

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?

Please only tick one (Required)

☐

Individual

☐

Organisation

☒

Agent

Q2. What is your name?

Title

Ms

First Name (Required)

Emma

Last Name (Required)

Walker

Email

emma.walker@turley.co.uk

Section C. Individuals

Address Line 1 (Required)

Line 2

Line 3

Town (Required)

Postcode (Required)

Section D. Organisations

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.

Organisation / Group Name (Required)

Turley

Your Job Title / Position (Required)

Associate Director

MEA-DPS-PMC14

Organisation / Group Address (if different from above)

Address Line 1 **(Required)**

Hamilton House

Line 2

3 Joy Street

Line 3

Town **(Required)**

Belfast

Postcode **(Required)**

BT2 8LE

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. **(Required)**

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

Q2. 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

In this section we will be asking you to specify which proposed modification you consider to be unsound. **This consultation is not an opportunity to add to previous representations or to make new comments on parts of the original draft Plan Strategy not subject to change.**

Note: **Complete this section in relation to one proposed modification only.** If you wish to inform us that more than one modification is unsound each additional response should be listed on a separate sheet.

If you consider that the proposed modification 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.pacni.gov.uk/sites/pacni/files/media-files/LDPexam%20-%20May%202017.pdf>

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

Which proposed modification are you commenting on?

This response should relate to only one proposed modification. If you wish to inform us that you consider more than one proposed modification is unsound, you can submit further representations by completing and submitting additional copies of this section.

Relevant Proposed Modification Reference Number (Required)

SEE ENCLOSED REPRESENTATION

(continued on next page)

Tests of Soundness (Required – please tick all relevant tests of soundness)

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?
- ☐ 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?

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.

Please give full details of why you consider the proposed modification to be unsound having regard to the test(s) you have identified above. Please be as clear and concise as possible.

SEE ENCLOSED REPRESENTATION FOR FULL DETAILS

If you consider the proposed modification to be unsound, please provide details of what change(s) you consider necessary to make the proposed modification sound. Please be as clear and concise as possible.

SEE ENCLOSED REPRESENTATION FOR FULL DETAILS

Signed:

Emma Walker

Date:

5 Marh 2021

Mid and East Antrim Borough Council – Draft Plan Strategy

Proposed Changes

March 2021

1. Introduction

1. These comments are submitted on behalf of ABO Wind NI in response to the Council's consultation on the Proposed Changes of the draft Plan Strategy (dPS).

2. Comments

2. This section outlines our comments to the Proposed Changes of the draft Plan Strategy. This response should be read alongside draft Plan Strategy representations reference: MEA-DPS-069 and Counter Representation reference: MEA-DPS- CR010.

Draft Policy	Proposed Change Ref	Proposed Change	Comments made in Representation to dPS
RE1 Renewable Energy Development	PM-126	<p>The Council is proposing to amend policy wording in criterion I) in relation to 'temporarily unoccupied' or 'approved dwelling'</p> <p>RE1 as per below:</p> <p><i>"I) A separation distance of 10 time rotor diameter to any occupied, temporarily unoccupied or approved dwelling residential property (including extant permissions) outside the applicant's control can be achieved. A minimum distance of not less than 500m will be generally apply to wind farms, with singe turbines assessed on a case by case basis."</i></p>	<p>As set out in representation reference MEA-DPS-069 the original drafting of Policy RE1 was unsound because it did not reflect the policy position in the SPPS and therefore failed against soundness test C3. Furthermore the Council provided no evidence for the inclusion of 'approved dwellings' within this criterion and the policy failed against soundness test CE2.</p> <p>The dPS now proposes to replace the term 'approved dwelling' with the term 'extant permission' which essentially means that approved dwellings would still be included. More concerning this new wording does not specify dwellings and therefore could apply to other forms of development which is unduly restrictive on the development of renewable energy.</p> <p>The Council provides no evidence for this revision, and it has now be proposed as part of any consultation responses to the original dPS. As such it has not been proposed in response to consultation. Once again the draft policy fails against soundness test CE2. This proposed wording is also in conflict with the SPPS and therefore still fails against soundness test C3.</p> <p>In addition to the above comments in relation to the proposed changes to draft policy it is also important to note that since the original consultation on the draft Plan Strategy which ended in December 2019 the preparation the new Energy Strategy for Northern Ireland has progressed.</p> <p>The new Energy Strategy will set the target for renewable energy for the next ten years, up to 2030. In order to set a target for that period studies have been commissioned to review the future energy demand in Northern Ireland and to model scenarios for renewable energy targets. In their July 2020 Energy Strategy E-Bulletin DfE confirms that scenarios of 70%, 55% and 40% renewable energy have been modelled. Whilst the final figure is not yet published, it is worth noting the announcement by the Minister for the Economy, Diane Dodds, in September 2020. In her announcement the Minister set out that:</p> <p><i>"whilst work is ongoing to gather the evidence needed to set a new target for Northern Ireland, I firmly believe that this target should not be below 70% by 2030."</i></p>

This gives a clear view of the ambition that the Energy Strategy will seek to achieve.

Since the closure of the Call for Evidence period, the DfE has published a series of documents and bulletins summarising the findings from the consultation.

Alongside the July Bulletin the DfE also published a report by Cornwall Insight titled ‘Future of Renewables in Northern Ireland’. This report considers the three renewable energy target scenarios referred to above. This report suggests that existing renewable energy assets will start to come to the end of their life in approximately 2030, reducing the capacity of renewable energy in Northern Ireland to approximately 40%. It goes on to say that:

“This figure indicates that without significant investment, NI stands to lose a significant amount of renewable assets, which represents a considerable proportion of its generation assets overall. This could represent a serious security of supply issue, especially if the North South Interconnector is not built by 2030. Even with the interconnector, NI would be extremely dependent on interconnection in a way that may not be sustainable. Issues with security of supply could lead to emergency interventions on the part of the government such as commissioning new thermal plan which could lead to significant costs to consumers as well as moving in the opposite direction from UK carbon emissions policy.”

In considering the planning context the same report set out that:

“If onshore wind is to be deployed at the lowest possible cost and play a significant role in meeting 2030 emissions targets then planning and energy policies will need careful alignment to best meet the requirements of stakeholders. There is a significant risk that planning policy currently being develop may not facilitate the required renewable roll-out to 2030 in general in NI, and may significant constrain onshore wind in particular.”¹

It goes on to say that:

“In all scenarios onshore wind continues to be a dominant form of renewable energy in NI to 2030.”²

In September 2020 the DfE published a document titled ‘Renewable Energy Pipeline for Northern Ireland’ which shows that around 60% of Northern Ireland’s generation comes from fossil fuelled power stations. It is evident that we have a long way to go to achieve a 70% target and the wind energy has a significant role to play in securing that.

The timeline for the publication of the Energy Strategy indicates that the Final Strategy will be in place for the end of 2021. As such there is a high likelihood that the Energy Strategy will be finalised before the adoption of the Council’s Plan Strategy and would therefore need to be a consideration in the soundness of energy related policies.

Regardless of the status of the Plan Strategy at the time of the Final Energy Strategy it is important that the policies contained within Local Plan do not prohibit the delivery of the targets set out in the Energy Strategy. If the plan is unduly restrictive of renewable energy development it could be in conflict with the Energy Strategy and could therefore be unsound.

As such the Council should satisfy themselves that the policies contained within the dPS are suitable to address the ambitions of the emerging energy strategy as those policies will be in place for the lifespan of the Strategy. Policies should also be flexible to changes in the future renewable targets as we move towards the target of net zero by 2050.

The justification and amplification text for draft Policy RE1 sets out that the policy relates to wind, solar, hydro, geothermal and biomass technology, however there is nothing within either the policy wording or justification text to take account of changes in renewable technologies. For example there are no policies supporting the production of hydrogen from renewable energy or battery storage. If the Council is to ensure that the plan is appropriate to support the delivery of the emerging energy strategy then the policy should be flexible to adapt to new technologies

¹ Page 60

² Page 60

CS3 Areas of Constraint on High Structures	PM-019	<p>It is the Council’s view that structures not considered ‘High Structures’ should be considered under this policy. The title of the policy is to be amended to better align with the rationale for the designation, which is to protect highly sensitive landscapes from the adverse impacts of high structures and obtrusive development. The amended title is:</p> <p><i>“CS3 Areas of Constraint on High Structures and Obtrusive Development”</i></p>	<p>It is considered that the introduction of the term ‘obtrusive’ provides a negative context for high structures. It is well acknowledged in the SPPS (Paragraph 6.230) that wind farms are by their nature highly visible. However the same paragraph also says that this should not preclude as being acceptable features in the landscape.</p>
	PM-021	<p>Given the consideration above, the wording is to be amended to better clarify the intention of the policy and clarify what could be considered obtrusive development. The revised text comprises:</p> <p><i>“The aim of this policy is to ensure that those unique or distinctive features of the landscape, including key views that contribute to its character, value, distinctiveness, sense of place, and quality are protected from inappropriate development relating to adverse impacts related to the introduction or proliferation of tall high structures or obtrusive development. Under this policy, obtrusive development refers to development that is visually prominent in the landscape or which adversely impacts landscape character, key views or the visual quality of distinctive landscape features and their settings. Distinctive landscape features can include landforms, natural heritage assets and historic environment assets. Safeguarding the distinctive character of these areas is important to maintain the identity of the Borough and in providing opportunities for sustainable tourism growth in line with Council’s strategic priorities.”</i></p>	<p>The supporting text for Policy CS3 suggests that development that is visually prominent in the landscape will be considered obtrusive. In light of the policy set out at Paragraph 6.230 of the SPPS it is considered that the assumption that visually prominent development is obtrusive is in conflict with the SPPS and therefore the intent of the policy fails against soundness test C3.</p>
	PM-023	<p>It is proposed that the wording is amended to better reflect the intention of the policy.</p> <p><i>“The policy allows structures up to 15m in height that do not interrupt key views, are not visually prominent and which can be integrated satisfactorily into the landscape. For example, for smaller wind turbines up to 15m in height can be accommodated on suitable sites within these designated areas and such turbines could that serve local farms and remote rural communities. Development within these parameters Structures up to 15m will be considered acceptable provided all other policy tests criteria a-c are met. and the visual impact of the development is minimised The achievement of a satisfactory level of integration may be aided by through appropriate mitigation measures that ensure the satisfactory integration of the development into are sympathetic to the intrinsic character and features of the landscape. The protection of key views of landscape or heritage assets within ACHSOD and their settings within the ACHS will be is particularly important. Any development proposal which individually or cumulatively prejudice the overall integrity of the an ACHSOD will be refused.”</i></p>	<p>As set out in the representation to the original draft policy, no evidence has been provided to demonstrate that development above 15m will be harmful to the landscape. This position remains unchanged and therefore the draft policy still fails against soundness test CE2.</p> <p>Furthermore the new drafting still requires structures of up to 15m to demonstrate that they do not interrupt key views, are not visually prominent and can be integrated satisfactorily in to the landscape. If this is the case for structures of up to 15m then then it seems unnecessary to apply a threshold. All development proposals for high structures are required to meet the same test. This approach undermined the need for areas of constraint and is in conflict with soundness test CE2.</p>
	PM-024	<p>The wording under category ‘Structures above 15m and up to 25m in Height’ is to be amended so that the policy wording is consistent across all height categories and to ensure that structures above 15m in height and up</p>	<p>As set out in the representation to the original draft policy, no evidence has been provided to demonstrate that development between 15m and 25m will be harmful to the landscape. This position remains unchanged and therefore</p>

	<p>to 25, I height are subject to policy test a) of ‘Structures up to 15m in height’.</p> <p>“Structures above 15m in height up to 25 metre in height <i>In exceptional circumstance, structures that exceed 15m metres may be permitted subject to a maximum height of 25m metres above original ground level where criteria a) is met and it can be demonstrated that:”</i></p>	<p>the draft policy still fails against soundness test CE2.</p> <p>This proposed drafting applies the same policy tests for developments between 15m and 25m, as those that are applied to development over 15m. This demonstrates that the thresholds are not required and demonstrates that the thresholds are unjustified. As such the policy still fails against soundness tests CE1 and CE2.</p>
PM-026	<p>The wording is to be amended the to highlight that there may be a presumption against other types of development, as well as energy infrastructure.</p> <p><i>“Within designated ACHSOD there will be a presumption against development of that exceeds 15m in height, for example wind turbines, electricity pylons or telecommunication masts/equipment. that exceed 15m in height or any other. There will also be a presumption against forms of energy infrastructure other types of development that will adversely impact on landscape character, key views by virtue of their visual prominence, or any distinctive landscape feature or heritage asset in the designated area. And/or the environmental integrity of the designated area. Other forms of energy infrastructure could potentially include overhead electricity cables or solar energy infrastructure. Such development could potentially include solar energy infrastructure, overhead electricity cables or other obtrusive types of development.”</i></p>	<p>As set out in the original representation the council has failed to provide evidence to demonstrate that development above 15m will be harmful to the landscape.</p> <p>The council also fails to provide evidence that other forms of development would be obtrusive within the landscape. As such the policy still fails against soundness test CE2.</p>
PM-028	<p>Under category ‘Structures above 25m in Height’ the wording is amended so that the policy wording is consistent across all height categories and to ensure that structures above 25m in height are subject to the same policy tests as ‘structures above 15m in height’. Criteria d –f would apply for all structures over 15m in height. Remove ii – as reference to criteria f) now covers this point.</p> <p><i>“Structures above 25m in Height Structures that exceed 25m metres in height above the original ground level, will only be permitted if it can be clearly demonstrated that criteria d-f are met and the proposal is of such regional significance importance, as to outweigh any detrimental impact on landscape character, any distinctive landscape feature and/or environmental integrity heritage interest in the designated area; and ii. appropriate mitigation measures are in place to minimise the impact of the proposed development on the designated area.”</i></p>	<p>Our original comments in relation to structures over 25m remains. The policy requires that the proposal is of such regional importance as to outweigh any detrimental impact. This wording is still unclear as it is not clear whether it relates to regional developments under Section 26 of the Planning Act (Northern Ireland) 2011. If it is not to be considered as per the Planning Act then no clarity has been provided on what regionally important development would comprise. As such it is unclear how the Council will implement this criterion and therefore the draft policy conflicts with soundness tests CE2 and CE3.</p> <p>As set out above and in our original representation the Council is looking to apply the same policy tests for developments over 15m, development between 15m and 25m and development over 25m. As such there is no justification for the thresholds proposed and the draft policy fails against soundness test CE1 and CE2.</p>

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5 March 2021

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