energy development is set out in Planning Policy Statement 18 (PPS18) and paragraph 6.224 of the SPPS. Policy RE1 of PPS18 and the SPPS set out the following key considerations in relation to renewable energy development:

- Public safety, human health or residential character;
- Visual amenity and landscape character;
- Biodiversity, nature conservation or built heritage interests;
- Local natural resources, such as air quality or water quality; and
- Public access to the countryside.

- 8.5 These five considerations are well established in the consideration of renewable energy developments. The Council is proposing to carry forward three of the existing policy considerations, namely visual amenity and landscape character; nature conservation and biodiversity and air and water quality. Unlike PPS18 the Council has additional policy considerations which will be applied to all forms of renewable energy development. These are considered in turn below.

b) it will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw and reflected light.

- 8.6 We note that this policy consideration is only applied to wind energy development under existing policy contained within PPS18. We offer no objection to the inclusion of this as a consideration for other forms of development, where relevant.

c) It will not unacceptably restrict public access to the countryside, or recreational/tourist use of the area;

- 8.7 We note that the council is proposing to introduce a new element to this existing policy test regarding access to the countryside by requiring that the development does not restrict the recreational or tourist use of any area. The inclusion of this additional test is not supported by any evidence to show that renewable development has the potential to have an adverse impact on recreational or tourism use of an area. As such the draft policy is considered unsound as it would fail against soundness test CE2.

- 8.8 In any event the Council is also proposing a draft policy to protect tourism assets (draft Policy TOU1) which would be a consideration for all proposals relating to both statutory and non-statutory tourism assets. Therefore the wording proposed within draft Policy RE1 is unnecessary.

d) No part of it will have and unacceptable impact on roads, rail or aviation safety;

- 8.9 We note that this policy consideration is only applied to wind energy development under existing policy contained with PPS18 but offer no objection to the inclusion of this consideration for all forms of renewable development where relevant.

h) it will not prejudice the operational effectiveness of existing or approved energy infrastructure;

- 8.10 It is unclear what is meant by this consideration and it does not appear to be reflective of the content of the existing policy contained within PPS18 or the provisions of the SPPS. As such it is considered that the draft policy is unsound as it fails against soundness test C3.

- 8.11 In addition to the main policy criterion to be applied to all renewable energy developments, draft Policy RE1 also identifies four additional policy considerations to be applied to wind energy proposals. These comprise:

“The development has taken into consideration the cumulative impact of existing wind turbines, including extant permissions and undetermined planning applications;

The development will not create a significant risk of landslide or bog burst;

No part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency service communications; or other telecommunication systems; and

A separation distance of 10 times rotor diameter to any occupied, temporarily unoccupied or approved dwelling outside the applicant’s control can be achieved. A

minimum distance of not less than 500m will generally apply to wind farms, with single turbines assess on a case by case basis.”

- 8.12 Whilst these considerations generally reflect the current policy position we are not content with the ambiguous wording included in criterion i) of the draft policy. As drafted it states:

“The development has taken into consideration the cumulative impact of existing wind turbines, including extant permissions and undetermined planning applications”

- 8.13 It is the use of the word ‘including’ which creates uncertainty around what should be considered within cumulative impact assessments. It is unclear how this element of the policy would be implemented in practice as it is currently worded openly and could lead to the inclusion of other development proposals which have not previously been included within cumulative assessments. This lack of clarity would fail against soundness test CE3. The existing policy contained within PPS18 is much clearer in its wording and we would propose that this element of the policy is reworded to state:

“That the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valued but undetermined applications.”

- 8.14 Criterion J) of draft Policy RE1 states:

*“A separation distance of 10 times rotor diameter to any occupied, **temporarily unoccupied or approved dwelling** outside the applicant’s control can be achieved. A minimum distance of not less than 500m will generally apply to wind farms, with single turbines assess on a case by case basis.”*

- 8.15 Again we note that this policy consideration is only applied to wind energy development.

- 8.16 The Council sets out in Technical Supplement 12 that draft Policy RE1 has been informed by the regional direction set out in the SPPS, however we object to the proposed wording as it is not reflective of the current policy wording contained in both PPS18 and the SPPS.

- 8.17 Furthermore the policy does not clarify what is meant by ‘temporarily’ and therefore it would be difficult to implement the proposed wording. It is considered that the draft policy would therefore fail against soundness test C3 and CE3. The council has also failed to provide evidence to support the inclusion of temporarily unoccupied or approved dwellings and as such the policy also fails soundness text CE2.

- 8.18 We propose that this criterion is redrafted to reflect the wording contained within the SPPS, as follows:

“a separation distance of 10 times rotor diameter to occupied property, within a minimum distance not less than 500m.”

- 8.19 Overall it is considered that draft Policy RE1 seeks to introduce more control over the development of renewable energy schemes, and in particular wind energy. It is clear that the draft policy has been prepared in the context of the Council's concerns regarding the proliferation of turbines in the area, as set out in Technical Supplement 12 on Public Utilities Infrastructure. This is despite two of the plan's key economic and environmental objectives to:

"Support the generation of energy, particularly from renewable sources in a balanced way that take due account of environmental impacts and on sensitive or vulnerable landscape."

"contribute towards climate change mitigation and adaption measures, where practicable through the planning system."

- 8.20 It is considered that the draft policy conflicts with these objectives and the plan is incoherent as the objectives are not carried through in to the implementation of draft policy. The plan therefore fails soundness text CE1. Technical Supplement 12 Public Utilities Infrastructure recognises (para 3.2.1) the substantial contribution of renewable energy to Northern Ireland, with 44% of total energy consumption in Northern Ireland generated from renewable resources in 2018. Approximately 75% of renewable energy generated in Northern Ireland is derived from wind farms. Paragraph 3.2.2 of Technical Supplement 12 also goes on to state that the Strategic Energy Framework sets out that Northern Ireland will seek to achieve 40% energy consumption from renewable sources by 2020. The Council considers that this target has been met and it is in this context that draft policies in the plan have been prepared.
- 8.21 We would reiterate that the 40% target was not a ceiling. Furthermore, in the absence of a functioning Executive it has not been possible for future targets to be set, however it is important to note that future energy targets will be set and policy should reflect this. In any event the Council should be proposing policy to support the target of achieving zero carbon emissions by 2050. Given the significant contribution that wind farms make to the renewable energy generated in Northern Ireland the council should review the draft policy. In its current form the draft policy would conflict with national objectives to achieve zero carbon emissions.

9. Telecommunications Development and Overhead Cables

Draft Policy TOC1 – Telecommunications Development and Overhead Cables

- 9.1 As with draft Policy RE1, this draft policy fails to recognise that there are exceptions where development will be accepted within the proposed SCA's. Draft Policy TOC1 should reflect these exceptions.
- 9.2 The draft policy sets four criterion for the consideration of proposals relating to telecommunication development and overhead cables as follows:
 - (a) There is a need for the proposed development at that location;
 - (b) The proposal minimises visual intrusion;
 - (c) The proposal avoids sensitive locations or features, unless it is clearly demonstrated to the satisfaction of the Council as to why this cannot be achieved; and
 - (d) The proposal meets the ICNIRP guidelines for public exposure to electromagnetic fields.
- 9.3 The draft policy also requires that the applicant demonstrates that consideration has been given to the sharing of existing masts or infrastructure. We note that this is not reflective of the prevailing policy contained within the SPPS and therefore conflicts with soundness test C3. Furthermore, in the case of proposals relating to renewable energy developments, the applicant will be reliant upon the utilities provider to determine what network capacity is available and to determine the route for network connections. It is therefore considered that this policy requirement could not be met in any event and therefore fails soundness tests CE3 and CE2.
- 9.4 The draft policy cross refers to the provisions of draft Policy CS3 and as set out in the response to that draft policy we consider that the draft policy is unsound. We also consider that this draft policy is unsound for the same reasons by cross reference. Draft Policy TOC1 sets a height restriction of 15m for structures within the areas of constraint on high structures; however there is no evidence provided to support this restriction, particularly given that the draft policy goes on to state that up to 25m would be acceptable in exceptional circumstances. This approach is inconsistent.
- 9.5 It is unclear from the draft policy wording whether 25m high structures will be needed to be exceptional and relate to 'not spot' locations. Furthermore the draft policy wording states that structures exceeding 25m will only be permitted where it is considered to be of such regional significance as to outweigh any impact on the landscape. The policy and amplification text do not provide clarity on what is meant by regional significance. It is unclear whether this would relate solely to developments considered to be of regional significance under Section 26 of the Planning Act (Northern Ireland) 2011. The draft policy therefore conflicts with

soundness tests CE2 and CE3. Further clarification on this could be included within the amplification text.

10. Archaeology

Draft Policy HE1 – Archaeological Remains and their Settings

- 10.1 The Council proposes this draft policy within the dPS which relates to Areas of Significant Archaeological Interest (ASAI) within the district, namely Knockdhu.
- 10.2 Draft Policy HE 1, sets out that development which would adversely impact on an asset of regional importance will only be permitted in exceptional circumstances and where it is determined to be of overriding regional importance and there is no alternative solution.
- 10.3 At dPS para 10.1.15 the text states of Knockdhu:

“This unique historic upland landscape contains a wide array of prehistoric and historic archaeological sites and monuments. The landscape of the ASAI is highly vulnerable to insensitive change.”
- 10.4 In particular, the erection of masts, pylons, wind turbines and associated infrastructure, or other large-scale development including large agricultural buildings or quarrying and mining activities are likely to adversely impact on the distinctive landscape character and the historic environment assets, including the archaeological sites and monuments.
- 10.5 This draft policy fails to identify the specific values and landscape merits of the ASAI and there is limited information with the justification and amplification text. As such it is unclear against what baseline development proposals will be considered and therefore the draft policy fails soundness test CE3.
- 10.6 The justification and amplification text of the draft policy specifically identify masts, pylons, wind turbines and large scale development as being the type of development that are likely to adversely impact on the distinctive landscape character and historic environment assets including archaeological sites and monuments.
- 10.7 The use of the word ‘likely’ within the draft policy wording suggests that there is evidence that any of these forms of development will result in an adverse impact. There is no evidence of this provided within the Council’s assessment of Landscape Capacity or the methodology for the establishment of Areas of Constraint on Wind Turbines and High Structures. There is no allowance within the draft policy wording for mitigation measures that may change the potential impact of wind turbine development or specific siting and design measures that may reduce impacts.
- 10.8 The draft policy therefore fail soundness test CE2.
- 10.9 The approach proposed by the Council is based on their opinion that the visual appearance of a turbine or other high structure is adverse. Furthermore sensitivity to change does not correlate directly with no capacity for development or adverse impacts.

- 10.10 It is inappropriate for the Council to assume that an impact on landscape capacity or character will have an impact on the ASAI. This has been demonstrated within a decision by the Planning Appeals Commission (PAC)⁴. In this case the commissioners assessment of the impact on the ASAI concludes:

“The historic landscape comprising the ASAI and the scheduled monuments is rugged in character, large in scale and has remained relatively unchanged. The proposed development would introduce an incongruous form of modern development into the landscape which, as I have already concluded, would have a detrimental visual impact on its character. The turbines however, would be dispersed over a wide area and because of their narrow elongated design, would not impede views of the wider landscape to such an extent as to prevent appreciation of its pre-existing scenic character of its historic context.”

“Consequently, while I accept that the proposed development would have a detrimental visual impact on the surrounding landscape, I do not consider that this would have an unacceptable adverse impact on the archaeological quality and integrity of the setting of either the ASAI or the scheduled monuments.”

- 10.11 This position reinforces the importance of considering proposals on a case by case basis and the assumption that all wind turbine development within an ASAI is likely to be harmful, as set out in the dPS is incorrect and it not supported by evidence.
- 10.12 The draft policy therefore fail soundness test CE2.

Recommendation

- 10.13 It is recommended that future work is carried out by the Council to provide justification for the statement that wind turbines ‘are likely’ to have an adverse impact on the ASAI.
- 10.14 The wording of the policy should be revised to ‘could have’ as this would make allowance for mitigation measures and more detailed site assessments carried out as part of the planning application process.

Proposed Extension to ASAI

- 10.15 The proposed extension to the Knockdhu ASAI is presented in Technical Supplement 10, Map LCA 123 - National Designations as the Candidate Area of Significant Archaeological Interest. Further detail on the proposed extension to the ASAI is outlined in Technical Supplement 13 - Built Heritage.
- 10.16 Para 3.9 outlines commentary on the Knockdhu ASAI, stating that the landscape is highly vulnerable to insensitive change. Para 3.10 goes on to set out that Historic Environment Division of the Department for Communities is proposing an extension to the existing Knockghu ASAI.

⁴ Planning Appeal Reference – 2014/A0285

- 10.17 At Appendix C of the Technical Supplement further detail is provided on the Knockdhu Candidate ASAI. The commentary within this section of the appendix relates to the entirety of the ASAI and not solely the candidate area.
- 10.18 The introductory Statement of Significance outlines that ‘an additional area of land has been identified for inclusion within the Knockdhu Area of Significant Archaeological Interest, to the north (focused on Scawt Hill with its scheduled hilltop cairn) and along the northeast and east of the current designated area.’
- 10.19 The remaining details fail to outline any detailed analysis of the proposed extension area, with only a Map 6 at page 43 setting out the proposed extended area.
- 10.20 Within Appendix 3 of the DfC HED Report it is stated that the landscape of the ASAI is sensitive to development that would adversely affect its distinctive qualities. It is stated that turbine development in this area may adversely impact the landscape character, however no visual appraisal of the proposed extension is provided and therefore there is no justification for this statement.
- 10.21 The proposed extension to the ASAI within the dPS is not based on sound evidence. The draft policy therefore fails soundness test CE3.

Recommendation

- 10.22 In the absence of further evidence on the justification for an extension to the ASAI it should be deleted.

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