

SECTION A – DATA PROTECTION AND CONSENT

Antrim and Newtownabbey Borough Council complies with the General Data Protection Regulation (GDPR) by producing a specific Local Development Plan Privacy Notice, which lets you know how we manage any personal information we receive from you. It contains the standards you can expect when we ask for, or hold, your personal information and an explanation of our information management security policy.

The Local Development Plan Privacy Notice can be found on our website at www.antrimandnewtownabbey.gov.uk/gdpr/planning-gdpr/.

Please note that when you make a representation (or counter-representation) to the Local Development Plan your personal information (with the exception of personal telephone numbers, signatures, email addresses or sensitive personal data) will be made publicly available on the Council's website.

Copies of all representations will be provided to the DfI and an Independent Examiner (a third party) as part of the submission of the Local Development Plan for Independent Examination. A Programme Officer will also have access to this information during the IE stages of the Plan preparation

DfI, the Programme Officer the Independent Examiner will, upon receipt, be responsible for the processing of your data in line with prevailing legislation.

1. Please tick to confirm that you have read and understood the Council's Local Development Plan Privacy Notice.

☒ I confirm that I have read and understood the Local Development Plan privacy notice and I give my consent for Antrim and Newtownabbey Borough Council to hold my personal data for the purposes outlined.

You can contact the Council's Data Protection Officer via:

Post - Antrim Civic Centre, 50 Styles Way, Antrim BT41 2UB

Email - DPO@antrimandnewtownabbey.gov.uk **Phone** - 028 9446 3113

SECTION B – YOUR DETAILS

2. Please specify if you are responding as an individual, as an organisation, or as an agent acting on behalf of an individual, group or organisation?

If you are responding as an agent or representing an organisation you will be the main point of contact for your client/organisation.

(Please select only one item)

- ☐ Individual
- ☒ Organisation
- ☐ Agent

	Personal Details	Agent Details (If Applicable)
Title	MS	
First Name	Michelle	
Last Name	Hill	
Job Title (where relevant)	Head of Nature Policy & Casework	
Organisation (where relevant)	RSPB NI	
Client Name (where relevant)	N/A	
Address	RSPB NI NIHQ Belvoir Park Forest Belvoir Drive BELFAST	
Post Code	BT8 7QT	
Telephone Number	028 90 491547	
Email Address	michelle.hill@rspb.org.uk	

SECTION C – REPRESENTATION

See comments over...

Antrim and Newtownabbey – Local Development Plan Draft Plan Strategy Representation

A response from RSPB Northern Ireland, 20 September 2019

Introduction

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

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

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

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

RSPB NI welcomes the opportunity to comment on the Antrim and Newtownabbey Borough Council (ANBC) Local Development Plan (LDP) Draft Plan Strategy (DPS).

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

N.B. preference for representation to be dealt with is by way of Oral Hearing – see page 61 of this submission for further details.

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

- RSPB NI's response to ANBC POP (2017) (including 2 Maps)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

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

General Comments

RSPB NI welcomes the Council's commitment at SP 1.8, page 66 to produce a range of supplementary planning guidance and advice notes as necessary to support the sustainable development of our Borough'. These notes should be produced in a timely fashion along side the publication of the Plan Strategy and should not only support sustainable development, but actively further it, consistent with the SPPS.

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

The SPPS requires local plans to:

- take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area;
- Natural heritage features and designated sites should be identified, and policies brought forward for their protection and / or enhancement;

- identify and promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach;
- protect and integrate certain features of the natural heritage when zoning sites for development through 'key site requirements';
- identify and promote green and blue infrastructure where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements;
- consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes;
- incorporate biodiversity into plans for regeneration - by planning for nature and green space in our neighbourhoods we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas; and,
- ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered.

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

While the planning system is an important delivery tool for biodiversity enhancement, its potential is not being realised in current practice. A Defra survey found that the protection of biodiversity through the prevention or mitigation of potential impacts from development was more common than positive measures to enhance biodiversity.¹

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

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

- Positive aspects of policy, such as habitat enhancement, are more likely to be achieved where plans are specific and relevant areas are spatially defined.

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

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

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

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

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

Response 1

5 Employment

Tourism Development

Page 103

General Commentary

While tourism can often be related to the enjoyment of the natural environment, and this is something we strongly advocate, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The Antrim and Newtownabbey Council area is rich in its wildlife and diversity of habitats. As noted above, biodiversity does not confine itself to protected sites. As such, it is imperative that the ANBC LDP provides strong policy protection for those areas of natural and semi-natural habitat which lack formal designation (e.g. areas of wet grassland, or blanket bog).

On Lough Neagh, nature tourism should include zoning areas where there are 'No Disturbance Wildlife Refuges', refuges that are free from all kinds of human disturbance. Such areas could be complemented by nearby 'honeypot' wetland sites close to Lough Neagh/Beg, and be designed with visitors in mind, while being carefully created and managed as wetlands that attract large volumes of nature from nearby Lough Neagh/Beg to come closer to people and provide unique and memorable visitor experiences. Central to this is the requirement for managing for nature and sustainable tourism at the landscape scale, as it sets clear parameters at the strategic level in defining what would be acceptable in attracting more nature tourism.

Issues of potential disturbance to key birds from recreational tourism should also be considered, for example, areas of wet grassland in close proximity to the Lough shore which would be important habitat for breeding waders, which have declined substantially from the 1980's. In this regard, conclusions from the 2013 breeding wader survey² found that breeding populations of Eurasian Curlew, Northern Lapwing and Common Snipe (known as breeding waders) have all declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented. It goes on to state that

² Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

urgent conservation action is needed to prevent the disappearance of these species from the wider countryside.

In particular, curlew is a NI priority species³; breeding populations are of a high conservation concern in Ireland⁴; and they are also protected as a Schedule 1 listed species under The Wildlife (NI) Order 1985 (as amended)⁵ and are thus protected by special penalty. Curlew are of particular concern as their global breeding range has declined enough that they are now recognised as near threatened in a global context by the International Union for the Conservation of Nature (IUCN)⁶. Additionally, Brown *et al.* (2015)⁷ consider that curlew should now be considered the UK's highest conservation priority bird species.

Breeding pairs have significantly declined in recent years in Northern Ireland to an estimated 526 pairs⁸, representing a decline of 82% in the mean breeding densities of curlew in the last 30 years. Curlew have also been recorded as sensitive to the presence of wind farms during their breeding seasons with a reduction in breeding pairs of up to 48% within 500metres (m) of turbines and/or associated infrastructure, with negative impacts on breeding curlew, specifically reduced breeding densities through displacement, within 1km of turbines⁹.

The 2013 breeding wader survey¹⁰ also presents current population estimates for lapwing as 860 pairs and snipe as 1123 pairs. As such, there has been continued significant population declines since the 1985/87 breeding wader survey for all of these species, with declines in mean breeding density for curlew of 82%, for lapwing of 89% and for snipe of 78%.

Within this context, the Antrim and Newtownabbey LDP has a critical role in protecting such species and their habitats from inappropriate development, and to make space for the creation and management of additional habitat along the shore of Lough Beg, which is important for breeding waders. Lough Beg is internationally designated as a Ramsar site, a SPA and nationally designated as an ASSI. (Please refer to our previous POP response and the accompanying maps for further information in this regard).

³ <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/northern-ireland-priority-species-list.pdf>

⁴ Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

⁵ [Schedule 1](#)

⁶ <http://www.iucnredlist.org/details/22693190/0>

⁷ Brown D., Wilson J., Douglas D., Thompson P., Foster S., McCulloch N., Phillips J., Stroud D., Whitehead S., Crockford N. & Sheldon R (2015) The Eurasian Curlew – the most pressing bird conservation priority in the UK? *British Birds* **108**, 660-668.

⁸ Colhoun *et al.* (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013. *Bird Study* 2015, 62, 394-403

⁹ Pearce-Higgins *et al* (2009): The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins *et al* (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394

¹⁰ Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

In addition, one of the largest heronries in Northern Ireland is found at Gloverstown, holding up to around 100 grey heron nests. These birds are part of the Lough Neagh Population.

Similarly, it is worth noting, that the area that lies between Ballyscullion Moss and Lough Beg, while in private ownership, holds excellent elevated views over Lough Beg and Church Island, which will appeal to the visitor to the area.

In addition, Farris Bay Nature Reserve is a wildfowl refuge with opportunities for visitors to the area. Similarly, a wildfowl refuge at Doss, which is operated by NIEA has potential for visitors to the area.

Reas Wood National Nature Reserve, an area of wet woodland owned by Forest Service on the shore of Lough Neagh offers access to visitors to the landscape.

An area at the Three Islands within the Lough Neagh ASSI is a known site for the rare Irish Lady's Tresses Orchid, while Rams Island has an important breeding duck population (e.g. gadwall).

Toome village could be considered for sustainable development. Strategically located on the banks of the Lower Bann River (which is part of the Lough Neagh and Lough Beg SPA/Ramsar/ASSI), such would lend itself to the RSPB NI landscape scale vision for the area, which includes Lough Beg, Gortgill and Lough Neagh, while contributing to the narrative of ecosystems services.

See attached map (included with submission email), which provides further information.

RSPB NI is responsible for the management of a reserve within the Antrim and Newtownabbey area and a number within neighbouring councils. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species) (Such sensitive areas should also include those outwith the protected site network). However, we do appreciate the role that the natural landscape plays in attracting tourists, and with this in mind we caution that where the landscape is a core part of the tourism offering, that all related tourism developments are designed to be wholly sustainable. This is particularly important for landscapes such as Lough Beg, and Lough Neagh.

Creation of a Lough Neagh/Beg SPA/ASSI Buffer Zone

RSPB NI proposes the identification of a buffer zone to the SPA/ASSI designated site of Lough Neagh / Beg. In this regard, an area of 1km has been identified from the edge of the protected area in order to allow nature a space to 'breathe' at the edge of the site designation. (This has similarly been proposed by RSPB NI in its response to Mid Ulster's dPS). Species are mobile and do not recognise lines or boundaries identified on a map, as such they do not necessarily confine themselves solely to the protected area. Habitats, although not mobile like species can be linked to adjacent areas e.g hydrologically. As such, the identification of such a buffer area, will allow for the creation of a zone where nature is not constantly trying to vie for space or be in competition with other land uses 'cheek by jowl'. This is particularly important where areas are coming under/or have the potential to come under increased pressure, through for example: development, pollution, or habitat fragmentation during the plan period.

Given the size and scale of the Lough Neagh / Beg protected area, it is considered that the 'on land' part of the designation requires further supplementation through the identification of the 1km buffer area.

While RSPB NI appreciates that there is already development in this buffer zone, and extant permissions are still likely to be implemented, and indeed future permissions still likely to be granted where policy criteria is met – the identification of the buffer area serves to highlight the special consideration required to be given to future development in this area to avoid future potential impacts either alone or in combination, while giving nature an opportunity 'to breathe' at a landscape scale beyond the precise delineated boundaries of the site designation.

This is a process which could be replicated for other designated sites within the District Council boundary which are coming/ or have the potential to come under increasing pressure. A proportionate approach would be necessary with regards to the scale of the buffer zoning in this context.

Please also refer to the following RSPB NI submissions:

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

Response 2

5 Employment

Tourism Development

General Criteria

DM 9.10

Page 105

Unsound ☒

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

Details

In order to fully reflect the provisions of the SPPS with regards to tourism development, it is recommended that the full provisions of Paragraph 6.266 are carried over to the Plan Strategy. In this regard, 'the safeguarding or enhancement of an existing or planned public access to the coastline or other tourism access will be a particular consideration when assessing proposals for tourism development', and should be included as an additional criterion to fulfil this objective.

Modifications

Add additional criterion as follows (additional text **bold and underlined**):

(f) the safeguarding or enhancement of an existing or planned public access to the coastline or other tourism access will be a particular consideration when assessing proposals for tourism development.

Please also refer to the following RSPB NI submissions:

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

Response 3

6 Transportation and Infrastructure

Policy DM 14: Public Utilities and Infrastructure

DM 14.1

Page 126

Unsound ☒

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

Details

Part (c) of DM14.1, as proposed, effectively raises the threshold with regards effects on local amenity and the environment by introducing a 'significant adverse' impact test.

In this regard, Paragraph 6.238 of the SPPS states 'the aim of the SPPS in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum' (our emphasis).

Furthermore, with reference to new telecommunications development, Paragraph 6.243 goes on to state 'planning authorities should take account of the potential effects of new telecommunications development, and any necessary enabling works, on visual amenity and environmentally sensitive features and locations' (our emphasis).

There is no justification in regional policy for the raising of the accept level of impact on the environment.

Modifications

Policy DM 14.1 criterion (c) is amended as follows (additional text **bold and underlined**):

(c) the proposal will not have an impact on local amenity or the environment;

The above modification will contribute to the SPPS's aim, and Part 1, Section 1 of the Planning Act (Northern Ireland) 2011) of furthering of sustainable development.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to ANBC POP (2017)

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

Response 4

6 Transportation and Infrastructure

Policy DM 14: Public Utilities and Infrastructure

Overhead Electricity Power Lines

DM 14.3

Page 126

General Commentary

Inappropriately located power lines for example can pose a risk to not only the area's scenery, but the ability to sustainably restore for example our wetland landscape for nature and for tourism and recreational economic benefit. If landscapes are to be targeted for the growing tourism market (e.g. wetlands), then power lines need to be avoided in the first place. In this regard, opportunities should be explored to work with the utility regulator and others to bury lines where this is feasible. In this regard, early dialogue with/between government departments could lead to a co-ordinated effort in areas where new roads are proposed for example, aligning power lines alongside any road schemes to help transform the area and its natural heritage / tourism potential for the future.

Please also refer to the following RSPB NI submissions:

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

Response 5

7 Homes

Strategic Policy 4: Homes

Housing Growth and Allocation

Policy SP 4.2

Page 134

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?
- ☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- ☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

The information contained within Evidence Paper 6 – Housing, illustrates that there is a real danger that the District's HGI of 9,750 units could be far exceeded during the plan period. In this regard, Paragraph 11.18 of the Evidence Paper states that the 'total potential housing yield within the Borough for the LDP period 2015 to 2030 within the existing settlements and rural area is estimated to be in the region of **17,477 units**' (our emphasis).

This figure is comprised from the following (as set out at Table 12, Evidence Paper 6):

13,785 units from: allocation built since 2015, extant units (site commenced), extant units (site not started), uncommitted zoning, and windfall.

+PLUS

3,692 units from: urban capacity, uncommitted Greenfield, and DOS (which RSPB NI has taken to mean Development Outside Settlement).

RSPB NI recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is

itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

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

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

Modifications

While it is recognised that the HGI is not an upper limit or threshold, the potential housing yield of the Borough across the settlement hierarchy including the countryside nevertheless needs to be more closely aligned with the Plan's stated HGI figure of 9,750 in order to be more effective in complying with the principles of furthering sustainable development as contained within the RDS, and SPPS. This is compounded by the fact that the dPS seeks to retain all existing residential zonings (Paragraph 7.14), and will only seek to apply the RDS requirement of 60% of new homes (in settlements over 5,000 units¹¹) on brownfield sites to any new housing allocations (Paragraph 7.17). This will be discussed further below.

Please also refer to the following RSPB NI submissions:

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

¹¹ Please see Response 6 in relation to the dPS's incorrect use of 'unit' as a metric – should read 'population'

Response 6

7 Homes

Strategic Policy 4: Homes

Housing Growth and Allocation

Paragraph 7.17

Page 138

Unsound ☒

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

Details

Paragraph 7.17 of the dPS states that ANBC will seek to apply the 60% brownfield requirement to settlements of over 5,000 **units** – this is incorrect as the RDS and SPPS both clearly stipulate 5,000 **population** as the benchmark. This effectively (and incorrectly) raises the bar of its application to settlements of greater than 5,000 population, as 5,000 units will invariably hold a significant number of households >1 person.

Modifications

In the circumstances it is requested that Paragraph 7.17 be amended as follows **(bold unlined – modified text)** :

‘...the identification of new sites will be undertaken in line with the RDS target to locate 60% of new homes on existing vacant and underused land within the urban footprint of settlements over 5,000 **population**’.

Please also refer to the following RSPB NI submissions:

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

Response 7

7 Homes

Strategic Policy 4: Homes

Identification of Land for Housing

SP 4.4

Page 135

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?
- ☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- ☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

The dPS proposes to carry forward all current zonings within the extant local plans for the area. This includes those zonings where development has either been commenced; approved – but not yet started; and any other residential zoning in the plan (not yet approved or started), all as committed development.

As outlined in our response to the POP, RSPB NI cautioned against the carry over of any unimplemented zonings into a new plan preparation, recommending that a fresh approach with sustainability truly at its heart be employed to revisit any unimplemented zonings, particularly older zonings which have not been identified within the context of the RDS framework. Furthermore, we outlined that historically, such carry-over had not been *fait accompli*, and that this position should remain in order to ensure that the new plan truly furthers sustainable patterns of development, consistent with the RDS and SPPS. Such an approach further inhibits the LDP to reflect the RDS target of 60% of new housing within settlements over 5,000 population¹², as the dPS states that such will be only applied to new residential zonings (Paragraph 7.17), yet at Paragraph 7.14, the dPS acknowledges that 'there will only be minimal requirement for the zoning of additional land in the Local Policies Plan'.

¹² See Response 6 for further comment

Modifications

In order to truly further sustainable patterns of development as advocated by both the RDS and the SPPS, the dPS should be revisited to examine how the larger settlements (>5,000 population) can fulfil the 60% brownfield target prior to the retention/identification of other greenfield zonings/new sites. This will also have the effect of reducing the overall housing potential within the Borough which currently sits at almost double (1.8 times) the HGI figure of 9,750 units. Such a surplus is not considered to be sustainable, for the reasons outlined at Response 3 above.

Please also refer to the following RSPB NI submissions:

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

Response 8

7 Homes

Strategic Policy 4: Homes

Policy DM: 17 Homes in Settlements

Public Open Space Provision in New Residential Developments

DM 17.6

Page 144

General Commentary

In our response to the POP, we provided details of the Kingsbrook development case study in England¹³ where the RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments. Here, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

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

Against the background of climate change and biodiversity decline in urban areas by 56%¹⁴, Antrim and Newtownabbey Borough Council (like all other Councils) need to be more ambitious in setting targets for new public open space provision in new residential developments if it is to truly further sustainable development (as laid down in the Planning Act 2011 and the SPPS), and comply with the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011). Notably, the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'. The preparation of the LDP presents the council with a real opportunity to deliver on this responsibility, and be more ambitious in delivering for biodiversity, building resilience against the effects

¹³ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlife-friendly-housing>

¹⁴ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>
http://www.rspb.org.uk/Images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf - this is the NI specific element of the report

of climate change, and realising the full potential and value of ecosystems services (natural capital) for the Borough (economic, social and environmental).

Please also refer to the following RSPB NI submissions:

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

Response 9

7 Homes

Strategic Policy 4: Homes

Policy DM: 18 Homes in the Countryside

DM 18.2

Page 148

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☒ C1 Did the council take account of the Regional Development Strategy?
- ☒ C3 Did the council take account of policy and guidance issued by the Department?
- ☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- ☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

RSPB NI welcomed the recognition of environmental considerations in the location, siting and design of dwellings in the countryside within the POP, however, such considerations appear to have been removed, with now only 'landscape character or rural amenity of the countryside' included. While Policy DM 18.1 references that proposals must meet 'with other relevant policies and provisions of the LDP', Policy DM 18.2 nevertheless singles out adverse impact on the landscape character or rural amenity of the countryside' as factors for refusal.

Paragraph 7.74 (amplification section) outlines that all new dwellings in the countryside should be in accordance with Policy DM 27. However, there is no reference to environmental considerations within Policy DM 27. The SPPS states '*all development (regardless of type) needs to be managed 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*' (6.65).

Modifications

For clarity and consistency, Policy DM 18.1 should be amended to include a reference to natural heritage as follows (additional text **bold and underlined**):

...with other relevant policies and provisions of the LDP **including natural heritage**’.

Such an inclusion would make the generic Homes in the Countryside policy consistent with Policy DM 2: Economic Development in the Countryside which also highlights the need for environmental considerations.

Please also refer to the following RSPB NI submissions:

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

Response 10

7 Homes

Strategic Policy 4: Homes

Policy DM: 18 Homes in the Countryside

DM 18.B and DM 18.F

Page 149 and 154 (respectively)

Unsound ☒

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

Details

Both Policy DM 18B (replacement dwellings) and Policy DM 18F (vernacular and local important buildings) are required to comply with Place Making and Good Design Policy DM 27 Rural Design and Character and Policy DM 32 with regards to listed buildings respectively. These supplementary policies however have no regard to the importance of old buildings and underused sites for biodiversity.

Old buildings and vacant sites can present invaluable opportunities for biodiversity, and as such great care and attention should be given to retaining the site's biodiversity in any proposals for their re-development. With the loss of over 40 million wild birds from the UK in just half a century, RSPB NI believes that the protection and enhancement of rural biodiversity (alongside urban biodiversity) can be achieved through careful planning and development.

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

Biodiversity features which might be incorporated, where appropriate, into the design and layout include:

- Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pippistrelle and house sparrow;

- Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
- Green/living roofs and green walls;
- A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
- Wildlife friendly lighting.

Modifications

To this end it is recommended that Place Making and Good Design Policy DM 27 Rural Design and Character and Policy DM 32 with regards to listed buildings should include a further requirement to **result in no net loss of biodiversity**. It should also include reference to the abovementioned biodiversity features which may be incorporated, where appropriate, into the design and layout.

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

This will be discussed further below at Place Making and Good Design Policy DM 27 Rural Design and Character and Policy DM 32.

Please also refer to the following RSPB NI submissions:

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

Response 11

8 Community Infrastructure

Policy DM 24: Community Facilities

Development in the Countryside

DM 24.3

Page 178

Unsound ☒

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

Details and Modifications

Policy DM 24.3 – Development in the Countryside should be cross-referenced with the need to comply with Policy DM 27 Rural Design and Character (as modified by RSPB NI above), in order to meet the policy requirements of the SPPS with regards to development in the countryside, as set out in Paragraph 6.61 onwards.

Please also refer to the following RSPB NI submissions:

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

Response 12

9 Place Making and Good Design

Policy DM 25: Urban Design

Page 187

General Commentary

RSPB NI welcomes the inclusion of landscape and biodiversity at Policy DM25.2 and has recommended in its response above, that similar requirements should be incorporated in to policy in relation to the countryside. Such measures alongside those under the Environmental Resilience and Well Being and Safety, for example, will also play a significant role in helping people and wildlife adapt to climate change.

There are many approaches that can be included in the detailed design of development to achieve permeability – for example sustainable drainage schemes (SuDS) and living roofs and walls. While small and often low-cost design changes can make buildings suitable for bats, birds and invertebrates, some design features (for example living roofs or rooftop permaculture farms) will require early consideration of building form and structure (especially roof loadings) so that habitat requirements can be accommodated from the outset¹⁵.

Such inclusion within policy is only part of the step required, and as such RSPB NI recommends that further details on how to increase biodiversity within development could be contained within an appropriate supplementary planning guidance document on design, which would refer back to the above Local Plan policy. A good example is Appendix 2 of Exeter City Council's award-winning Residential Design Supplementary Planning Document¹⁶. The SPD details good practice approaches to protecting and enhancing biodiversity value within the built fabric and wider landscape of a residential development.

Other useful sources:

- Paragraph 4.2.6 and Annex B of the TCPA Good practice guidance for green infrastructure and biodiversity¹⁷
- Biodiversity in the Built Environment¹⁸

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to ANBC POP (2017)

¹⁵ The Environment Agency's Green Roof Toolkit

¹⁶ Exeter City Council (2010) Residential Design Supplementary Planning Document. Exeter City Council.

¹⁷ Planning for a Healthy Environment – Good Practice Guidance for Green Infrastructure and Biodiversity
Published by the Town and Country Planning Association and The Wildlife Trusts, July 2012

¹⁸ UK-GBC Biodiversity Task Group (2009) Biodiversity and the Built Environment. London: UK Green Building Council.

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

Response 13

9 Place Making and Good Design

Policy DM 25: Urban Design

Landscape and Biodiversity

Page 188

Unsound ☒

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

Details

While the general provisions with regards to landscape and biodiversity are welcomed, the LDP should be more ambitious in delivering for and furthering biodiversity, consistent with RDS and the SPPS and complying with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies, and consistent with Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy.

Modifications

In this regard, the Plan Policy should also state that (additional text **bold and underlined**):

- **'planning conditions will be used to require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment'**.

The built environment should aim to be permeable to wildlife and to incorporate design which helps to sustain and increase particular species and habitats.

By way of an excellent case study, in our previous POP submission we provided details of the Kingsbrook development case study in England¹⁹. Here the RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

On the Kingsbrook development just outside Aylesbury, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

Project objectives:

- 50 per cent wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve.
- Wildlife corridors. Kingsbrook is being designed so that wildlife can move all around and through the greenspace and the residential areas. Whether it be hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.
- Sustainable Urban Drainage. Rather than shunting rainwater straight underground into pipes, in many places it will be directed along rills and swales on the surface - great wildlife habitat - slowing the flow and using nature to clean the water.
- Planting for wildlife, including a higher proportion than is usual of native shrubs, many hedges, areas of wildflower grassland for pollinators and butterflies, plus a fruit tree in each garden.
- All manner of wildlife homes, from bird boxes built into the walls of houses to places where amphibians can hibernate.

Please also refer to the following RSPB NI submissions:

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

¹⁹ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

Response 14

9 Place Making and Good Design

Policy DM 27: Rural Design and Character

Page 193

Unsound ☒

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

As noted in our response to Policies DM 18.B and DM 18.F above, this policy has no regard to the importance of old buildings and underused sites for biodiversity. Old buildings and vacant sites can present invaluable opportunities for biodiversity, and as such great care and attention should be given to retaining the site's biodiversity in any proposals for their re-development. With the loss of over 40 million wild birds from the UK in just half a century, RSPB NI believes that the protection and enhancement of rural biodiversity (alongside urban biodiversity) can be achieved through careful planning and development.

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

Biodiversity features which might be incorporated, where appropriate, into the design and layout include:

- Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipistrelle and house sparrow;
- Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
- Green/living roofs and green walls;
- A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
- Wildlife friendly lighting.

Consistent with the provisions of the RDS, the SPPS and complying with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies, and consistent with Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy, the plan policy should also state that planning conditions will be used to require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment.

Modifications

To this end it is recommended that Place Making and Good Design Policy DM 27 Rural Design and Character should include a further requirement to achieve **no net loss of biodiversity**. It should also include reference to the abovementioned biodiversity features which may be incorporated, where appropriate, into the design and layout (or refer to other policies within the Plan where there is such a requirement).

The Plan Policy should also state that (additional text **bold and underlined**):

‘planning conditions will be used to require both extensions to existing properties and all new developments to provide sites for species that nest or roost in the built environment’.

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

Please also refer to the following RSPB NI submissions:

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

Response 15

9 Place Making and Good Design

Policy DM 32: Listed Buildings

Page 216

Unsound ☒

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

Details and Modifications

Please refer to our response above to Policy BM 27, which is equally applicable in this context.

Please also refer to the following RSPB NI submissions:

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

Response 16

10 Historic Environment

Policy DM 36: Vernacular and Locally Important Buildings

Page 231

Unsound ☒

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

Details and Modifications

Please refer to our response above to Policy BM 27, which is equally applicable in this context.

Please also refer to the following RSPB NI submissions:

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

Response 17

11 Natural Heritage

General Commentary

All references to 'RAMSAR' within the DPS should read 'Ramsar' as the convention is named after the Iranian city Ramsar in which it was adopted in 1971 and is not an acronym.

Policy on natural heritage should include restoration and enhancement; in a manner which reflects the Lawton principles²⁰ (see below).

In this regard, a useful reference document is 'The *Making Space for Nature*' report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

1. Get sites into favourable condition
2. Increase the size of protected sites
3. Create new sites
4. Improve the connectivity between sites
5. Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystems-scale', through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

Please also refer to natural environment comments throughout this consultation response, as the protection and enhancement of the natural environment is a cross-cutting requirement to furthering sustainable development.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to ANBC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside

²⁰ <http://www.rspb.org.uk/our-work/rspb-news/news/349224-positive-planning-can-help-halt-wildlife-declines-new-report-shows>

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

Response 18

11 Natural Heritage

Strategic Policy 8: Natural Heritage

SP 8.1

Page 236

Unsound ☒

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

Details

Paragraph 1.6 of PPS 2 Nature Conservation, states 'Under Article 191 of the Lisbon Treaty²¹, environmental policy continues to be based on the precautionary principle²² which exists in order to protect the environment, where there are threats of serious or irreversible damage. Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources'.

Similarly, paragraph 6.174 of the SPPS sets out Regional Strategic Policy as follows: 'planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources'.

Furthermore, paragraph 3.9 of SPPS states 'in formulating policies and plans and in determining planning applications, planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'.

²¹Treaty on the functioning of the European Union 13 December 2007: www.lisbon-treaty.org.

²² The Precautionary Principle is listed in the Rio Declaration as "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as reasons for postponing cost-effective measures to prevent environmental degradation."

Modifications

Against this background, it is recommended that SP 8.1 explicitly sets out its application of the precautionary principle in order to be consistent with existing policy (SPPS and PPS 2) by way of an additional line of text as follows (additional text **bold and underlined**):

‘ANBC will be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest’.

In general terms, any policy wording should provide sufficient protection to the natural environment as required by the RDS, SPPS and PPS2. Clear and robust policy tests must be set out so that the criterion can be effectively assessed and measured by the decision maker. Furthermore, any tests for potential impact on sensitive sites, including those set at European Level through the Habitats Directives, must be appropriately incorporated into any policy wording of the LDP.

Please also refer to the following RSPB NI submissions:

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

Response 19

11 Natural Heritage

Strategic Policy 8: Natural Heritage

SP 8.2

Page 236

Unsound ☒

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

Details

Paragraph 6.198 of the SPPS states, 'Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effects of development are considered'. While it is noted that the Policy Amplification Paragraph 11.38 makes provision for this consideration in respect of landscape, there is nothing with regard to natural heritage *per se*, and this should be addressed. In the circumstances it is recommended that an additional criterion is added to this Policy.

Modifications

Additional criterion (additional text **bold and underlined**):

(f) Ensuring that the potential cumulative effects of development are considered on landscape and natural heritage'.

This will allow Policy SP 8.2 to be in general conformity with the SPPS in this regard.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to ANBC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 20

11 Natural Heritage

Policy DM 38: Protected Species

European Protected Species

Policy DM 38.1

Page 245

Unsound ☒

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

Details

Policy DM 38.1 has changed the policy test with regards to European Protected Species, the test, as set out in legislation, is 'not likely to harm', however the proposed policy wording of DM38.1 has effectively raised the impact threshold to 'have an adverse impact on'. As this test is set out in the Habitats Directive, it is not at the gift of the LDP to alter.

Modifications

Policy DM 38.1 should be reworded as follows:

'Development that is not likely to harm a European Species...'

to be consistent with the European legislation (Habitats Directive), which is currently reflected in both PPS2 Natural Heritage and the SPPS (paragraph 6.180).

Please also refer to the following RSPB NI submissions:

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

Response 21

11 Natural Heritage

Strategic Policy 8: Natural Heritage

Strategic Landscape Policy Area

(b) Lough Neagh and Lough Beg

Policy DM 40.6

Page 252

Unsound ☒

- ☒ P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?

Details and Modifications

While this is welcome in principle, it is recommended that this area should include the ASSI/ SPA / Ramsar designations at Lough Neagh and Lough Beg into the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale. In this regard, we recommended a similar approach in our response to Mid Ulster's dPS, where an area of 1km is identified from the edge of the protected area in order to allow nature a space to 'breathe' at the edge of the site designation. Species are mobile and do not recognise lines or boundaries identified on a map, as such they do not necessarily confine themselves solely to the protected area. Habitats, although not mobile like species can be linked to adjacent areas e.g hydrologically. As such, the identification of such a buffer area, will allow for the creation of a zone where nature is not constantly trying to vie for space or be in competition with other land uses 'cheek by jowl'. This is particularly important where areas are coming under/or have the potential to come under increased pressure, through for example: development, pollution, or habitat fragmentation during the plan period.

Given the size and scale of the Lough Neagh / Beg protected area, it was considered that the 'on land' part of the designation requires further supplementation through the identification of the 1km buffer area.

While RSPB NI appreciates that there is already development in this buffer zone, and extant permissions are still likely to be implemented, and indeed future permissions still likely to be granted where policy criteria is met – the identification of the buffer area serves to highlight the special consideration required to be given to future development in this area to avoid future potential impacts either alone or in

combination, while giving nature an opportunity 'to breathe' at a landscape scale beyond the precise delineated boundaries of the site designation.

This is a process which could be replicated for other designated sites with the Borough Council boundary which are coming/ or have the potential to come under increasing pressure. A proportionate approach would be necessary with regards to the scale of the buffer zoning in this context.

A co-ordinated and integrated approach will be required by Mid Ulster, Mid and East Antrim, Lisburn and Castlereagh, Armagh, Banbridge and Craigavon Council areas who all have some part of one or both these water bodies within their plan area.

A similar approach will be required by Belfast City Council, Mid and East Antrim, and Ards and Down Council area who all have the Belfast Lough water body and its plethora of international and national environmental designations within and adjacent to their boundaries.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to ANBC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

Response 22

11 Natural Heritage

Strategic Policy 8: Natural Heritage

Local Landscape Policy Areas

Policy DM 40.7

Page 252

General Commentary and Areas for Consideration in the draft Local Policies Plan

Within this context, the Antrim and Newtownabbey LDP has a critical role in protecting such species and their habitats from inappropriate development. In this regard, one of the largest heronries in Northern Ireland is found at Gloverstown, holding up to around 100 grey heron nests. These birds are part of the Lough Neagh Population.

Similarly, it is worth noting, that the area that lies between Ballyscullion Moss and Lough Beg, while in private ownership, holds excellent elevated views over Lough Beg and Church Island, which will appeal to the visitor to the area.

In addition, Farris Bay Nature Reserve is a wildfowl refuge with opportunities for visitors to the area. Similarly, a wildfowl refuge at Doss, which is operated by NIEA has potential for visitors to the area. Reas Wood National Nature Reserve, an area of wet woodland owned by Forest Service on the shore of Lough Neagh offers access to visitors to the landscape.

An area at the Three Islands within the Lough Neagh ASSI is a known site for the rare Irish Lady's Tresses Orchid, while Rams Island has an important breeding duck population (e.g. gadwall).

Toome village could be considered for sustainable development. Strategically located on the banks of the Lower Bann River (which is part of the Lough Neagh and Lough Beg SPA/Ramsar/ASSI), such would lend itself to the RSPB NI landscape scale vision for the area, which includes Lough Beg, Gortgill and Lough Neagh, while contributing to the narrative of ecosystems services.

See attached map (included with submission email), which provides further information.

RSPB NI is responsible for the management of a reserve within the Antrim and Newtownabbey area and a number within neighbouring councils. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species) (Such sensitive areas should also include those outwith the protected site network). However, we do appreciate the role that the natural landscape plays in attracting tourists, and with this in mind we caution that where the landscape is a core part of the tourism offering, that all related tourism developments are designed to be wholly sustainable. This is particularly important for landscapes such as Lough Beg, and Lough Neagh.

Please also refer to the following RSPB NI submissions:

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

Response 23

12 Natural Resources

Strategic Policy 9 : Natural Resources

Minerals

SP 9.2

Page 262

Unsound ☒

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

Details

In our response to the POP, RSPB NI recommended that 'planning permission should not be granted for peat extraction from new or extended sites, or renew extant permissions'. Notably, the English National Planning Policy Framework has clear requirements which do not allow new or extended planning permission for peat extraction. It is extremely disappointing that such a presumption has not been included within the dPS. While it is acknowledged that criterion (c) operates a caveated presumption against minerals development in sites of nature conservation importance (international, national and local), it should however be noted that not all peatland falls within a designated site.

If Antrim and Newtownabbey Council (and indeed all other councils in Northern Ireland) is to take our climate change commitments seriously, then applications/proposals which increase the release of carbon dioxide in situations where peatland is drained, removed or disturbed should be resisted. Furthermore, for those sites currently being extracted, restoration plans should be in place for them, and the developer will need to demonstrate that the proposed management structures and finance are in place for the restoration of these sites. In such cases, a planning agreement between relevant parties may be required.

These positions are strengthened by more recent statements and initiatives to protect peatlands for both biodiversity and, perhaps more resonantly, climate change. During November 2016, the United Nations Environment Programme (UNEP) launched a [Global Peatlands Initiative](#) in Marrakesh at the climate change

CoP, with more than a dozen partners, to retain greenhouse gases in peatlands and restore / maintain their other functions.

As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

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

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

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

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

<http://www.rspb.org.uk/our-work/rspb-news/news/340365-peak-district>

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

Modifications

In light of the foregoing, a new criterion (f) is required as follows (additional text **bold and underlined**):

(f) planning permission will not be granted for peat extraction for new or extended sites, or extant permissions renewed.

In addition, the following text should be inserted:

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

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

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

Please also refer to the following RSPB NI submissions:

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

Response 24

12 Natural Resources

Strategic Policy 9 : Natural Resources

Site Restoration

DM 43.6

Page 268

Unsound ☒

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

Details

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration. In this context it is therefore important that the Antrim and Newtownabbey LDP recognises such potential and as such, we therefore recommend that policy must require development proposals (either new or extensions) to contain details of sustainable restoration proposals including the enhancement of biodiversity wherever possible (Please refer to our narrative contained within our POP submission with respect to the RESTORE Project and the RSPB's publication, Habitat Creation for the Minerals Industry for further information on restoration).

Furthermore, the framework for restoration should facilitate regular inspection to ensure such plans are followed through to delivery.

Within the Antrim and Newtownabbey Council there are two peat extraction areas which we would wish to draw your attention to:

- (i) The Ballyscullion Moss Peat Extraction site has a restoration plan attached to it as part of a recent retrospective planning approval. The delivery of this restoration plan must be picked up and kept alive via the LDP.

- (ii) Sluggan Moss is a peat extraction site that is undergoing trial restoration – this site should be a reference site in advocating other peat extraction sites to follow suit in the years ahead.

Modifications

Policy DM 43.6 should also include a requirement for **‘any opportunities for enhancing biodiversity, community recreation and access to be considered’**. (Additional text **bold and underlined**).

This is to ensure that any development is furthering sustainable development as required by the RDS and SPPS, and comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies, while creating opportunities for health and well-being, also consistent with the SPPS.

Please also refer to the following RSPB NI submissions:

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

Response 25

12 Natural Resources

Strategic Policy 9 : Natural Resources

Renewable Energy Development

Policy DM 45.1

Page 271

Unsound ☒

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

Details

While Policy DM 45.5, in relation to wind energy development states, 'wind turbines will not be acceptable in areas of active peatland' and while this accords with Policy RE 1 of PSS 18, it does not however accord with the more recently published SPPS, which widens out the scope of such a restriction to all renewable energy developments as follows:

'6.226 Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. **Any renewable energy development on active peatland will not be permitted** unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended'. (our emphasis).

Furthermore, other factors for consideration are included within Paragraphs 6.228 and 6.229 of the SPPS, and importantly Paragraph 6.229 of the SPPS provides for the consideration of the inter-relationship between these considerations – this is also absent from Policy DM 45 and needs to be copied across from the SPPS.

Modification

Policy DM 45.1 should be amended with the following text inserted in the general policy wording applicable to all energy development (additional text **bold and underlined**):

'Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended'.

A further sentence at the end of general policy wording within the text box as follows would accord with the provisions of Paragraph 6.229 of the SPPS as follows (additional text **bold and underlined**):

'It will be necessary to consider the inter-relationship between both the above-mentioned considerations and other relevant policies within this plan'.

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

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

Response 26

12 Natural Resources

Strategic Policy 9 : Natural Resources

Renewable Energy Development

Policy DM 45.2

Page 272

Unsound ☒

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

Details and Modifications

Given that Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011, which includes the furthering of conservation of biodiversity and enhancement of species or habitat, by placing a duty on public bodies to further the conservation of biodiversity, and the Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy, which collectively seek to halt the loss of biodiversity and ecosystems services by 2020, coupled with the existing policy provisions of PPS 18 and the SPPS, it is strongly recommended that Policy DM 45.2 should be amended to include the following text as another consideration, as there is currently a gap in the dPS in this regard (additional text **bold and underlined**):

'Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted'.

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

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

Response 27

12 Natural Resources

Strategic Policy 9 : Natural Resources

Renewable Energy Development

Policy DM 45.2

Page 272

Unsound ☒

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

Details and Modifications

Other considerations (e) has sought to alter the tenor of the test currently contained within PPS 18 (Policy RE1) and SPPS Paragraph 6.224 which states 'not result in an unacceptable adverse impact'. In this regard, part (e) cites the test as 'significant effect'.

To comply with existing regional policy, it is recommended that part (e) be amended as follows (revised text **bold and underlined**):

(e) the proposal avoids or adequately resolves any **unacceptable adverse impact** including on.....

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

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

Response 28

12 Natural Resources

Strategic Policy 9 : Natural Resources

Renewable Energy Development

Wind Energy Development

Policy DM 45.5

Page 273

Unsound ☒

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

Details

While a Spatial Framework for wind energy is welcome at DM 45.5, a map depicting the geographical extent of each Group would have been most helpful in the understanding of its application. A map should be provided in any future iteration of the Plan Strategy.

Furthermore, with regards to Group 2 – Areas of Protection, the policy as currently worded permits development where 'any significant effects on the amenity and qualities of these areas can be substantially over come by siting, design and other forms of mitigation'. This represents a significant weakening of existing policy, particularly with regards to sites of international nature conservation importance where the legislative provisions of the Birds and Habitats Directives will apply through the application of the Habitats Regulation Assessment. In such instances, such a threshold, as proposed, would be in contravention of the Directives.

This not only serves to undermine and weaken such tests, but also create unnecessary confusion and uncertainty for everyone concerned in the planning process.

Modifications

As a minimum, internationally designated sites must be transferred to Group 1 where a presumption against wind turbines will operate, as such areas, if left outside of Group 1, could become the 'sink holes'

for development, given their more generally rural and exposed position. In this regard, Figure 3 in the Evidence Paper 13-Renewables, highlights how the protected areas network could be under threat from enhanced levels of development if the 'Group Zoning' remains as currently proposed.

The individual and cumulative impacts are not solely confined to the aesthetics of landscape and visual impact, and as such the Spatial Framework must adequately address development in sensitive landscapes including species and habitats, if it is to be truly effective in furthering the principle of sustainable development, (i) as laid down in the Planning Act 2011 and the SPPS), (ii) comply with the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011) Northern Ireland, (iii) the objectives of the NI and EU Biodiversity Strategies, (iv) and other legislative provisions.

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

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

Response 29

12 Natural Resources

Strategic Policy 9 : Natural Resources

Renewable Energy Development

Wind Energy Development - Amplification

Paragraph 12.28

Page 275

Unsound ☒

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

Details

While Paragraph 12.28 refers to repowering of turbines, it only requires applicants to provide detail on, there is no information on how the application will be assessed.

In this regard, Paragraph 4.17 of PPS 18 deals the with the issue of repowering/re-equipping turbines at the end of its planning permission life (in most cases planning permission will be linked to the expected operational life of the turbine). It goes on to state at Paragraph 4.27 'while there are obvious advantages in utilising established sites, such cases will have to be determined on their individual merit and in the light of the then prevailing policy and other relevant considerations'.

While the requirement for repowering, or decommissioning and restoration in this paragraph is welcome in principle, there is no detail as to how such processes will be assessed. In this regard, it is worth noting that the consideration of such proposals after planning permission has been granted and just prior to the commencement of the decommissioning works would not accord with legislative requirements of the Habitats Directive in circumstances where the original proposal has been subject to an HRA. In this regard, the HRA requires all stages of the development to be considered within such an assessment. Please refer to the following guidance document prepared by the EU 'Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC', which sets out such a requirement:

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

Modification

In order therefore for Policy DM 45 *per se* to be effective and accord with regional policy, the provisions of Paragraph 4.17 of PPS 18 require to be copied across. The issue of re-powering or re-equipping is likely to become more of an issue as many of the first generation of windfarms will be approaching their end of life within the LDP plan period (Revised/additional text **bold and underlined**):

‘Applications for the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the life span of developments such as wind farms and solar farms **will have to be determined on their individual merit and in the light of the then prevailing policy and other relevant factors including not resulting** in unacceptable impacts on the environment or residential / visual amenity’.

It will also be necessary to add a point of clarification to Paragraph 12.28 that where a Habitats Regulation Assessment is required, the consideration of the decommissioning phase will need to be considered at the planning application stage in order to accord with the relevant legislative provisions.

The amplification narrative should also draw the attention of prospective developers of renewable energy projects to the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) where the ‘competent authority’ is required to undertake an Appropriate Assessment of any proposal that has the potential to significant affect a European Site, either directly or indirectly. In such cases, developers must provide such information as the competent authority may reasonably require.

The inclusion of such text within the Justification and Amplification section within Policy DM 45.5 will provide clarity for developers and stakeholders alike.

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

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

Response 30

13 Environmental Resilience and Protection

Waste Management

SP 10.7

Page 281

Unsound ☒

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

Details and Modifications

There is no recognition of the adoption of the 'precautionary' or 'polluter pays' principles within SP 10.7, or Policy DM 53. ANBC in assessing all proposals for waste management facilities should be guided by the precautionary principle that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. This is because many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment including nature conservation interests (species and habitats) and pollution. The polluter pays principle means that polluters should pay the full costs of any measures required to protect the environment as a result of their actions.

These provisions are currently contained within Paragraphs 1.19 and 1.20 of PPS 11: Planning and Waste Management.

The application of the precautionary and polluter pays principles should therefore be added SP 10.7 and policy DM 53.

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

- RSPB NI's response to ANBC POP (2017)

Response 31

24.0 Monitoring of our Plan

Unsound ☒

☒ CE3 Are there clear mechanisms for implementation and monitoring?

Monitoring of Our Plan

Details

In general terms, RSPB NI has concerns with the Measures as currently proposed as they are not all considered to be sufficiently SMART (i.e. specific, measurable, achievable, relevant and timebound), including the lack of identification of trigger factors for remedial action. In the absence of a trigger, it is therefore respectfully questioned as to how the Plan Strategy performance can be assessed robustly and competently?

Modifications

In order to be SMART, all indicators should have a target or trigger to provide a basis for measurement - even if it is a basic requirement for an increase or decrease over existing.

With regards to policy SP 8: Natural Heritage, it is difficult to comprehend how the indicators are to be used to monitor the desired outcomes, for example, what does 'changes to designation of natural heritage assets' actually mean? Are they positive or negative changes? How will such undefined changes be measured?

Furthermore, with regards to the condition of natural heritage assets within the Borough, it is unclear where the data for this will be coming from – for example DAERA, for some time now is struggling with resourcing and keeping Site Condition Monitoring up to date. As such ANBC may not have access to time relevant data to allow a robust assessment during the plan review periods. In addition, there will be a time delay for any post-construction monitoring data from the granting of planning permissions and operation, which could be used as part of the plan monitoring.

It is therefore recommended that further consideration be given to the identification of indicators used to monitor natural heritage.

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

Please Note: Unless you specifically request an oral hearing, the Commission will proceed on the basis that you are content to your representations considered in written form only. The Commissioner will give every representation the same careful consideration regardless of whether the person who made it is heard orally or not.

Please select only one item;

☐ Written Representation

☒ Oral Hearing

Signature:

Michelle Hill

Date:

20 September 2019

Thank you for your response.



Legend:

RSPB Focus Areas

- Ballyscullion Moss Peat Extraction Site
- Doss Nature Reserve
- Farr's Bay SAC/NNR
- Fen Areas
- Gloverstown Heronry
- Gortgill Area
- Lough Beg SPA/ASSI
- Lough Neagh SPA/ASSI
- Rams Island
- Rea's Wood SAC/NNR
- Sluggan Moss Peat Extraction Site
- Three Islands
- Toome
- Antrim and Newtownabbey Council

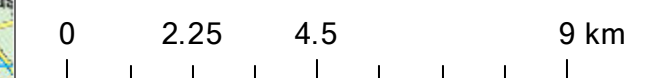
Acknowledgements & Notes:

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Map scale = 1:136,215















Date printed: 12/04/2017





Legend:

RSPB Focus Areas

-  Ballyscullion Moss Peat Extraction Site
-  Doss Nature Reserve
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-  Fen Areas
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-  Lough Neagh SPA/ASSI
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-  Rea's Wood SAC/NNR
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-  Antrim and Newtownabbey Council

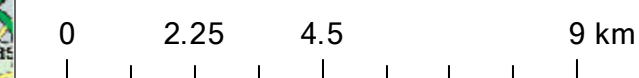
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Date printed: 12/04/2017





Antrim and Newtownabbey Council - Local Development Plan Preferred Options Paper

A response from RSPB Northern Ireland, 12 April 2017

Introduction

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

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

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

RSPB NI welcomes the opportunity to comment on the Antrim and Newtownabbey Council Local Development Plan Preferred Options Paper.

General Comments

LDP Purpose

Paragraph 1.2

In addition to setting out the locations where development will be encouraged, the Local Development Plan (LDP) should also set out locations where particular types of development will be restricted / constrained. However, in doing so, it is crucially important that areas outwith constraint zonings must not become the 'sink holes' for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process. Such an approach could be adopted for applying a strategic and spatial approach to renewable energy developments (including single turbines) across the whole of Northern Ireland (and not just at local council level). This should include designated and non designated sites, in order that sensitive sites and species are avoided. Please refer to our comments on energy below, and to our response to the DoE's call for evidence on Renewable Energy for further information. This is included as a separate document in our email submission.

LDP Objectives

Paragraph 1.16

While the objectives of the plan are largely welcome, they nevertheless fall short of the objectives set out in the Strategic Planning Policy Statement (SPPS) including furthering sustainable development. The Preferred Options Paper (POP) articulates that the new Local Development Plan is intended to *inter alia* deliver sustainable development and facilitate sustainable growth. In this regard, RSPB NI considers that delivering sustainable development and/or facilitating sustainable growth, either alone or in combination will fall short of the requirement to 'further sustainable development' as set out in the Planning Act (NI) 2011, and the Strategic Planning Policy Statement (SPPS). Antrim and Newtownabbey Council has a responsibility to exercise this objective in its plan making function.

LDP Key Themes

Paragraph 1.26

While it is evident that Antrim and Newtownabbey Council has sought to deliver the three pillars of sustainable development as their three key themes, they similarly have fallen short in seeking to further

sustainable development in that there is little in the way of integration between these three themes in the POP.

‘...The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. The aim is to achieve the right development in the right place. The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society’¹

Within the ‘shaping our environment’ theme, there should be a much clearer emphasis on its protection and enhancement.

Habitats Regulation Assessment (HRA)

Paragraph 1.30

RSPB NI welcomes the commitment to undertake a Habitats Regulation Assessment which is required under the Habitats Directive². In this regard, we seek clarification on its current status. No timescales have been provided for this assessment. Now is the ideal time to establish what the key sensitivities of the various protected sites (both within and those with linkages outwith the Council area) are to ensure that their needs are reflected in the design of the Plan.

Now is the time to employ effective avoidance techniques, as opposed to mitigation measures.

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

¹ One Future - Different Path: The UK’s Shared Framework for Sustainable Development (2005)

² EU (1992) Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC, Habitats Directive) Article 6 (3)

Supplementary Guidance

Paragraph 2.18 / Appendix 3

Appendix 3 does not contain the full suite of supplementary documents which support regional policies for example:

- (Draft) Supplementary Guidance: Anaerobic Digestion
- Parking Standards
- Transport Assessment

The following comments respond directly to questions raised within the questionnaire and follow its numbering accordingly. Please note that not all questions have been responded to by RSPB NI.

Part three – plan vision and objectives

Q.9 Do you agree with our Plan Vision and Objectives?

No.

While the Plan vision makes reference to the fact that ‘development will be sustainable’, this section of the POP does not go far enough as required under Part 2 (5) of The Planning Act (NI) 2011 in furthering sustainable development in respect of the Council’s LDP making objective. Development is not inherently sustainable. It only becomes sustainable if it incorporates environmental and social considerations. Likewise economic growth alone does not constitute sustainable development. The new LDP should be set within environmental limits. As noted in the introduction, sustainable development is at the heart of the planning system and such is expressed in both the RDS and the SPSS. Within this context, there needs to be a stronger expression of this requirement within the LDP’s overarching vision and objectives.

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

Within the POP, there is currently little evidence of how the LDP proposes to mitigate and adapt to Climate Change. Paragraph 3.10 of the SPPS states *‘a central challenge in furthering sustainable development is mitigating and adapting to climate change, whilst improving air quality’*.

Refer to paragraph 3.13 of the SPPS for ways the planning system should assist in this regard.

Furthermore, the objective to protect and enhance the natural and built environment should be extended to include reference to steering development to less environmentally sensitive locations (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

In terms of the recognition of the area’s assets in terms of biodiversity *per se*, the objectives do not go far enough to meet the biodiversity duty on public bodies, as contained within Section 1 of the Wildlife and Natural Environment Act (NI) 2011, which includes the furthering of conservation of biodiversity and enhancement of species or habitat. This overarching objective should be amended to reflect this requirement (see Article 1 extract below).

Duty to conserve biodiversity

1—(1) It is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

(2) In complying with subsection (1), a public body must in particular have regard to any strategy designated under section 2(1).

(3) Conserving biodiversity includes—

(a) in relation to any species of flora or fauna, restoring or enhancing a population of that species;

(b) in relation to any type of habitat, restoring or enhancing the habitat.

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

Part four – spatial growth strategy key issues

Q.10 Do you agree with our preferred option for our settlement hierarchy?

No.

In terms of the proposed POP’s proposed settlement hierarchy, is worth noting the contents of SFG 12 of the Regional Development Strategy 2035 (RDS). In this regard, SFG 12 ‘Grow the population in the Hubs and cluster of Hubs’ states, ‘the evidence is that over the last 10 years there has been a disproportionate amount of growth in smaller settlements (Appendix B). If this pattern were to continue, it could affect the role of the larger settlements and be contrary to the objectives of the Strategy for strong growth in larger urban areas’.

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

In this regard, caution should be exercised by Antrim and Newtownabbey Council in its approach to growth within the smaller settlements of the hierarchy, and in the identification of new settlements (hamlets).

As noted above, the LDP’s spatial growth strategy should seek to steer development to less environmentally sensitive locations (including habitats and species within and outwith protected sites), which is complemented with a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

Furthermore, in adopting such an approach, the LDP spatial growth strategy must have cognisance to the importance of ecosystem services within and adjoining the Council area.

Q.12 Do you agree with our preferred option in relation to identifying new hamlets?

No.

There is currently insufficient information within the POP to determine whether they can contribute to furthering sustainable development at this stage.

Please refer to our comments in response to Question 10, and in particular the approach advocated by the RDS with regards to promoting a sustainable approach to further development to ensure that growth does not exceed the capacity of the environment or the essential infrastructure expected for modern living.

Furthermore, there is no reference to the environmental capacity to absorb further development at these locations (capacity studies should be employed to inform), or a commitment to steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network.

With specific regard to the potential development of Gortgill being designated as a new hamlet in the new LDP, please note that the Gortgill area is an important area for wintering whooper swans, which are a feature of the Lough Beg Special Protection Area (SPA), and are an internationally protected species under Annex 1 of the European Birds Directive. Lough Beg is also declared an Area of Special Scientific Interest (ASSI) and Ramsar.

Q.33 Strategic employment locations – Do you agree with our preferred option for strategic employment locations

No.

In terms of considering future strategic employment locations, particularly with regards to those outside defined settlement limits, the justification for future patterns of allocation based on historic patterns is not considered to be a sustainable approach, as they may not necessarily further sustainable patterns of development. A fresh approach is required.

In this context, RSPB NI welcomes The Employment Land Evaluation Framework approach advocated by the RDS and included at Table 4 of the POP. The initial assessment of the ‘fitness for purpose’ including the environmental implications of the existing employment land portfolio is particularly important to demonstrating the validity of any unimplemented zonings to be carried over into the new LDP.

It is crucially important that the planning system ensures that new strategic employment locations, both individually and cumulatively, do not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environment with more employment land than is actually needed. In this regard, Strategic Employment allocations should therefore be based on a robust evidence base (Stage 2 of the Employment Land Evaluation Framework) and be set within environmental limits.

Furthermore, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. As noted at the outset, while the protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

In terms of the Council’s preferred Sub-Option 2, RSPB NI considers that such an approach is moving away from the concept of Strategic Employment Locations and their intended purpose. It would be helpful if the LDP could provide a more meaningful definition of Strategic Employment Location.

The POP currently defines A Strategic Employment Location as ‘10 hectares or over in accessible locations’. Such a definition does not go sufficiently far enough to further sustainable development and to ensure that it is within environmental limits. Consideration when defining such sites should also be given to potential range of employment uses, ability to develop and support key business sectors, and successfully deliver other initiatives e.g. regeneration in order to fully integrate sustainable growth within the council area. Consideration at this stage should also be given to the eventual layout and quality of environment created. As an absolute minimum, all identified sites must be sustainable, consistent with the sequential approach/Employment Land Evaluation Framework, fit with all other

planning policies, including those set at regional level, and steer development away from sensitive areas.

Q. 34 Are there any areas of land in and around Antrim, Ballyclare, Crumlin and Randalstown that could be identified as a potential strategic employment location?

Without the evidence from the employment land evaluation framework and sequential approach, it is premature to identify any such locations at this stage within the LDP process - see comments above.

Only after the approach set out by The Land Evaluation Framework has been adopted should this exercise be undertaken to ensure that any site identified is sustainable, has followed the sequential approach, and has steered development away from sensitive areas (including habitats and species and those outwith the protected site network).

As mentioned previously, while protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

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

Q.35 Belfast International Airport – do you agree with our preferred option for a strategic employment location to be located at Belfast International Airport along with up to date planning policy?

No.

Climate change poses the most significant long-term threat to birds. Aviation is the fastest-growing source of greenhouse gases (GHG). Most of the growth in total transport GHG emissions since 1990 is attributable to growth in international air travel. Emissions from international aviation in 2009 were more than double 1990 levels and made up 21% of total transport GHG emissions in 2011.

Against this background, the need for aviation travel should be reduced, with greater use made of information technology to minimise demand for travel.

The RSPB is therefore opposed to expanding or providing new airports until Government can demonstrate how this can be achieved whilst still meeting UK targets for emissions reductions across the whole economy.

Setting aside our comments above, with regards expansion of airports, RSPB NI questions the ability of Options 2,3 or 4 (which is a hybrid of 2 and 3) to sit comfortably within the new LDP process. In this regard, such options could result in potential implications for the soundness of the new plan.

As set out in our response to Q.33 above, the creation of any Strategic Employment Location will require to be examined within the context of furthering sustainability and operating within environmental limits. Please refer to our comments in response to Q.33 which clearly set out our minimum requirements for Strategic Employment Locations.

Q.36 Are there any other planning issues that need consideration in relation to the airport?

Please see our response to Q.35 above.

Q.37. Countryside – Do you agree with our preferred option that Nutts Corner should be identified as a strategic employment location? and

Q.38 What types of employment use would be suitable on the site?

RSPB NI is concerned that Antrim and Newtownabbey Council Area's focus on the Countryside's spatial growth strategy is centred solely on Nutts Corner, with a bland and generic statement relating to everything else in the countryside '*most development in the countryside will continue to be considered in light of relevant planning policies that will be brought forward in the new LDP*' (para 4.113). There is no strategic direction for the countryside in the POP, and it falls short of the SPPS requirement to bring forward a strategy for sustainable development in the countryside (SPPS, 6.6.8).

As such there is no reference to the natural environment within this section. No mention is made of its complex variety of wildlife and habitats and the ecosystems services it provides. There is no recognition that the environment, in terms of its natural heritage is one of Northern Ireland's and

indeed Antrim and Newtownabbey Council's greatest assets. Greater cognisance should be given the natural environment and recognition of the fact that areas particularly sensitive to change should be avoided.

Please refer to our comments above in response to Q.33 in respect of the identification of strategic employment locations, which are equally applicable in this context.

Please also refer to RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (attached in submission email) for further information.

Q.39 Spatial Growth Strategy – Do you agree with our proposed spatial growth strategy?

No.

Given the overarching nature of this 'topic', RSPB NI would have expected to see the Spatial Growth Strategy set out at the very beginning of Section 4 – not after settlement, employment etc. The overarching principle within the Spatial Growth Strategy should be furthering sustainable development and all else will flow from this objective– all elements of the spatial growth strategy should be set within this context.

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

Against this background, RSPB NI would recommend reference to the document 'Planning naturally - Spatial planning with nature in mind: in the UK and beyond'³ as a key reference document for the

³ <http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx>

Council. This document is structured around 12 principles of good spatial planning, and illustrates them with case studies from all four countries of the UK, as well as some international examples. It recognises that the principles are not the last word on planning, but they capture a broad range of issues that are critical for all effective planning systems.

The twelve principles of good spatial planning are:

1. Planning should be positive, setting out a clear vision for how areas should look and function in the long-term.
2. Spatial plans should integrate all the issues that affect the development and use of land within a specific territorial area, whether social, economic or environmental.
3. Plans should consider strategic issues that may affect a wider area than the individual plan, including functional ecological areas.
4. Plans should contribute to sustainable development by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits.
5. Plans and projects should be based on up-to-date and scientifically robust evidence, including evidence on the value of the natural environment.
6. Plans and projects should be rigorously assessed for their environmental impacts, and the results used to improve the plan.
7. Alternative options should be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public.
8. Public participation is essential. It should be both timely and inclusive of civil society, whether community groups or other stakeholders.
9. Decision-making must be transparent and made by a democratically accountable body or person.
10. Those adversely affected by a planning decision should have a fair opportunity to challenge it.
11. Public authorities should be given the legal powers and resources to enforce planning laws, especially where illegal development is resulting in environmental damage.
12. Plans should be monitored and reviewed regularly.

Please also refer to the Lawton principles, as noted under the Natural Heritage section of this response towards the end of this document (page 44).

Furthermore, as mentioned previously, SFG 12 of the Regional Development Strategy 2035 (RDS). In this regard, SFG 12 'Grow the population in the Hubs and cluster of Hubs' states, 'the evidence is that over the last 10 years there has been a disproportionate amount of growth in smaller settlements (Appendix B). If this pattern were to continue, it could affect the role of the larger settlements and be contrary to the objectives of the Strategy for strong growth in larger urban areas'. Against this background, caution should be exercised by Antrim and Newtownabbey Council in its approach to developing its spatial growth strategy.

With regards to the element of the spatial growth strategy which seeks to build upon existing committed development allocations, RSPB NI recommends that all zonings (where there is no extant permissions, or commenced development), should be revisited in line with the approach advocated by The Employment Land and Housing Land Evaluation Frameworks as set out in the RDS.

While it is appreciated that this approach is directed towards employment/housing land, it is nevertheless considered that the initial assessment of the 'fitness for purpose' including the environmental implications of the existing land portfolio would be extremely beneficial in identifying what, if any, other unimplemented development zonings could make a positive contribution to furthering sustainable development.

Part five – housing allocation and distribution

Q.40 Determining the amount of housing growth – Do you agree with out Preferred Option of 13,000 dwellings required for housing growth?

No.

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

resulting from new housing development increases pressure on local ecosystem services such as water provision.

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

The approach advocated by the POP which states *‘the total housing growth provided for the Plan should comprise the anticipated number of dwellings that may be needed for a growing population during the 15 year period of the Plan plus the maintenance of a 5 year housing lands supply in settlements at the Plan end date’* fails to have regard to the entire approach advocated within the SPPS with regards to a ‘plan, monitor and manage’ approach. In this regard, while the SPPS advocates that a 5 year supply of housing is maintained, this is not just at the end of the plan period.

To this end, the annual monitoring will determine the need or otherwise for the release of a second phase of sites in order to maintain a 5 year supply of available housing land. Such an approach will be consistent with RG8 of the RDS which seeks to manage housing growth to achieve sustainable patterns of residential development, and avoids over-zoning or the premature release of housing land. This will ultimately avoid burdening the environment with more housing land than is actually needed.

In terms of current land availability, it is worth noting that the POP states *‘that there is currently an ample supply of land already identified in existing plans...’* (para. 3.8) Furthermore, paragraph 4.11 goes on to state *‘Importantly, our evidence base indicates, that the settlements of the Borough benefit from a housing land supply sufficient to accommodate approximately 13,900 dwellings. This level of ‘committed’ housing and its location needs to be taken into account in developing our Spatial Growth Strategy’.*

It would appear, therefore, that the preferred option 4 which advocates a need of 13,000 dwellings has been developed to provide a match for the existing level of existing residential zoning within the plan. Given that the RDS HGI for Antrim and Newtownabbey is 7,200 dwellings (even acknowledging that this

is for the period 2012 to 2025), the Council's preferred figure of 13,000 is substantially greater and in no way could it stated that it does not depart too significantly from the HGI indicated in regional guidance (as stated in para. 5.13 of the POP).

Q.41 Allocation of housing growth – Do you agree with our preferred allocation of housing growth option, which consolidates the growth planned in Metropolitan Newtownabbey and focuses growth enhanced growth in the selected town and villages?

No.

Within this context, RSPB NI questions the validity and sustainability of the proposal not to remove existing housing land zonings, and keep them for consideration as a long-term land reserve beyond the Plan end date. Such an approach is considered to be inconsistent with the approach advocated by RG8 of the RDS which seeks to promote sustainable patterns of development.

Rather, the preparation of the new Antrim and Newtownabbey LDP presents an opportunity to revisit the area's historic land use zonings (and the approaches applied to their designation) to ensure that all zonings moving forward, met the Council's legislative requirement of furthering sustainable development in the plan making process. A similar approach identified in Stage 1 of the Employment Land Evaluation Framework should be adopted with regards to existing unimplemented residential zonings, by undertaking an initial assessment of the 'fitness of purpose' including the environmental implications of the exiting housing land portfolio.

A sequential approach should be applied to the identification of suitable sites with the use of previously developed land, we recommend that the priorities of Brownfield land, wherever possible, should be further explicitly stated within the LDP, as it plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration. A requirement should be added to the policy which requires as much housing as possible to be delivered on Brownfield land. Such approaches will be consistent with the Housing Evaluation Framework as contained within Table 3.2 of the RDS along with the 60% Brownfield land target set out in the RDS.

In terms of the Brownfield target advocated by the RDS, it is of concern that the Antrim and Newtownabbey POP has provided no indication of the Council's ambition in its approach to accommodating housing growth on Brownfield land. As mentioned above, the RDS advocates a target

of 60%; such a target should therefore be reflected within the LDP in order to achieve general conformity with the RDS and to promote sustainable development. Urban capacity studies will be key to informing the Council's position on this issue.

However, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the LDP or strategic policy, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and excludes minerals workings and landfill or soil dredging and landfill.

In this context, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network, and include priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

Option 1 fails to give due weight to reinforcing the leading role of the Hubs and clusters of hubs, as advocated by the RDS (Para3.21). The RDS acknowledges that *'Between 2001 and 2008 the population of Northern Ireland increased by 5.1 per cent however the growth was unevenly distributed. The fastest growing areas tended to be located in suburban areas within commuting distance of major urban centres. There was a shift from the most densely-populated urban areas of Belfast and Londonderry. Large, medium and small towns grew slightly faster than the NI average. The fastest rates of growth were seen in villages (+13 per cent) and intermediate settlements (+11 per cent). Small villages, hamlets and open countryside areas registered growth of 9 per cent on average'*. Reinforcing and continuing such a pattern of growth is not considered to be sustainable.

Furthermore, RSPB NI is extremely concerned that Option 1 (and all other options) is/are allocating 1,050 additional dwellings to hamlets and the countryside during the plan period (particularly, in the absence of any spatial growth strategy for the countryside and associated capacity assessments). Such an approach is not considered to be promoting a sustainable pattern of development. In terms of considering future housing allocation, particularly with regards to that outside defined settlement limits, justification for future patterns of allocation predicated on historic patterns does not necessarily mean

that it will further sustainable development – now is the time to consider the allocation of housing in a fresh strategically sustainable context.

It is suggested that such an approach is inconsistent with furthering sustainable development and managing housing growth to achieve sustainable patterns of residential development. For the reasons outlined above, zoning of housing land should not result in an over zoning or over provision of housing land. This would be a step backwards from the ‘plan, monitor and manage’ approach to housing land allocation as advocated by the SPPS (both within urban and rural areas). In light of the above, RSPB NI recommends that an alternative option which is more sustainable be progressed in order to achieve greater conformity with the RDS.

Q.42 Existing housing commitments – Do you agree that unimplemented housing zonings in the Belfast Metropolitan Area Plan and Antrim Area Plan should be carried forward into our new local development?

No – for the reasons outlined above in our response to Q. 41, RSPB NI recommends that a fresh approach with sustainability truly at its heart should be employed to revisit any unimplemented zonings, particularly older zonings which have not been identified within the context of the RDS framework.

Historically, the carry over of any unimplemented zonings into a new plan preparation phase has not been *fait accompli* – this position should be remain in order to ensure that the new plan truly furthers sustainable patterns of developments.

Part 6 – Planning Policy

Q, 44 Do you agree with our preferred option for the current operational policy?

Yes, providing it fulfils the transitional arrangements as set out in the SPPS. With regards to any potential tailoring of policies, paragraph 5.23 of the SPPS states *‘depending upon a council’s objectives and local circumstances, it may also be appropriate to include additional strategic policies and proposals, zonings and designations specific to issues pertaining to the plan area, provided they are of a strategic nature’*.

In this context, there is opportunity for tailoring to meet local circumstances, however any such changes must be robustly and evidentially presented and be of a strategic nature. RSPB NI reserves the right to make further comment in this regard.

Q. 45 Do you agree with our overarching primary principles?

No.

The overarching principles fail to deliver on the overall objective of the planning system which is to further sustainable development and improve well-being for all. There appears to be no integration between objectives to ultimately further sustainable development, each remains within its individual topic 'silo'. As set out in the beginning of this response, RSPB NI firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

RSPB NI does not object to increased levels of development, such as housing and low carbon energy infrastructure that the country needs. Development is not, however, inherently sustainable. It only becomes sustainable if it incorporates environmental and social consideration. Likewise economic growth alone does not constitute sustainable development. There is a clear distinction between economic growth and sustainable economic growth that is compatible with, and ideally enhances social and environmental objectives. It is vitally important that LDP does not conflate, nor substitute, sustainable development with economic growth.

In this regard, it is unclear how **Overarching Primary Principle 1 – Sustainable Economic Growth** intends to deliver sustainable economic growth by enhancing (or the very least compatible with) social and environmental objectives. In the circumstances, it is considered to be no more than a generic statement with little substance or direction.

Similarly, **Overarching Primary Principle 2 – Climate Change** should be more ambitious than simply seeking a reduction in greenhouse emissions. Climate change is one of the most pressing challenges facing our society. In this regard, the SPPS advocates that the planning system should mitigate and adapt to climate change. The LDP should therefore be an opportunity to identify and implement opportunities to build resilience into the built and natural environment and to develop and implement

sustainable strategies to explore, address and manage significant flood risk, as stated in para. 3.12 of the SPSS.

Paragraph 3.13 of the SPSS sets out how the planning system can mitigate and adapt to climate change – these measures should be reflected in overarching primary principle 2, if the LDP is to truly further sustainable development.

RSPB NI welcomes **Overarching Primary Principle 3 – Quality of Life**, particularly in light of the evidence of health benefits of green spaces. While the recognition of the environmental benefits of green spaces as habitats for wildlife is an obvious one, there is also the recognition of wellbeing through wildlife. In this regard, we would refer the Antrim and Newtownabbey Council to the following useful reports:

- (i) *Wellbeing through wildlife, RSPB⁴*
- (ii) *Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012*
- (iii) *Exeter residential design code*

A further publication of relevance is UK National Ecosystem Assessment: Technical Report⁵, and in particular Chapter 23: Health Values from Ecosystems⁶. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic intervention (Hine et al. 2009; Haubenhofer et al. 2010); that planners and architects should improve access to greenspace (green design); and that children should be encouraged to spend more time engaging with nature and be given opportunities to learn in outdoor settings (green education).*

Some of the substantial mental health challenges facing society (Foresight 2008; HSE 2008), and physical challenges arising from modern diets and sedentary lifestyles (Wanless 2002; Wanless 2004; DH 2005a; Sport England 2006; Wells et al. 2007; NICE 2008; DH & DCSF 2009; NICE 2009), could be addressed by increasing physical activity in green settings. If children are encouraged and enabled to undertake more

⁴ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

⁵ <http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82>

⁶ <http://www.cbd.int/financial/values/unitedkingdom-health.pdf>

green exercise, then they are more likely to have active exposure to nature embedded in their lifestyle as adults and they will reap the associated health benefits' Paragraph 23.8, page 1173).

In addition to the above, a 12 week pilot project called 'Head to Nature' organised by RSPB NI in partnership with Derriagh Social and Educational Centre of the South Eastern Health Trust and the Public Health Agency, saw eight service users voluntarily attend Portmore Lough nature reserve near Aghalee to carry out nature-related activities like guided walks, wildlife photography and practical conservation work on the reserve. The participants all suffered from mild mental health problems like depression and anxiety.

Participants in the project were asked to fill out questionnaires at the beginning and end of the scheme and their answers were marked against the Warwick Edinburgh Mental Wellbeing Scale. The mean score in week one was 36.25 – classed as 'below average' wellbeing. But by week 12 the mean score had risen to 49.37 which is classed as 'average' wellbeing, showing that the Head to Nature scheme had a positive impact on the participants' wellbeing. The pilot saw 100% participant retention rate throughout the project. In comparison, only around one in eight people referred to gym programmes for similar mild mental health problems by their GP complete the course.

See also comments in respect of Overarching Primary Principle 4 below for further information which is equally applicable to this principle and our response to Questions 69 and 71 below.

Overarching Primary Principle 4 – Quality of Place needs to be concerned with more than just the aesthetics of the building/place itself, and to also consider quality of place from a biodiversity perspective including the avoidance of development that impacts adversely upon natural ecosystems (conserving our natural heritage is not sufficient). Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within the various principles. This principle is currently devoid of any demonstration of furthering sustainable development.

Place making should demonstrate how the natural environmental can contribute to enhancing places and spaces, both from biodiversity and health and well-being perspectives.

The evidence of the health benefits of green spaces are set out in our response to Overarching Primary Principle 3 above, and are equally applicable for inclusion within this principle.

In addition RSPB NI would draw Antrim and Newtownabbey Council's attention to the Kingsbrook development in England⁷. The RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

On the Kingsbrook development just outside Aylesbury, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

Project objectives:

- 50 per cent wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve.
- Wildlife corridors. Kingsbrook is being designed so that wildlife can move all around and through the greenspace and the residential areas. Whether it be hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.
- Sustainable Urban Drainage. Rather than shunting rainwater straight underground into pipes, in many places it will be directed along rills and swales on the surface - great wildlife habitat - slowing the flow, and using nature to clean the water.
- Planting for wildlife, including a higher proportion than is usual of native shrubs, many hedges, areas of wildflower grassland for pollinators and butterflies, plus a fruit tree in each garden.
- All manner of wildlife homes, from bird boxes built into the walls of houses to places where amphibians can hibernate.

In addition, RSPB NI would make the following points:

- The State of Nature 2016 report⁸ highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years.

⁷ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

⁸ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>

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

See also our responses to Questions 69 and 71 for further information.

Given that **Overarching Primary Principle 5 – Environment** is one of the three pillars of sustainable development, it is most disappointing that it comes at number 5 in the list of 7 principles.

Furthermore, it is most alarming that this overarching primary principle has failed to address environmental protection – maintenance is not a substitute for protection.

The objective to protect and enhance the natural and built environment should be included within this overarching primary principle and be extended to include reference to steering development to less environmentally sensitive locations (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

Under the Wildlife and Natural Environment Act (NI) 2011, local councils have a duty to further the conservation of biodiversity. This is absent from this primary principle, and should therefore be amended accordingly.

Overarching Primary Principle 6 – Energy and Infrastructure lacks ambition and direction, and is much too narrow in its scope. It is considered that it adds very little to that already provided by Overarching Primary Principle 2 – Climate Change. The principle should be setting an objective which includes minerals, waste, infrastructure and renewable energy all set within environmental limits to further sustainable development.

In terms of Overarching Primary Principle 7 – Community Benefits, it should be noted that caution should be exercised with regards to the wording of community benefits, as any wording on this aspect must be clear so as to avoid an interpretation that planning permission can be bought or sold. In this regard there is important case law to support this in *R (Wright) v Forest of Dean District Council* [2016] EWHC 1349 (Admin) re-affirms a fundamental principle of planning law that, as Lloyd LJ put it in *City of Bradford Metropolitan Council v Secretary of State* [1987] 53 P&CR 55, “planning consent cannot be bought or sold”.⁹

Furthermore, care must be exercised where a particular proposal (not by the Council) contributes to the implementation of Council led community initiative or schemes in order to retain its impartiality in the decision making process. In this context, the case law referred to above with regards the ‘buying or selling’ of planning permission is also relevant.

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

Q. 46 Are there any factors you consider we should address in our new employment policy? and

Q. 47 Are there any other issues in relation to employment and planning that you would like us to consider in our new Plan?

Until Antrim and Newtownabbey council sets out a draft of this policy, it is extremely difficult to make any meaningful comment in this regard. However, greater cognisance needs to be had to the protection and enhancement of the natural environment and furthering the conservation of biodiversity – a duty placed on all councils by the WANE Act 2011. Please refer to our responses at in relation to Part 4 of the POP as set out in our responses to questions 33 to 39 above for further detail.

Q.48 Are there any factors you consider we should address in our new tourism policy? and

Q.49 Are there any other issues in relation to tourism and planning that you would like us to consider in our new Plan?

Yes.

Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to their local economies.

Tourism in rural areas will often be related to the enjoyment of the natural environment, and this is something we strongly advocate. However, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides, as previously noted above, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The Antrim and Newtownabbey council area is rich in its wildlife and diversity of habitats. As noted above, biodiversity does not confine itself to protected sites. As such, it is imperative that the LDP provides strong policy protection for those areas of natural and semi-natural habitat which lack formal designation (e.g. areas of wet grassland, or blanket bog).

RSPB NI notes that page 105 of the POP has failed to address the sustainable element of Para 6.263 (p99) of the SPPS. Again reference is made to landscapes within this paragraph, but regard should also be had to nature features, including habitats and species.

Issues of potential disturbance to key birds from recreational tourism should also be considered, for example, areas of wet grassland in close proximity to the Lough shore which would be important habitat for breeding waders, which have declined substantially from the 1980's. In this regard, conclusions from a recent publication¹⁰ found that breeding populations of Eurasian Curlew, Northern Lapwing and Common Snipe (known as breeding waders) have declined dramatically since 1987 and the distributions of all species are becoming increasingly fragmented. It goes on to state that urgent conservation action is needed to prevent the disappearance of these species from the wider countryside. Within this context, the Antrim and Newtownabbey LDP has a critical role in protecting such species and their habitats from inappropriate development, and to make space for the creation and management of additional habitat along the shore of Lough Beg, which is important for breeding waders. Lough Beg is internationally designated as a Ramsar site, an SPA and nationally designated as an ASSI.

In addition one of the largest heronries in Northern Ireland is found at Gloverstown, holding up to around 100 grey heron nests. These birds are part of the Lough Neagh Population.

Similarly, it is worth noting, that the area that lies between Ballyscullion Moss and Lough Beg, while in private ownership, holds excellent elevated views over Lough Beg and Church Island, which will appeal to the visitor to the area.

In addition, Farris Bay Nature Reserve is a wildfowl refuge with opportunities for visitors to the area. Similarly, a wildfowl refuge at Doss, which is operated by NIEA has potential for visitors to the area.

Reas Wood National Nature Reserve, an area of wet woodland owned by Forest Service on the shore of Lough Neagh offers access to visitors to the landscape.

An area at the Three Islands within the Lough Neagh ASSI is a known site for the rare Irish Lady's Tresses Orchid, while Rams Island has an important breeding duck population (e.g. gadwall).

Toome village could be considered for sustainable development. Strategically located on the banks of the Lower Bann River (which is part of the Lough Neagh and Lough Beg SPA/Ramsar/ASSI), such would

¹⁰ Kendrew Colhoun, Kevin Mawhinney & Will J. Peach (2015): Population estimates and changes in abundance of breeding waders in Northern Ireland up to 2013, Bird Study, DOI

lend itself to the RSPB NI landscape scale vision for the area, which includes Lough Beg, Gortgill and Lough Neagh, while contributing to the narrative of ecosystems services.

See attached map (included with submission email), which provides further information.

RSPB NI is responsible for the management of a reserve within the Antrim and Newtownabbey area and a number within neighbouring councils. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species) (Such sensitive areas should also include those outwith the protected site network). However, we do appreciate the role that the natural landscape plays in attracting tourists, and with this in mind we caution that where the landscape is a core part of the tourism offering, that all related tourism developments are designed to be wholly sustainable. This is particularly important for landscapes such as Lough Beg, and Lough Neagh.

Q.50 Are there any factors you consider we should address in our new policy in relation to minerals, energy and waste? and

Q. 51 Are there any other issues in relation to environmental resources and planning that you would like us to consider in our new plan?

Yes.

Minerals

This subject policy needs to be set in the context which ensures that levels of extraction do not exceed environmental limits, or serve to undermine the environmental integrity of wider ecosystems, while promoting the use of recycled construction materials. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The RSPB is unusual amongst UK NGOs because we engage with individual applications for minerals development across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Between 2012 and

2015, we were the lead partner in the RESTORE project¹¹ seeking to address the challenge of environmental degradation across north-west Europe by working to develop a framework for the restoration of minerals sites (quarries) to provide benefits for biodiversity, habitats and local people. It was co-financed by the EU's European Regional Development Fund through the INTERREG IVB NWE Programme.

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

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

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration.

RSPB research has shown that focusing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets.

To this end, reference should be made to the RSPB's publication, Habitat Creation for the Minerals Industry. This covers a range of topics in detail and makes an excellent quick reference guide for example:

- Restoration plan detail – we believe it is the applicant's responsibility to provide as much detail as possible in restoration plans at the early stages of planning. Submitted plans may lack detail to allow for future flexibility but we believe that a greater level of detail is required to allow necessary conditioning and is essential to help the biodiversity of the site.
- Restoration fits with natural landscape – restoration design should tie in with the natural landscape. If there are unnatural features to the landscape such as improved grassland or conifer plantations, we advise against adding into these features.

¹¹ <https://www.rspb.org.uk/whatwedo/projects/details/354133-restore-restoring-mineral-sites-for-biodiversity-people-and-the-economy-across-northwest-europe>

- Phasing - it is best to restore in phases as extraction continues. In addition to this, working quarries can host specialist species that utilise this temporary habitat such as sand martins, peregrines many species of invertebrates.
- Management – management should be detailed in any restoration plan so operators are aware of what is involved post habitat creation. Many operators have seeded fields with wildflowers, only for these same fields to succeed into fields of unmanaged scrub within 3-5 years.
- Natural regeneration – while initially not looking visibly pleasing, natural regeneration is usually the most beneficial form of restoration when land forming is carried out correctly and the right management is in place.
- Soil nutrients – many sites believe they are restoring to best practice by retaining and relaying topsoil. However, soil low in nutrients, particularly phosphorus, is more beneficial to habitats rich in biodiversity. Appropriate treatment and improvement of the substrate need only relate to preparing the site with a thin covering of subsoil.
- Topography – the more varied the better. Diverse micro topography is important because it creates ecological niches and variable microclimates for different species. The worst case scenario is a typical 45° slope.
- Bare earth – this is a rare habitat that can be beneficial in both hard rock and sand and gravel quarries. To leave areas 3-5% bare ground could really increase its value for biodiversity.
- Woodland – many operators have a belief that trees are great for the environment. We believe trees are good for the environment, but only in the right places. We only recommend tree planting when there is no possibility to create more favourable habitats such as heath or species rich grassland. Trees in the wrong area can also host predators such corvids.
- Hedgerows – these should be of local provenance and have a good mixture of species that will benefit invertebrates, birds and mammals. The management of these hedgerows are important for this wildlife and we would suggest a sympathetic cutting regime on a rotation of 3-4 years.
- Improving habitat instead of 'giving back' – we would encourage trying to improve habitats as oppose to restoring land to what it was previously. Areas where semi natural habitats have been removed for extraction and restored to less favourable habitats such improved grassland should not be considered restoration as it is a net loss for wildlife.
- Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from

artificial islands for ground nesting birds. Keeping the periphery free of scrub and trees is also desirable as this overshadows many aquatic plants.

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

With regards to peat extraction, RSPB NI recommends that 'planning permission should not be granted for peat extraction from new or extended sites, or renew extant permissions'.

Notably, the English National Planning Policy Framework has clear requirements which do not allow new or extended planning permission for peat extraction.

Lowland raised bogs are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog. As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO₂) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

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

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

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

As with all other forms of development, Antrim and Newtownabbey's LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. While protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

Any policy wording should provide sufficient protection to the natural environment as required by the RDS and the SPPS. Clear and robust policy tests must be set out so that the criterion can be effectively assessed and measured by the decision maker. Furthermore, any tests for potential impact on sensitive sites, including those set at European Level through the Habitats Directives, must be appropriately incorporated into any policy wording of the LDP.

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration, in this context it is therefore important that the Antrim and Newtownabbey LDP recognises this potential and we therefore recommend that policy must require development proposals (either new or extensions) to contain details of sustainable restoration proposals including the enhancement of biodiversity wherever possible (Please refer to our narrative above in respect of the RESTORE Project and the RSPB's publication, Habitat Creation for the Minerals Industry for further information on restoration).

Furthermore, the framework for restoration should facilitate regular inspection to ensure such plans are followed through to delivery.

Within the Antrim and Newtownabbey Council there are two peat extractions areas which we would wish to draw your attention to:

- (i) The Ballyscullion Moss Peat Extraction site has a restoration plan attached to it as part of a recent retrospective planning approval. The delivery of this restoration plan must be picked up and kept alive via the LDP.

- (ii) Sluggan Moss is a peat extraction site that is undergoing trial restoration – this site should be a reference site in advocating other peat extraction sites to follow suit in the years ahead.

On a separate but related matter, RSPB NI seeks clarification on Antrim and Newtownabbey Council's timescales for implementing the Review of Old Minerals Planning consents (ROMPS), as responsibility for this matter has now been passed to local councils as part of the transfer and local government reform process implemented in April 2015.

Other minerals related issues

Sand extraction

Nowhere in the POP is there reference to sand extraction in Lough Neagh, either in the short or long term. Furthermore, has consideration been given to the potential impact of the need to look for new sites within the Plan area should sand extraction cease within the Lough? If this is the case, then a policy will be required for habitat restoration post extraction, similar to that for peat or quarry sites.

Unconventional hydrocarbon extraction

RSPB NI advocates that Antrim and Newtownabbey Council should determine applications for unconventional hydrocarbon extraction in line with the strategic policy as contained within the SPPS (para.6.157) – i.e. there should be a presumption against their exploitation until there is sufficient and robust evidence on all environmental impacts. This policy should be replicated in full within the LDP so as to provide clarity.

Energy

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

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

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

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

Please refer to our Response to the DoE's Call for Evidence: Strategic Planning Policy for Renewable Energy Development, from May 2016 which outlines *inter alia* our case for a strategic and spatial approach to wind energy development across the whole of Northern Ireland. Please also refer to the recently published RSPB's 2050 Energy Vision Report¹². In 2008, the UK Government set a target to achieve an 80% reduction in greenhouse gas emissions (relative to 1990 levels) by 2050.

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

The Energy Futures project was established in order to explore these complex issues and better understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details¹³.

It is recommended that the wording in paragraph 6.224 of the SPPS be transferred across into any new policy wording as follows, to preventing adverse impact on the natural environment, including species and habitats:

¹² <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

¹³ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations:

- public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality or quantity; and,
- public access to the countryside.
- Furthermore, there need to be an explicit expression within any new policy that any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.

The LDP should list areas considered sensitive to wind energy developments and cite their nature designations. In moving forward, this list should not be seen as the definitive list for sensitive areas, as it is likely that other areas will come forward during the plan development process.

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

We note that the Mid Ulster Council area, as part of its LDP process, is proposing a strategic spatial approach to renewable energy development within its council area, and while such an approach is welcome (and also recommended for Antrim and Newtownabbey Council area), RSPB NI is nevertheless of the firm opinion that this should be carried out at the Regional level to be truly co-ordinated and effective. The scope of potential areas of constraint must include reference to sensitive nature features, as environmental capacity is more than a visual assessment alone, and includes habitats and species – many of which are located outwith designated areas. Areas of constraint should also have their nature designations listed.

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

Please refer to our Response to the DoE's Call for Evidence: Strategic Planning Policy for Renewable Energy development for further information, as noted above.

Sustainable Bio-Energy

Further consideration should be given to sustainable bio-energy, in instances where management of the natural landscape could contribute to fuelling this energy. This is possible due to findings from DECC in England (in partnership with RSPB) and ongoing research by AFBI in Hillsborough (in partnership with RSPB and others), where in both cases, the energy content of rushes that are mown and removed from wetlands can be entered into the bio-energy market. The ability to do this is already being trialled in Northern Ireland through specialist machinery use at places like the wet grassland shores of Lough Beg, and Lough Neagh. However, it should be noted that this sustainable bio energy can play, at most, a limited role in the UK's energy system, alongside truly clean energy sources like wind, solar and energy efficiency that can be delivered in harmony with nature.

Waste Management

RSPB NI strongly advocates a sustainable approach to waste management, having regard to minimising the amount of waste being sent to land fill, while ensuring that there are no environmental risks associated with waste management, disposal or treatment. To this end, there is no reason why the adopted existing policy approach cannot accommodate the policy provisions of PPS11 as amended by the SPPS. It is noted that the POP has already applied the application of a precautionary approach to all waste management proposals (page 111), this is welcomed by RSPB NI.

Furthermore any disposal of inert waste for land improvement, should be steered away from sensitive sites, where such land improvement may have a detrimental impact on habitats or species.

Meeting the Needs of Society

Q.53 Are there any factors you consider we should address in our new policy including housing in the countryside? and

Q.54 Are there any other issues in relation to housing and planning that you would like us to consider in our new plan?

Yes.

Refer to our comments above with regards to housing development outwith settlements as contained in our response to Question 41 above. It is recommended that the LDP policy as a minimum replicates the wording of the SPPS and PPS21, and the addendum to PPS7.

Please also refer to the RSPB's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (attached in submission email).

RSPB NI advocates that not only should environmental considerations be taken into account in the location, siting and design of dwellings in the countryside, but that recognition of the environmental value of the countryside is included within any LDP policy in this regard – for example in terms of its value to wildlife, landscape quality, recreational and tourist assets or for the ecosystem services it provides.

Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within the policy, as should the avoidance of sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. There needs to be an inherent recognition within this policy that the environment and its biodiversity, should be protected for its own sake, consistent with the approach advocated by the RDS.

Furthermore a sustainable approach to dealing with waste water should be a priority requirement – for example linking dwellings into specially constructed wetlands for such purposes.

RSPB NI reserves the right to make further comment in this regard, once draft policies are publically available for consultation.

Q.55 Are there any factors you consider we should address in our new transport policy?

Yes.

The transportation of people and goods has a crucial role to play in fostering economic prosperity and social integration. However, it also accounts for 21% of the total greenhouse gas emissions for the UK, with cars alone accounting for 12%¹⁴. Planning can make a significant contribution to reducing these emissions through decision-making on the location, scale, mix and character of development. In particular, new development should be located/integrated so as to enable and support the use of public transport provision and reduce dependence on the private motor vehicle.

Walking and cycling should be promoted, while targeting new walking and cycling routes for example new river/lough side walks could create a sustainable product for visitors to the Lough Beg landscape. The protection of disused transport corridors running through Antrim and Newtownabbey Council for future public access should be considered in any future LDP.

RSPB NI appreciates the difficulty of reconciling the need for some development in rural areas with an ability to serve that development with good public transport provision. However, any development that is likely to generate 'significant movement' and that cannot be served adequately by public transport provision should be refused. The wider implications of climate change dictate that local development cannot be allowed where it compromises the objective of minimising carbon emissions associated with new development.

Open Space and Recreation

Q. 57 Are there any factors that we should take into account in our new policy for open space? and

Q. 58 Are there any areas of open space that you consider be identified in our local plan?

Yes.

RSPB NI recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

¹⁴ Greenhouse gas emissions by Transport Mode, Department for Transport 2008

Please refer to the RSPB's publication 'Wellbeing through Wildlife'¹⁵. Within this section of the POP there is no reference to multi-functional green space or to the quality (design) of spaces, this must be addressed in future iterations of the LDP.

River corridors should also be protected to ensure that there is no detrimental impact on biodiversity or on sensitive environmental areas and features. This should apply to all river corridors and not just to main rivers, as biodiversity is not solely found along main river corridors.

Cognisance to environmental considerations should form part of the policy wording to include a demonstration that there is no detrimental impact on biodiversity or on sensitive environmental areas and features.

Proposals should be required to submit detailed landscape strategy to demonstrate that the open space provision is adequate, well designed and integrated. Also, a requirement to support wildlife should be included within the criteria to be demonstrated, given its acknowledged benefits for our wildlife and our well-being and mental health.

In terms of specific areas:

- The area that lies between Ballyscullion Moss and Lough Beg, while in private ownership, holds excellent elevated views over Lough Beg and Church Island, which will appeal to the visitor to the area;
- Farris Bay Nature Reserve is a wildfowl refuge with opportunities for visitors to the area. Similarly, a wildfowl refuge at Doss, which is operated by NIEA has potential for visitors to the area;
- Reas Wood National Nature Reserve, an area of wet woodland owned by Forest Service on the shore of Lough Neagh offers access to visitors to the landscape; and,
- An area at the Three Islands within the Lough Neagh ASSI is a known site for the rare Irish Lady's tresses orchid, while Rams Island has an important breeding duck population (e.g. gadwall).
- Toome village could be considered for sustainable development. Strategically located on the banks of the Lower Bann River (which is part of the Lough Neagh and Lough Beg SPA/Ramsar/ASSI), such would lend itself to the RSPB NI landscape scale vision for the area,

¹⁵ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

which includes Lough Beg, Gortgill and Lough Neagh, while contributing to the narrative of ecosystems services.

See attached map (included with submission email), which provides further information.

With regards to Indoor Sport and Intensive Outdoor Sports Facilities, RSPB NI recommends that the existing policy approach of SPPS/PPS 8 should be adopted to ensure sustainable patterns of development are maintained and promoted. The SPPS sets out clear regional strategic objectives and policy which the LDP must be in conformity with.

Like the policy for open space, cognisance to environmental considerations should form part of the policy wording to include a demonstration that there is no detrimental impact on biodiversity or on sensitive environmental areas and features.

Please also see our responses to questions 69 and 71 for further information.

Community Development and Facilities

Q.60 Are there any factors you consider that we should take into account in a new policy for community facilities? and

Q.61 Are there any other issues in relation to the provision of community facilities that you would like us to consider in our new plan?

Yes.

While it is acknowledged that the provision of the facilities listed in paragraph 6.59 of the POP are the responsibility of central government, please refer to our comments above at Overarching Primary Principles 3 and 4, and below in response to questions 69 and 71 with regards to connection with nature and its recognised benefits for mental health and wellbeing – which are not necessarily the responsibility of central government, but have proven benefits for society.

Like all other forms of development, the LPD should steer community facilities development away from sensitive areas (including habitats and species and those outwith the protected site network) and contribute to further sustainability development and well-being, consistent with the SPPS and RDS.

Telecommunications and Public utilities

Q.62 Are there any factors you consider that we should take into account in a new policy for telecommunications and public utilities?

Yes.

By their very nature, it is often difficult to zone lands for such uses as part of the LDP process. As such, there needs to be a linked-up and co-ordinated approach to addressing strategic infrastructure issues in the district – for example with transport and accessibility; this should assist in achieving sustainable forms of development in this regard. For example, as part of such an integrated approach, early dialogue with/between government departments could lead to a co-ordinated effort in areas where new roads are proposed, aligning power lines alongside any road schemes to help transform the area and its natural heritage / tourism potential for the future.

Inappropriately located power lines for example can pose a risk to not only the area's scenery, but the ability to sustainably restore for example our wetland landscape for nature and for tourism and recreational economic benefit. If landscapes are to be targeted for the growing tourism market (e.g. wetlands), then power lines need to be avoided in the first place. In this regard, opportunities should be explored to work with the utility regulator and others to bury lines where this is feasible.

Paragraph 2.56 of the POP makes reference to the fact that NI Water has identified the following sites with no remaining capacity: Cranfield and Moneyglass waste water treatment works (WWTW). It also goes on to state that Whitehouse WWTW will reach capacity with a 10% growth rate in population.

Such significant constraints in terms of waste water treatment will require a co-ordinated approach to identifying where the proposed development areas are in relation to the various waste water treatment plants should be adopted. In addition, it should be ascertained whether there are any environmental implications associated with these plants either now or anticipated as the result of any upgrade works either currently or in the future. Waste Water Treatment Works (WWTW) capacity (both now and in the future) should be an important consideration in the identification of future development lands.

In addition, sustainable urban drainage schemes (SuDS) should be promoted within the LDP as part of the co-ordinated and integrated approach to further sustainable development within the plan area.

Shaping our Environment

Q.63 Are there any factors you believe we should consider in the development of policy for natural heritage? and

Q.64 Are there any areas of landscapes in our Borough you regard as worthy of protection?

Yes.

While RSPB NI welcomes paragraph 3.10 of the POP which recognises that *‘the environment of our Borough is a special quality. The plan must seek to protect and improve this legacy for future generations as it is a key aspect of the area’s attraction for inward investment, tourism recreation and quality of life in general’*.

It however falls short in recognising the protection and enhancing of the environment for its own sake (as stated by the RDS) and also in recognising the ecosystems services or natural capital value of the environment, as required by the SPPS. As previously set out, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. These short-comings must be addressed in any future iteration of the LDP.

RSPB NI welcomes the identification of Special Areas of Protection (SAPs), full cognisance must however be given to the natural environment and its biodiversity outwith designated sites. This is necessary because only a very small proportion of our biodiversity is protected in designated sites, for example areas of lowland grassland, so important for NI’s declining breeding wader population, or the contribution fully intact/functioning blanket bog makes to our greenhouse gas targets, or the ecosystem services it provides in respect of flood management and water quality. As mentioned previously, it is important that areas outside of any area of constraint zoning must not become the ‘sink holes’ for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process. With regard to wind energy developments, we recommend that such a strategic approach should form part of a NI wide spatial approach to wind energy development – a position which the RSPB has been advocating for some time. Please also refer to the RSPB NI’s response to the DOE’s Call for Evidence: Strategic Planning Policy for Development in the Countryside (both responses attached in submission email).

The LDP must spell out what Special Areas of Protection mean and how they will be managed. They should be areas where the Council can demonstrate how a sustainable economy can be built around

nature. Furthermore, these areas will require precise spatial expression. It is recommended that the Special Areas of Protection should include the ASSI/ SPA / Ramsar designations at Lough Neagh and Lough Beg into the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale. A similar approach (including hinterland buffer) should be adopted with regards to taking in all the landscape around Lough Beg, given the significance of the Seamus Heaney landscape.

A co-ordinated and integrated approach will be required by Mid Ulster, Mid and East Antrim, Lisburn and Castlereagh, Armagh, Banbridge and Craigavon Council areas who all have some part of one or both these water bodies within their plan area.

A similar approach will be required by Belfast City Council, Mid and East Antrim, and Ards and Down Council area who all have the Belfast Lough water body and its plethora of international and national environmental designations within and adjacent to their boundaries.

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

The SPPS requires local plans to:

- take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area;
- Natural heritage features and designated sites should be identified, and policies brought forward for their protection and / or enhancement;
- identify and promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach;

- protect and integrate certain features of the natural heritage when zoning sites for development through ‘key site requirements’;
- identify and promote green and blue infrastructure where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements;
- consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes;
- incorporate biodiversity into plans for regeneration - by planning for nature and green space in our neighbourhoods we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas; and,
- ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered.

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

While the planning system is an important delivery tool for biodiversity enhancement, its potential is not being realised in current practice. A Defra survey found that the protection of biodiversity through the prevention or mitigation of potential impacts from development was more common than positive measures to enhance biodiversity.¹⁶

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

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

- Positive aspects of policy, such as habitat enhancement, are more likely to be achieved where plans are specific and relevant areas are spatially defined.

¹⁶ “Effectiveness of the application of current planning policy in the town and country planning system”, Project Code CK042, http://randd.defra.gov.uk/Document.aspx?Document=10054_PhaseIIFINALREPORTPDF.pdf

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

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

With regards to specific areas within the Council boundary, please note the following

- The area that lies between Ballyscullion Moss and Lough Beg, while in private ownership, holds excellent elevated views over Lough Beg and Church Island, which will appeal to the visitor to the area;
- Farris Bay Nature Reserve is a wildfowl refuge with opportunities for visitors to the area. Similarly, a wildfowl refuge at Doss, which is operated by NIEA has potential for visitors to the area;
- Reas Wood National Nature Reserve, an area of wet woodland owned by Forest Service on the shore of Lough Neagh offers access to visitors to the landscape; and,
- An area at the Three Islands within the Lough Neagh ASSI is a known site for the rare Irish Lady's tresses orchid, while Rams Island has an important breeding duck population (e.g. gadwall).
- There are two separate areas of fen marsh alongside the road that should be given protection from further development.

See attached map (included with submission email), which provides further information.

Natural Heritage Policy Wording

LDP policies to protect and enhance the natural environment should be an integral part of the overall strategy. It is therefore most concerning that the POP is silent on a proposed natural heritage strategy, and as such, it is therefore difficult to make specific comment. However, at the outset, RSPB NI recommends that any such strategy within the LDP should accurately reflect the Regional Strategic Objectives (RDS, SPPS, PPSs and associated guidance documents), with no weakening or dilution. For

example, It should not seek to create 'and/or' scenarios in the LDP Strategy where the Regional Strategic Objectives advocate solely 'and' scenarios, or weaken any of the language, for example change the word 'must' to 'should /will or encourage' – they are all considered to represent a weakening in the policy wording, which must be avoided.

Furthering sustainable development is not obvious within the summarised bullet points at paragraph 6.69 of the POP and should be further enhanced – a reference to encouraging sustainable development is considered insufficient. A similar reference within any proposed strategy should be made to assisting with meeting the various site designations' (from international to local) responsibilities and obligations.

To protect, conserve, enhance and restore should be carried out for 'nature's sake', and the ecosystem services which flow from it. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

It recommended that the precautionary principle should be carried though into any LDP Natural Heritage Strategy, as part of its strategic policy approach. It is noted that the POP has already applied the application of a precautionary approach to all waste management proposals (page 111). Potential zonings in the LDP should have full regard to natural heritage, as it constitutes more than cognisance of sensitive landscapes/views.

Antrim and Newtownabbey LDP should promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

Policy on natural heritage should include restoration and enhancement; in a manner which reflects the Lawton principles¹⁷ (see below).

In this regard, a useful reference document is 'The *Making Space for Nature*' report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

¹⁷ <http://www.rspb.org.uk/our-work/rspb-news/news/349224-positive-planning-can-help-halt-wildlife-declines-new-report-shows>

1. Get sites into favourable condition
2. Increase the size of protected sites
3. Create new sites
4. Improve the connectivity between sites
5. Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystems-scale', through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

Please also refer to natural environment comments throughout this consultation response, as the protection and enhancement of the natural environment is a cross-cutting requirement to furthering sustainable development.

International Designations

RSPB NI suggests that buffer zones around such designated sites should be considered for inclusion within the LDP (in addition to the designation of Special Areas of Protection (SAPS)) thus providing a hinterland to buffer the protected area and provide space for nature to expand at a landscape scale. The current policy provisions of PPS2 'Natural Heritage' should be carried across in full into the LDP. See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

National Designations

Again, consideration should be given to the formulation of buffer zones around such designations in the interests of creating a hinterland into which nature can expand at a landscape scale. The current policy provisions of PPS2 'Natural Heritage' should be carried across in full into the LDP. See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

This should also include Areas of Outstanding Natural Beauty, as an AONB designation is more than how a landscape looks. Rather, such areas are designated primarily for their landscape quality, wildlife importance and rich cultural and architectural heritage.

Local Designations

RSPB NI advocates that the LDP must be afford protection to local designations, including Sites of Local Conservation Interest (SLNCIs). The current policy provisions of PPS2 'Natural Heritage' should be carried across in full into the LDP. See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

Other Habitats, Species or Features of Natural Heritage Importance.

RSPB NI recommends that existing policy from PPS2 in this regard should be adopted in full, as it provides an important 'catch-all' for habitats, specials or features of natural heritage importance which currently fall outwith designated areas. See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

The Policy should provide a list of such habitats, species or features, as contained within the SPPS (6.192) which are found in the plan area, and where possible an indication of where these may be found.

Again, this section must make reference to the values of ecosystems services. As previously noted, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

Protected Species

RSPB NI advocates that there should be no weakening of the existing policy approach, as contained within PPS" 'Natural Heritage'. It is recommended that a reference link is included to state where the terms priority habitats and priority species is found (as per the existing SPPS). See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

Special Area of Protection (SAPs) / other areas of constraint

With regards to the use of SAPs, or any other areas of potential constraint identified within the LDP, RSPB NI is of the opinion that there is merit in conducting such an exercise at Strategic level across the whole of Northern Ireland in providing a spatial expression for renewable energy production, and in particular wind energy. This should include designated and non designated sites, in order that sensitive

sites and species are avoided. Please refer to our response to the DoE's call for evidence on Renewable Energy for further information in this regard. This is included as a separate document in our email submission.

As mentioned previously, it is crucially important that areas outwith constraint zonings must not become the 'sink holes' for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process.

Built Heritage

Q.65 Are there any factors you consider that we should take into account in a new policy for protecting our built environment?

Yes.

Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/refurbishment proposals should incorporate measures to continue to give nature a home – see comments above with regards to urban design (responses to Overarching Primary Principles 3 and 4, and to questions 69 and 71) for ways in which this can be achieved. This should not only apply to internationally protected species or priority species, but to wildlife in general. Good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3).

Environmental Protection

Q. 67 Are there any factors you consider that we should take into account in a new flooding strategy? and

Q.68 Are there any other issues in relation to environmental protection that you consider the plan should address?

Yes.

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

The Water Framework Directive, the Floods Directive, a SuDS policy and the Council's biodiversity duty could help us to restore our damaged rivers and coasts, manage our land more sensitively, and create new areas of flood storage. If Government is to fulfil its commitments to the environment and broader

sustainability, physical modification of our flood plains, rivers and coasts must no longer be aimed solely at achieving the greatest cost: benefit in terms of flood risk reduction, with accompanying mitigation of adverse environmental impacts.

Instead, management should aim to identify and deliver on clear environmental, economic and social objectives for catchments or coastline through a range of integrated, cost-effective solutions. These 'win-win' options must be used to buffer us against the impacts of climate change, and reduce the long-term costs (economic, social and environmental) of flood management.

The RSPB has long-advocated an integrated approach to river and coastal management which steps away from defence and drainage and instead looks to contribute to the wider social, economic and environmental objectives set by Government.

For example, the potential for new flood plains to be created up stream should be examined to (i) allow water in, (ii) to be held, and (iii) then to be released when the river can once again cope with the flow. Where floodplains are prevented from functioning, due to artificial flood banks, consideration should be given to the removal of strategically targeted floodbanks, to allow the floodplain to function properly, and manage the risk posed downstream. Land that is then transferred into periodical wetlands due to our climate should be treated as an asset, both for the landscape it creates, the additionality it brings to those visiting the area, and the natural filtration of water that happens by allowing water to settle out on these floodplains.

Given all of these aforementioned additionalities, landowners (often dairy, beef or sheep farmers) should receive ecosystem service payments. These payments could be made through a joined up approach between for example, water companies; tourism providers; flood risk managers; and, environmental farming schemes. This makes best use of public money and delivers multiple benefits.

Flood Risk Strategy

Antrim and Newtownabbey's Flood Risk Strategy should include a number of key actions which are essential to the management of flood risk within the Plan area, as articulated at Regional Strategic Level, and are required to be included within policy at local level. These are:

1. A strongly worded policy which clearly and robustly prevents new development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere.
2. Include a policy to promote sustainable development through the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource.
3. Promoting an integrated and sustainable approach to the management of development and flood risk which contribute to
 - the safety and well-being of everyone',
 - the prudent and efficient use of economic resources,
 - the conservation and enhancement of biodiversity, and,
 - the conservation of archaeology and the built heritage.

These should be included within the LDP policy.

Fluvial Floodplains

To manage floods economically and sustainably, RSPB NI believes there is a need to look to new approaches, including better warning systems, more floodplain storage, tighter controls on building on floodplains, and better land management. We would therefore fully support an overall presumption against development within river floodplains.

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

RSPB NI would not support the following flood Protection and/ or management measures:

- New hard engineered or earthen bank flood defences;
- Flood compensation storage works;

- Land rising (infilling) to elevate a site above the flood level within the undefined fluvial flood plain (bold text – additional wording).

In addition, there should be requirement for a Flood Risk Assessment included within the LDP policy, including the requirement when a site is close to the margins of the flood plain as depicted on the Strategic Flood Map and a more accurate definition of the extent of potential flooding is required.

Protection of Flood Defence and Drainage Infrastructure

RSPB NI is content for this policy to remain, provided permission could still be given for development that would replace hard with soft flood defence mechanisms e.g. in certain cases to breach flood defences to allow flooding of low-lying land for managed retreat purposes, should this become necessary and appropriate in Northern Ireland. Examples of similar work already exist in the east of England, amongst other places.

Development at Surface Water (Pluvial) Risk

Given that peatlands are internationally recognised as important for water storage¹⁸, we would hope that this is reflected in the assessment of plans to extract peat from lowland and raised bogs in Northern Ireland, and that the precautionary approach will be adopted.

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

Artificial Modification of Watercourses

RSPB NI supports the general presumption against culverting and canalisation of watercourses. However, we wish to reiterate our concerns that canalisation of any form can disrupt the connectivity and interaction between wetlands, riparian zones and rivers.

Development in Proximity to Reservoirs

RSPB NI is concerned with the Council's approach to this matter which could potential leave a policy vacuum. Given that the POP document at page 130 states the Antrim and Newtownabbey Council area

¹⁸ Resolution VIII.17 on Global Action on Peatlands. 8th Meeting of the Conference of the Contracting Parties to the Convention on Wetlands (Ramsar, Iran, 1971).

has 12 reservoirs, this matter should be resolved in early course. Until such times, the Regional Strategic Policy contained within the SPPS should apply.

Sustainable Drainage Systems (SuDs)

RSPB NI recommends that Antrim and Newtownabbey should maintain the SPPS Regional Strategic Policy for Flood Risk. SuDs should be promoted within new developments, along with retrofits to existing developments when assessments prove the need.

Please also refer to our consultation response on the Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk, and to the draft SPPS – both are attached as separated documents in our submission email.

Waste Management

RSPB NI strongly advocates a sustainable approach to waste management, having regard to minimising the amount of waste being sent to land fill, while ensuring that there are no environmental risks associated with waste management, disposal or treatment. To this end, there is no reason why the adopted existing policy approach cannot accommodate the policy provisions of PPS11 as amended by the SPPS. RSPB NI welcomes the application of a precautionary approach to all waste management proposals, as contained within page 111 of the POP.

Design

Q.69 Are there any factors you consider that we should take into account in a new policy for design?
and

Q.71 Are there any other factors in relation to design you consider the Plan should address?

Yes.

Overall, this section appears to be primarily about the aesthetics of the building itself, and is limited on key design features from a biodiversity perspective. It fails to comprehensively address the wider built (either urban or rural settlement) environment. Refer also to our earlier comment on urban regeneration.

Within this context, it should advocate that good design and place making should include the area around a scheme i.e. its immediate environment. Furthermore it should include a guiding principle which allows for the avoidance of development that impacts adversely upon natural ecosystems.

Furthermore, place making should include/highlight how the natural environment can contribute to enhancing places and spaces, both from biodiversity and health and well-being perspectives.

The evidence of health benefits of green spaces are many. While the recognition of the environmental benefits of green spaces as habitats for wildlife is an obvious one, there is also the recognition of wellbeing through wildlife. In this regard, we would refer the Council to the following useful reports:

- (i) *Wellbeing through wildlife, RSPB¹⁹*
- (ii) *Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012*
- (iii) *Exeter residential design code*

A further publication of relevance is UK National Ecosystem Assessment: Technical Report²⁰, and in particular Chapter 23: Health Values from Ecosystems²¹. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic intervention (Hine et al. 2009; Haubenhofner et al. 2010); that planners and architects should improve access to greenspace (green design); and that children should be encouraged to spend more time engaging with nature and be given opportunities to learn in outdoor settings (green education).*

Some of the substantial mental health challenges facing society (Foresight 2008; HSE 2008), and physical challenges arising from modern diets and sedentary lifestyles (Wanless 2002; Wanless 2004; DH 2005a; Sport England 2006; Wells et al. 2007; NICE 2008; DH & DCSF 2009; NICE 2009), could be addressed by increasing physical activity in green settings. If children are encouraged and enabled to undertake more green exercise, then they are more likely to have active exposure to nature embedded in their lifestyle as adults and they will reap the associated health benefits' Paragraph 23.8, page 1173).

¹⁹ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

²⁰ <http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82>

²¹ <http://www.cbd.int/financial/values/unitedkingdom-health.pdf>

The RSPB would draw Antrim and Newtownabbey Council's attention to the Kingsbrook development in England²². The RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

On the Kingsbrook development just outside Aylesbury, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

Project objectives:

- 50 per cent wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve.
- Wildlife corridors. Kingsbrook is being designed so that wildlife can move all around and through the greenspace and the residential areas. Whether it be hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.
- Sustainable Urban Drainage. Rather than shunting rainwater straight underground into pipes, in many places it will be directed along rills and swales on the surface - great wildlife habitat - slowing the flow, and using nature to clean the water.
- Planting for wildlife, including a higher proportion than is usual of native shrubs, many hedges, areas of wildflower grassland for pollinators and butterflies, plus a fruit tree in each garden.
- All manner of wildlife homes, from bird boxes built into the walls of houses to places where amphibians can hibernate.

Furthermore, there is no recognition either implicit or explicit that good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3), this is a step backwards in policy formulation for sustainable development and biodiversity. This similarly applies to provision of open space. (paragraph 4.30 of PPS7).

Furthermore, there should be policy relating to Design Concept Statements, Concept Master plans and Comprehensive Planning. Similarly there should be policy to address regeneration in urban areas.

²² <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

In this regard, the RSPB would make the following points:

- The State of Nature 2016 report²³ highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years.
- RSPB NI believes that the protection and enhancement of urban biodiversity can be achieved through careful planning and development.
- To achieve this, RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.
- RSPB NI advocates that Antrim and Newtownabbey Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
 - Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipistrelle and house sparrow;
 - Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
 - Green/living roofs and green walls;
 - A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
 - Wildlife friendly lighting.

For further information contact:

Michelle Hill MRTPI

Conservation Team Leader (Planning)

RSPB Northern Ireland

E-mail: michelle.hill@rspb.org.uk

Telephone: 028 9049 1547

²³ <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>
http://www.rspb.org.uk/Images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf

- this is the NI specific element of the report

Call for Evidence: Strategic planning policy for Renewable Energy development

A response from the RSPB, 06 May 2016

Introduction

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

The RSPB is unusual amongst UK NGOs because we engage with individual applications for renewable and other energy infrastructure across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Our professional planning and conservation staff are regularly involved with individual project proposals and we comment on numerous individual proposals for wind farms and single turbines in Northern Ireland each year. This gives us an almost unique perspective into the implications of new policy for development on the ground. In Northern Ireland we show our commitment to promoting good planning through involvement with developers and the public on proposed development from wind farms to housing.

The RSPB's focus is on internationally and nationally designated sites and protected species or habitats that may be vulnerable to development even where these occur outside designated sites. Of particular concern are areas designated as Special Areas for Conservation (SACs) under European Habitats Directive¹ and Special Protection Areas (SPAs) under the European Birds Directive². Both are afforded protection under the Conservation (Natural habitats etc) Regulations (NI) 1995.

Species such as Hen harriers, Whooper swans, and Greenland white-fronted geese (which are Annex 1 of the European Birds Directive) have been shown to be vulnerable to wind farm development. Some breeding wader

¹ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

² Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) – shortened version The Birds Directive 2009 (codified version)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:020:0007:0025:EN:PDF>

species of conservation concern in Ireland such as curlew³ and snipe⁴ have also been recorded in published research⁵ as vulnerable to disturbance from turbines (Curlew are Schedule 1 in The Wildlife (NI) Order (as amended) 1985). As such, these species would be of particular concern to the RSPB.

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

The RSPB believes that climate change is the most serious long-term threat to wildlife. We strongly support the Northern Ireland targets⁶ to obtain 40% of electricity from renewables and to cut greenhouse gas emissions by 20% against 1990 levels by 2020. (The PfG contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025.)

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

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

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

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

³ Red listed species - Colhoun K and Cummins S (2013) 'Birds of Conservation Concern in Ireland 2014-2109'. *Irish Birds* 9:523-544

⁴ Amber listed species - Colhoun K and Cummins S (2013) 'Birds of Conservation Concern in Ireland 2014-2109'. *Irish Birds* 9:523-544

⁵ Pearce-Higgins, J. W et al. (2009): The distribution of breeding birds around upland wind farms: Effects of wind farms on upland breeding birds. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins, J.W et al. (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394).

⁶ http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf

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

Our response to the following questions is outlined below:

- 1. How should the Northern Ireland planning system best facilitate sustainable renewable energy development in appropriate locations without compromising our natural and built environment, and other assets of acknowledged importance?**
- 2. How can strategic planning policy best assist with addressing potential amenity issues that may arise as a result of facilitating all types of renewable energy development (e.g. wind, solar, water (hydropower), geothermal energy, biomass)?**

A Sustainable Renewable Energy System for People and Wildlife

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

While some progress has been made in the decarbonisation of our energy supply, much however remains to be done. Even to attain our existing renewables and emissions targets⁷ a huge shift in where we source our energy from will be required. An increasing proportion of energy will need to be sourced from renewable and low carbon technologies, as well as reducing our overall energy demands. However, the meeting of such targets should not be at the expense of our biodiversity. As such there is a need for sustainable renewable energy to be the cornerstone of our energy systems. To put it simply, there is no either/or choice between cutting emissions and protecting wildlife – we have an obligation to do both if we are to leave a planet which is able to support people and the ecosystems upon which we and other species depend⁸.

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years⁹, poorly sited, designed or managed energy infrastructure can seriously harm wildlife – adding to the pressure already caused by climate change.

⁷ http://www.detini.gov.uk/strategic_energy_framework_sef_2010_-3.pdf

⁸ BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

⁹ State of Nature Partnership (2013) State of Nature report http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf

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

The RSPB is currently conducting a major project which looks at how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats, so that our climate change targets are delivered in harmony with nature. It uses DECC's 2050 Pathways Calculator and innovative mapping techniques¹⁰ to assess the deployment potential for a range of renewable energy technologies. The results of this project are expected to be published in a peer-reviewed journal in Summer 2016 but the RSPB is happy to discuss its conclusions pre-publication.

The evidence from the project shows that with careful planning (see section below for further details), it is possible to meet the UK's climate targets and interim carbon budgets up to 2027 using high levels of renewable energy, without having negative impacts on nature. However, massive strides in demand reduction and energy efficiency are important, both to ensure that the energy system is affordable in the future, and to avoid significant ecological impacts meaning that investment in these is critical. Investment in well-sited onshore wind and solar, energy storage and smart grid networks as well as new technologies such as floating wind turbines will all also be necessary.

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

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

The RSPB would be happy to provide further details on these recommendations on request.

¹⁰ RSPB has developed a mapping methodology to support strategic planning at national and local levels. The methodology employed in this Report can be easily be replicated at the finer scale. See Summary Report for methodology outline, more details are available within the Technical Report (publication due Summer 2016).

Need for Strategic/Spatial Planning

As indicated above, if we are to meet the targets without causing significant harm to biodiversity, and taking account of other restrictions on development, there will be an increased need to plan strategically and identify areas which are and are not suitable for sustainable renewable energy development. With the right strategy and planning safeguards, and with co-operation between developers and conservationists, renewable targets can be achieved without significant detrimental effects on our biodiversity.

A comprehensive and structured approach, identifying areas that are more or less suitable for deployment, would offer a valuable steer to developers. It would also help build public support, reduce risks for all stakeholders, from financiers to conservation groups. This would in turn speed up the consenting process, reducing the risk of contentious and unsuitable projects coming to the application stage. Notably, examination of the latest DOE planning statistics on renewable energy proposals¹¹ indicates a decreasing approval rate, increasing number of withdrawals, and a decline in total number of renewable energy applications submitted (this is explored further below). With regard to the latter, the DOE 2015-16 Statistics Report¹² notes that such declines could possibly be linked to government funding reductions and grid capacity issues.

It is not only the RSPB's current renewable energy project (as discussed previously, with further details to follow upon publication) which advocates *inter alia* the development of a roadmap for decarbonisation in harmony with nature. Recent publications including 'Meeting Europe's Renewable Energy Targets in Harmony with Nature (2011)'¹³ sets out a number of comparable principles for renewable deployment:

1. Renewables must be low carbon
2. A strategic approach to deployment is needed
3. Harm to birds and biodiversity must be avoided
4. Europe's most important sites for wildlife must be protected

It is recommended that the DOE also examine this report further as part of its call for evidence.

With ambitious targets for renewable energy, developing plans of where these developments can best be accommodated is integral to the successful roll-out of renewable energy technologies.

¹¹<https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>
<https://www.doeni.gov.uk/publications/northern-ireland-planning-renewable-energy-monthly-statistics-april-2015>

¹² Ibid.

¹³ BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

Integrated Planning and Assessment

Strategic spatial planning must be informed by a robust and appropriate assessment process to ensure that delivery of our renewable energy network is in harmony with nature. In this regard, a report prepared by Birdlife International on behalf of the Bern Convention¹⁴ (Gove *et al*) provides an updated analysis of the effects of wind farms on birds, and sets out best practice guidance on EIA, strategic planning and project development. Published in 2013, it provides an update to the original 2003 report.

While it is acknowledged that this Report relates to wind energy development, the general principles of its vital elements are however readily transferrable to other renewable energies, for example:

- *Strategic planning of the wind energy industry and the use of best practice protocols for individual project site selection, to avoid or minimise conflicts with nature conservation interests ;*
- *Robust Environmental Impact Assessment, including baseline studies, impact assessment and post construction monitoring; and*
- *Integrated, inclusive and iterative project development taking full account of potential interactions with nature conservation through the entire project development process’ (Page 5).*

The report also sets out a number of recommendations, and again while written with regards to the effects of wind farms on birds, they are again largely transferrable to other sustainable renewable energy technologies. It is recommended that the DOE should also review the contents of this report in full as part of its call for evidence. The report clearly states that implementation of the following recommendations would ‘*facilitate the smooth further development of the wind energy industry in Europe, whilst ensuring the protection of our internationally important bird populations.*’ The recommendations can be summarised as follows:

1. Need for coordinated and targeted strategic research on the impacts of wind farms on birds, and the efficacy of mitigation measures so as to inform future project development and decision-making, and reduce uncertainties over wind energy impacts.
 - As part of this, regulator requirement for developers to carry out comparable pre, during and post construction monitoring.
 - Governments and industry partnership working to provide a single web-based resource for this information to inform future research and project development.

¹⁴<https://wcd.coe.int/com.intranet.InstraServlet?command=com.intranet.CmdBlobGet&IntranetImage=2515528&SecMode=1&DocId=2012800&Usage=2>

- In light of increasing interest of wind energy projects in upland forests, further research is required to identify the effects of these on forest habitats and sensitive forest bird species.
2. Strategic Planning and associated Strategic Environmental Assessment is a key tool for governments to reduce potential conflicts between protected bird populations and wind energy development. Effective use of spatial zoning and site policy criteria can mediate between biodiversity and wind energy interests and ensure that targets are met in both spheres.
 - Sensitivity mapping should be used by the regulators and industry to inform locational decisions for wind energy development
 3. Environmental Impact Assessment is the key process to enable informed and transparent decision-making. Regulators need to ensure that all potentially damaging projects undergo EIA, that EIAs are scoped properly and undertaken by professionally competent ecologists. Inadequate EIA needs to be challenged by regulators who have suitably qualified staff to understand and critically assess these documents.
 - Cumulative impact assessment continues to be generally poorly addressed in wind energy EIAs in Europe. Regulators should ensure EIAs assess this adequately, and work with academics and industry to support further work to facilitate the development of workable assessment methodologies.
 4. Precautionary approach used by regulators in decision-making when there is significant uncertainty as to the impacts of a wind energy proposal on sensitive bird populations. Adaptive management in post-construction monitoring and mitigation should not be used to justify consent of development in unsuitable locations where key bird populations may be put at risk.
 - Need for proper implementation of the tests of Article 6 of the Habitats Directive, where wind energy development is likely to have a significant effect on a Natura 2000 site. National governments and the European Commission should act to ensure training and oversight is provided to address this.
 5. Developers should seek to apply an integrated planning approach to project development. A collaborative, open and transparent approach, adopted very early in project development with all

relevant stakeholders, has been shown to improve project outcomes, and to reduce costs, delays and uncertainties.

6. Innovative mitigation measures such as increased cut-in speeds and radar-based on-demand shut-down systems should be investigated for inclusion in project proposals when relevant. However, further research is needed into these and other mitigation measures to prove their efficacy.
7. The Standing Committee of the Bern Convention and other relevant Conventions should encourage co-operation between Contracting Parties on migration routes to evaluate cumulative impacts and safeguard key corridors and stop-over sites.

Notably, we urged the Department in the consultation exercises of both the Draft SPPS, and Draft PPS 18 to provide guidance on 'cumulative impact'. For example, in Scotland, cumulative impact on birds is considered within Natural Heritage Zones (NHZs) for which data on bird populations are available from Scottish Natural Heritage (SNH). The RSPB currently requests that developers provide an assessment of the cumulative impact on protected species such as hen harrier by considering local, regional and national impacts on the population, but this is problematic where there are insufficient data to run population models for those species. To date this has not occurred. The recommendations contained within the Birdlife International Report detailed above, underscore this requirement.

In general terms, the RSPB strongly contends that the recommendations of this Report should be reflected in any revision to the existing planning policy and guidance in order to ensure it remains fit for purpose.

Learning by Example

A number of the references cited in this response provide illustrations of a positive approach to spatial planning. In this context, the RSPB is disappointed that the Environment Committee of the NI Assembly during its recent inquiry into Wind Energy¹⁵ came to the following conclusion with regards to a spatial approach to onshore wind:

'18.The Committee considered whether a strategic approach that advocated zoning, or the identification of most appropriate locations for wind turbines, would be effective. However, it was agreed that it was now too late for introducing zoning in Northern Ireland as some areas, notably West Tyrone, had already

¹⁵ <http://www.niassembly.gov.uk/assembly-business/committees/environment/reports/report-on-the-committees-inquiry-into-wind-energy/>

reached saturation point in terms of the number of wind developments either operational or planned for the region’.

While it is accepted that a considerable number of proposals have already been approved, it is not too late to seek to redress the matter – for example, if the bungalow blitz which occurred in our countryside during the 1970’s had not been stemmed and regulated by policy, then the proliferation of single houses in the countryside would be significantly greater than it is today. While the legacy of those ‘early days’ lives in on in our rural landscape, imagine what our countryside would look like today without the introduction of strategic spatial policy and guidance for houses in the countryside?

RSPB therefore considers the out of time argument to be both unsustainable and weak. Using the most recently published renewable energy application data¹⁶ it is worth noting that there were 532 live renewable energy applications, mainly comprising 426 single wind turbines, 31 wind farms and 31 solar farms’ at the end of December 2015 . Within this context, it is worth exploring the approach adopted to renewable energy planning in other jurisdictions:

Wales

Within the context of Planning Policy Wales (PPW), seven Strategic Search Areas (SSAs) have been established on the basis of substantial empirical research. While these areas are considered to be the most appropriate locations for large scale (over 25 MW) wind farm development, it further establishes that Natura 2000 sites and Sites of Special Scientific Interest (SSSIs) as ‘absolute constraints’. (Please refer to Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005) and its annexes for further details¹⁷).

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

With regards to onshore wind in other areas, TAN 8 notes that ‘most areas outside SSAs should remain free of large wind power schemes’ (paragraph 2.13). More importantly, TAN 8 states that ‘local planning authorities may wish to consider the cumulative impacts of small schemes in areas outside the SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes or the SSAs. In these

¹⁶ <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

¹⁷ <http://gov.wales/topics/planning/policy/tans/tan8/?lang=en>

*areas, there is a balance to be struck between the desirability of renewable energy and landscape protection. While that balance should not result in severe restriction on the development of wind power capacity, **there is a case for avoiding a situation where wind turbines are spread across the whole of the County** (our emphasis). As a result, the Assembly Government would support local planning authorities in introducing local policies in their development plans that restrict almost all wind energy developments, larger than 5MW, to within SSAs and urban/industrial brownfield sites. It is acceptable in such circumstances that planning permission for developments over 5MW outside SSAs and urban/industrial brownfield sites may be refused'. (Paragraph 2.13).*

Scotland

Current planning policy in the form of the Scottish Planning Policy¹⁸ (SPP) requires planning authorities to set out a spatial framework which identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities following the approach set out in Table 1 of the SPP (refer to paragraph 161 onwards of the SPP for details). The document published in June 2014 places a ban on wind farms in national parks and national scenic areas and wild land was added as a constraint.

It is also worth noting that RSPB Scotland is a partner in the Scottish Government led *GP Wind* project¹⁹, which seeks to reconcile renewable energy objectives with wider environmental objectives. It has highlighted existing good practice in Scotland and across Europe, barriers to deployment, and lessons that should be learnt. The project has developed a set of good practice guidelines which can be used to facilitate sustainable growth in the renewables sector in support of the 2020 targets. This is a useful reference tool for the DOE in moving forward.

The Northern Ireland Context

Need for a strategic and integrated approach

As previously stated, the RSPB is very supportive of wind farm, and other sustainable renewable energy developments, but this must not be at the expense of wildlife and our most special places. To this end there is an overriding need to have a strategic and integrated approach to renewable energy deployment in Northern Ireland.

While it is acknowledged that a detailed wind mapping exercise²⁰ was commissioned by the Department of Enterprise Trade and Investment (DETI) in 2003 to help identify areas of particular potential, and although a useful

¹⁸ <http://www.gov.scot/Resource/0045/00453827.pdf>

¹⁹ <http://www.project-gpwind.eu/>

²⁰ <http://www.actionrenewables.co.uk/resources/windmap/> This map was derived from the windmapping project and has predicted mean wind speed and power in many locations within the range of 8 to 10.5 metres per second which is regarded as sufficient to support economical wind energy projects.

tool, it alone cannot generate the strategic framework necessary to create a comprehensive and structured approach to on-shore wind development. Indeed, this is recognised in the Report ‘Positive Planning for Onshore Wind – expanding onshore wind energy capacity while conserving nature’ (Bowyer *et al* 2009)²¹ as follows: *‘Land use planning is an essential mechanism for integrating the pressures for development with broader societal concerns. Planning is, however, only one element of a wide-ranging policy chain that needs to function effectively to deliver both nature conservation and a step change in renewable energy development’.*

Against this background, the absence of any coordinated or strategic approach to the siting of on-shore wind turbines in Northern Ireland is evidenced by both the Northern Ireland single turbine map²² and wind farm map²³ which have been prepared by DOE depicting the spread of single turbines and wind farms from April 2002 to March 2015. In this context, it becomes apparent that Northern Ireland is well on its journey to the situation resisted by Welsh Planning Guidance *‘where wind turbines are spread across the whole of the Country’* (Paragraph 2.13 of TAN 8).

The need for such an approach is further apparent when set within the context of the recent statistics available from the following DOE publications: Northern Ireland planning renewable energy monthly statistics - April 2015 and Northern Ireland Planning Statistics 2015/16 Combined Second & Third Quarterly Bulletins (July – December 2015: Provisional Figures)²⁴. In this regard, the statistics are relevant:

1. At the end of December 2015, there were 532 live renewable energy applications, mainly comprising 426 single wind turbines, 31 wind farms and 31 solar farms
2. The overall Northern Ireland approval rate for renewable energy was 72.9% in Q3, a decrease of 12.5 percentage points over the quarter and a fall of 3.0 percentage points on the same period last year
3. The overall Northern Ireland approval rate in quarter 3 for all planning applications was 93.3%
4. Table 7.1 of Northern Ireland planning renewable energy monthly statistics - April 2015 shows a general downward trend in approvals, a general rising trend in the number of applications withdrawn, and a downward trend in the number of renewable energy applications submitted²⁵

At a time when Northern Ireland should be looking towards meeting its emission reduction and renewable energy targets, it is considered significant that these latest statistics are depicting a scenario of piecemeal development,

²¹ https://www.rspb.org.uk/Images/Positive%20Planning%20for%20Onshore%20Wind_tcm9-213280.pdf

²² <https://www.doeni.gov.uk/sites/default/files/publications/doe/single-wind-turbines-map-march-2015.pdf>

²³ <https://www.doeni.gov.uk/sites/default/files/publications/doe/wind-farms-map-march-2015.pdf>

²⁴ <https://www.doeni.gov.uk/publications/northern-ireland-planning-renewable-energy-monthly-statistics-april-2015> and <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

²⁵ Bulletin states decline in number of applications is possibly linked to government funding reductions and grid capacity issues

increased uncertainty in the consenting regime process with a situation of reduced application numbers (possibly linked to government funding reductions and grid capacity issues²⁶), a lower approval rate and a higher number of withdrawals.

Moving forward, this should not result in a situation where every application for renewable energy is approved. On the contrary, the need to have the right development in the right place at the right time based on a robust evidence base of potential to generate energy, alongside consideration of other social and environmental factors remains paramount. While strategic planning has a key role to play in enabling the renewable energy industry to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes, the absence of a stable incentive regime, as demonstrated by the latest set of planning statistics²⁷ can undermine any such benefits.

In this context, the publication Meeting Europe's Renewable Energy Targets in Harmony with Nature²⁸ recognises *'the right policy frameworks for renewable-particularly strategic planning and adequate, stable incentive regimes – will enable rapid and sustainable deployment while safeguarding the natural environmental for generations to come'*. Northern Ireland unfortunately has neither of these elements – this is of concern. The planning system alone cannot be responsible for the delivery of Northern Ireland's emissions and greenhouse targets.

Looking ahead, it is therefore imperative that there is greater cross-departmental working to ensure that one government department is not countering the work of another in order to restore confidence to this sector.

To this end we would support the introduction of a similar approach to that adopted in Wales, where *"the most appropriate scale at which to identify areas for large scale on shore wind energy development is at an all-Wales level"* Paragraph 12.8.13, Planning Policy Wales (PPW) Edition 5 (2012)²⁹.

The DOE should also refer to the report 'Towards a Land Strategy for Northern Ireland'³⁰ which presents proposals and recommendations, and aims to progress the planning, development and implementation of a Land Strategy for Northern Ireland by 2020. It sets out the following vision *'for land and landscapes to be managed for the benefit of people's wellbeing and prosperity, reflecting the views of communities, groups and individuals, striving for environmental excellence, and making best use of its multi-functionality'*. While not designating land uses to particular sites, it does however seek to ensure that local and regional public policy and decision-making contribute to the strategic needs of Northern Ireland.

²⁶ <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

²⁷ <https://www.doeni.gov.uk/sites/default/files/publications/doe/planning-statistics-q3-2015-16-bulletin.pdf>

²⁸ BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature (eds. Scrase I. And Gove B.). The RSPB, Sandy, UK

²⁹ <http://wales.gov.uk/topics/planning/policy/ppw/?lang=en>

³⁰ http://www.nienviromentlink.org/cmsfiles/Towards-a-Land-Strategy-for-NI_2015-Main-Report.pdf

Implications of the Review of Public Administration (RPA) and Planning Reform

While the geography and climate of an area will determine its likely capacity to generate renewable energy, these elements however, have no regard to administrative boundaries such as local government districts. There will therefore be a need for local councils to use up to date and appropriate evidence and to work collaboratively in order to gather evidence on a sub-regional basis wherever possible (consistent with PPW, Section 12.9). In England for example, the Department of Energy and Climate Change (DECC) in 2010 funded nine regional energy capacity studies³¹ to help local authorities and local communities in England identify and maximise opportunities for the deployment of renewable and local carbon energy technologies in their areas.

If we are to meet our on-shore renewable targets in a truly sustainable way, there is an urgent need for similar strategic capacity assessments to be undertaken, particularly given the fact that we have now moved to a two-tier planning system under the Review of Public Administration, where the crossing of administrative boundaries by on-shore proposals could potentially be a greater issue for example, bird populations (and individuals) do not respect borders and as a consequence cumulative impacts are unlikely to either.

Strategic policy should require local authorities to work together to ensure that policies are put in place that deliver sustainable renewable energy in accordance with this evidence base. Collecting a robust evidence base of capacity must be done in conjunction with the collection of evidence for other key planning objectives, so as to enable a coordinated approach to spatial policies.

Need for Regional / Sub-regional Spatial Capacity Data

As noted above, in the absence of either an all Northern Ireland or sub-regional spatial capacity data, it is worth noting one of the five key actions which were identified in the DETI Draft Onshore Renewable Electricity Action Plan 2011 – 2020 (October 2011)³² as follows:

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

³¹ <https://www.gov.uk/government/news/decc-publishes-methodology-for-renewable-and-low-carbon-capacity-assessment>

³² <http://www.nigridenergysea.co.uk/wp-content/uploads/2011/10/Draft-OREAP-Oct-2011.pdf>

Such an approach is consistent with the findings of Birdlife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature – Summary Report³³. This report identifies *'eight areas where policy makers must help to enable a renewable revolution in harmony with nature, of which one is to "introduce strategic spatial planning for renewables...maps indicating where the most sensitive habitats and species are located are a valuable planning too; for identifying broad zones where renewable development is most appropriate'* (Section 3, Page 11).

With regards to the recommendations for national and EU policy makers within the main report³⁴, and Northern Ireland in particular, the following is recommended:

1. Support development of bird sensitivity maps and targeted habitat restoration for Northern Ireland; and,
2. Develop a spatial plan for all renewables on and offshore in Northern Ireland, and include spatial planning for renewables in Local Development Plans (Page27).

Need for Continued Investment

Continuing investment in research into the environmental impacts of renewable technologies will be critical, particularly to ensure that the cumulative impacts are monitored in order to know when the thresholds of impacts on species/habitats may be reached. Government must take a lead role in ensuring that post construction monitoring is carried out and critical research is delivered, thereby delivering a nationally coordinated and consistent approach which will assist the industry as a whole.

PPS18 - Best Practice Guidance

With regards to the narrative contained within Paragraph 1.3.7 of the PPS 18 Best Practice Guidance, and further to our comments made in respect of the draft SPPS consultation on the matter, the RSPB would reiterate that it does not agree that cows are necessarily a good indicator that wild animals are not affected by renewable energy development. There is, for example, good peer-reviewed scientific evidence³⁵ that wild birds can be disturbed by, and avoid, wind turbines. This reiterates our comments in respect of the same statement contained within the draft PPS 18 documentation.

³³ <http://www.birdlife.org/europe/pdfs/RenewableSummaryreportfinal.pdf>

³⁴ http://www.rspb.org.uk/Images/Renewable_energy_report_tcm9-297887.pdf

³⁵ Pearce-Higgins, J. W et al. (2009): The distribution of breeding birds around upland wind farms: Effects of wind farms on upland breeding birds. *Journal of Applied Ecology* 2009, 46, 1323-1331; Pearce-Higgins, J.W et al. (2012): Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. *Journal of Applied Ecology* 2012, 49, 386-394).

Furthermore the same paragraph goes on to state *'beyond designated sites and peatland habitats the impact of a wind farm on local nature conservation interests should be minimal'* and while this may generally be the case, this statement needs to be qualified that assessment of impacts on wildlife and habitats need to be undertaken to quantify the risk, for example wild bird collision, displacement and disturbance risks all need to be quantified.

Decommissioning and Reinstatement

Within this context, Paragraph 1.3.87 of the PPS 18 Best Practice Guidance states *'developers should demonstrate that funding to implement decommissioning will be available when required'*. The RSPB, however is of the opinion that this wording is not sufficiently strong, and as such would reiterate our previous comments made in respect of the Draft PPS18 and SPPS consultation responses. In this regard, we have suggested the following revised wording *'The planning authority should ensure that sufficient finances to support decommissioning activities are set aside by the developer until the decommissioning date, through a bond or similar. This is already done for offshore wind farm developers who have to prove that decommissioning will take place (e.g. financial guarantees). Conditions of consent outlining decommissioning requirements would allow this to be enforced onshore'*.

Reconciling National Priorities with Local Interests

Stakeholder Engagement

The RSPB believes that an integrated planning process which facilitates co-operation and joint-working between the various stakeholders is key to ensuring the successful delivery of sustainable renewable energy development in Northern Ireland. Wind turbines for example, can impact on the amenity value of local wildlife and features valued by local communities. Local support is essential for the successful roll out of onshore wind, and other low carbon renewable sources. The RSPB recommends early and proactive engagement with stakeholders as an important way of increasing public acceptability of such projects.

With specific regard to the current approach to deploying onshore wind energy, it is market-led in terms of technology choice and locations for new developments. As a consequence, the deployment of onshore wind in Northern Ireland has remained ad hoc and uncoordinated, and is determined by individual planning decisions. This has led to conflicts over individual developments that could otherwise have been avoided. As previously detailed, the RSPB recommends a more structured and spatially explicit approach to the planning and deployment of onshore wind, and other low carbon renewable technologies that distinguishes the potential areas where development should be prioritised or avoided. This approach not only offers clarity to developers, but it also supports the early engagement of stakeholders and creates a clear framework for debate between various

interests, without which discussions can be divisive and dominated by responses to individual planning applications. Gaining support from local communities at this stage can be valuable in reducing the scale of opposition to individual projects further down the line.

In this regard, the RSPB welcomes the recent community consultation requirements which have come about as a result of the recent reform in planning. For major or regionally significant development proposals, applicants must now submit a pre-application community consultation report together with their planning application which provides details of the local community consultation undertaken, and how comments received from the community have been responded to indicating whether any changes or mitigation measures have been included.

Community Benefits

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

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

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

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

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

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

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

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

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

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

DOE Planning and the Local Authorities must avoid situations where community benefit is seen to be used essentially as an enticement to secure planning permission. If a wind farm application, for example, is consented for sound planning reasons, the community should be eligible for any community benefits agreed, regardless of whether they supported the application or not.

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

Summary of Recommendations

1. A more structured, strategic and spatially explicit approach should be taken to the planning and deployment of renewable energy proposals avoiding our most important areas for wildlife (Natura 2000 sites, ASSIs etc - similar to the Strategic Search Areas in Planning Policy Wales).
2. Include spatial planning for renewables at the finer scale in local development plans.
3. Continuance of the precautionary approach used by regulators in decision-making when there is significant uncertainty as to the impacts of a wind energy proposal on sensitive bird populations.
4. Continued need for investment into the environmental impacts of renewable technologies, and Governmental role in ensuring delivery of post construction monitoring and critical research.
5. Reinforce the need for full and proper scoping at strategic planning SEA, EIA and project levels.
6. Need for consideration of cumulative effects on birds and other wildlife.
7. Need for regional and sub-regional strategic capacity assessments.
8. Need for sensitivity mapping to indicate where our most sensitive habitats and species are located.
9. Need for local councils to work collaboratively and use up to date evidence to gather evidence on a sub-regional basis.
10. All developers should ensure early and proactive engagement with stakeholders.
11. Determining authority to ensure developers set aside sufficient financial requirements to support decommission activities, this needs to be strengthened through a bond or similar.
12. A transparent and nationally-agreed protocol should be developed that sets out how and when discussions about community benefit should take place.
13. Community benefits should encompass biodiversity benefits – e.g. through habitat restoration or enhancement.
14. Development of a formula of £/MW/year specifically for biodiversity-related community benefit for on-shore wind.
15. Strategic consideration of community benefits required.
16. Need for the recommendations of the following publications to be incorporated into the SSPS review:
 - (i) 2013 Birdlife International Report 'Wind Farms and Birds: An updated analysis of the effects of wind farms on birds, and best practice guidance on integrated planning and impact assessment' for the Bern Convention
 - (ii) BirdLife Europe (2011) Meeting Europe's Renewable Energy Targets in Harmony with Nature
 - (iii) RSPB current major project examining how the transition to renewable energy across the UK can be achieved whilst limiting impacts on sensitive wildlife and habitats (due for publication Summer 2016)

- (iv) Positive Planning for Onshore Wind – expanding onshore wind energy capacity while conserving nature (Bowyer *et al* 2009)

For further information contact:

Michelle Hill MRTPI, Senior Conservation Officer (Planning)

RSPB Northern Ireland

Northern Ireland Headquarters

Belvoir Park Forest, Belfast, BT8 7QT

E-mail: michelle.hill@rspb.org.uk Telephone: 02890491547

Review of Strategic Planning Policy on Renewable Energy

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

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

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

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

Wind Energy

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

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

☐ Yes

☒ No

Comment

Introduction

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

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

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

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

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

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

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

Background

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

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

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

Need for a Strategic Spatial Approach

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

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

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

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

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

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

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

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

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

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

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

☒ Yes

☐ No

Comment

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

Wales

Spatial Approach

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

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

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

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

Scotland

Spatial Approach

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

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

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

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

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

Site Restoration and Decommissioning

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

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

Community Benefit

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

England

³ <http://www.project-gpwind.eu/>

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

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

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

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

☒ Yes

☐ No

Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☐ Yes

☒ No

Comment

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

☒ Yes

☐ No

Comment

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

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

☒ Yes

☐ No

Comment

Spatial Planning

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

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

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

Community Benefits

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

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

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

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

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

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

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

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

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

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

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

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

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

Cumulative Impact

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

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

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

Addressing Data Gaps

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

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

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

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

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

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

Continued Investment and Robust Enforcement of Post-Construction Monitoring Requirements

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

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

Resourcing and Access to Experts

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

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

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

Integrated Planning and Assessment

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

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

8 NA

Solar Energy

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

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



Yes



No

Comment

Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☒ Yes

☐ No

Comment

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

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

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

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

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

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

- ☒ Yes
- ☐ No

Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

☐ Yes

☐ No

Comment

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

13 NA

Energy from waste - Biomass

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

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

☐ Yes

☒ No

Comment

Need for a Strategic Spatial Approach

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)

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

(3)

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

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

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

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

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

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

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

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

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

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

☒ Yes

☐ No

Comment

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

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

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

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

☐ Yes

☐ No

Comment

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

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

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

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

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

17 NA

Energy from Waste - Anaerobic Digestion

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

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



Yes

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

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

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

 No

Comment

Need for a Strategic Spatial Approach

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

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

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

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

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

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

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

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

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

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

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

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

☐ Yes

☐ No

Comment

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

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

☐ Yes

☐ No

Comment

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

21 na

Hydropower

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

☐ Yes

☐ No

Comment

Need for a Strategic Spatial Approach

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

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

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

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

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

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

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

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

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

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

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

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

☐ Yes

☐ No

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

Comment

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

☐ Yes

☐ No

Comment

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

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

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

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

☐ Yes

☐ No

Comment

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

☐ Yes

☐ No

If so how should this be monitored?

27 na

Energy Storage

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

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

☒ Yes

☐ No

Comment

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

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

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

☐ Yes

☐ No

Comment

Need for a Strategic Spatial Approach

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☒ Yes

☐ No

Comment

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

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

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

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

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

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

General Questions

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

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

The regional strategic objectives for renewable energy are to:

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



Yes



No

Comment

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

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

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

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

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

☐ Yes

☒ No

Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

- ☒ Yes
- ☐ No

Comment

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

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

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

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

☐ Yes

☐ No

Comment

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

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

☐ Yes

☒ No

Comment

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

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

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

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

- ☐ Yes
- ☒ No

Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Strategic Guidance for Solar Energy Mitigation and Enhancement

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

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

Mitigation

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

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

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

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

Enhancement

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

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

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

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

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

- ☒ Yes
- ☐ No

Comment

A sustainable renewable energy system for people and wildlife

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

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

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

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

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

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

RSPB's 2050 Energy Vision

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

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

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

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

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

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

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

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

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

Additional guidance provided by RSPB is linked in question 10.

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

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

Strategic approach to Community Benefits

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

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

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

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

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

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

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

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

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

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

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

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

Cumulative Impact

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

Addressing Data Gaps

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

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

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

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

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

Continued Investment and Robust Enforcement of Post-Construction Monitoring Requirements

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

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

Resourcing and Access to Experts

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

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

Integrated Planning and Assessment

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

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

38. Thank you for contributing to the survey.

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

We would welcome your attendance.

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

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

A response from the RSPB, 06 May 2016

Introduction

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

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

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

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

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

Our response to the following question is outlined below:

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

Long Term Vision

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

Protection of Biodiversity

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

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

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

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

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

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

Development within Environmental Limits

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

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

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

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

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

Ecosystem Services

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

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

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

Useful sources of information include:

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

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

⁴ [Defra Ecosystem Services](#)

⁵ <http://www.teebweb.org/>

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

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

Health and Well-being

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

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

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

Reduce, Reuse and Recycle – Government Targets

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

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

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

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

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

A Land Strategy for Northern Ireland

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

For further information contact:

Michelle Hill MRTPI, Senior Conservation Officer (Planning)

RSPB Northern Ireland

Northern Ireland Headquarters

Belvoir Park Forest, Belfast, BT8 7QT

E-mail: michelle.hill@rspb.org.uk Telephone: 02890491547

⁹ Based on a need assessment

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



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

Consultation response by RSPB Northern Ireland

January 2014

1. Summary

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

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

2. General Comments

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

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

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

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

1.0 Introduction

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

2.0 Policy Context

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

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

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

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

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

3.0 Policy Objectives

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

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

4.0 Role of Development Plans

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

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

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

We support the catchment scale approach advocated in paragraph 4.5.

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

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

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

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

5.0 Development Management Considerations

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

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

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

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

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

6.0 Planning Policies

Policy FLD 1 Development in Floodplains

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

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

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

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

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

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

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

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

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

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

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

Policy FLD 2 Protection of Existing Flood Defences

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

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

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

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

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

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

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

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

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

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

Policy FLD 4 Artificial Modification of Watercourses

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

Policy FLD 5 Development in Proximity to Reservoirs

No comment.

ANNEXES

Annex A: Impacts of Climate Change

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

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

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

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

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

Annex B: Impact of Flooding on People and Property

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

Annex C: Sustainable Stormwater Management

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

Annex D: Assessing Flood Risk and Drainage Impact

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

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

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

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

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

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

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

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

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

Annex E: Flood Proofing – Resistance and Resilience

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

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

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

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

Annex F: Section 75 Equality of Opportunity Screening Analysis

No comment.

7.0 Conclusion

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

Michelle Hill (Senior Conservation Officer) and John Martin (Senior Conservation Officer)
RSPB Northern Ireland (02890 491547)
January 2014

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

Strategic Planning Policy Statement (SPPS) for Northern Ireland (Draft)

A response from The RSPB, 29 April 2014

Introduction

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

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

The RSPB welcomes the opportunity to comment on the draft SPPS for Northern Ireland.

Summary

While containing some positive environmental policies and a welcome intention to increase local participation in decision-making, these however are undermined by the inherent presumption in favour of sustainable economic development and an overriding emphasis on short-term economic growth. The document requires a more even-handed expression of environmental, social and

economic needs , which would be more effective in encouraging the system to deliver on integrated sustainable development objectives.

We have found that references to the environment are often timid in comparison to those used for the economy, particularly within the 'Economic Development, Industry and Commerce' Subject Planning Policy.

The RSPB considers that the draft SPPS in its current form is a missed opportunity to provide a spatial, and strategic policy framework. Such a framework is the optimum way to reconcile increasing population and associated development needs within its finite space and environmental capacity. The link between strategic planning and local planning is a tremendous opportunity, yet the draft SPPS does not provide a 'map' of how the environmental system works. It fails to depict how all the land uses ink up (biodiversity, transportation, infrastructure etc.) In this regard, the RSPB believes that the document is not sufficiently ambitious, it should give users of the planning system a direction of travel, a place where we want to get to in the future, a 'business as usual' land management strategy will not achieve this vision or direction.

Response to consultation questions

Below we respond to the specific consultation questions. Please note we have not answered all of the questions, where we have no comment, we have omitted the question altogether.

Question 1: The Purpose of Planning

The RSPB agrees that sustainability should be at the heart of decision-making, and that the draft SPPS has a critical role to play in delivering sustainable development through the planning system. Planning is an essential tool for managing the use of our natural resources and for minimising the impacts of development on the environment.

While we welcome the statement that planning authorities should simultaneously pursue economic, and social priorities alongside the careful management of our and natural environments for the overall benefit of both current and future generations (paragraph 1.1), paragraph 1.3 goes on to contradict the aforementioned text at paragraph 1.1. In this regard, the overriding emphasis on economic growth within paragraph 1.3 seriously undermines the purpose contained within the opening paragraph.

The RSPB does not object to increased levels of development, such as housing and low carbon energy infrastructure that the country needs. Development is not, however, inherently sustainable. It only becomes sustainable if it incorporates environmental and social consideration. Likewise economic growth alone does not constitute sustainable development. There is a clear distinction between economic growth and sustainable economic growth that it compatible with, and ideally enhances social and environmental objectives. It is vitally important that the draft SPPS does not conflate, nor substitute, sustainable development with economic growth.

Furthermore, we are concerned that paragraph 1.3 focuses only on providing protection to the things we cherish most about our built and natural environment. This sentence should be amended to include enhancement, consistent within the policy objectives of PPS 2 'Natural Heritage'.

Question 2: Core Planning Principles

In general terms, the RSPB broadly agrees with the core principles.

We welcome a planning system that is more open, more accountable and more inclusive and would recommend the inclusion of the document 'Planning naturally - Spatial planning with nature in mind: in the UK and beyond'¹ as a key document within this section. This document is structured around 12 principles of good spatial planning, and illustrates them with case studies from all four countries of the UK, as well as some international examples. It recognises that the principles are not the last word on planning, but they capture a broad range of issues that are critical for all effective planning systems.

The twelve principles of good spatial planning are:

1. Planning should be positive, setting out a clear vision for how areas should look and function in the long-term.
2. Spatial plans should integrate all the issues that affect the development and use of land within a specific territorial area, whether social, economic or environmental.
3. Plans should consider strategic issues that may affect a wider area than the individual plan, including functional ecological areas.
4. Plans should contribute to sustainable development by enhancing the natural environment and ensuring that social and economic development takes place within environmental limits.

¹ <http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx>

5. Plans and projects should be based on up-to-date and scientifically robust evidence, including evidence on the value of the natural environment.
6. Plans and projects should be rigorously assessed for their environmental impacts, and the results used to improve the plan.
7. Alternative options should be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public.
8. Public participation is essential. It should be both timely and inclusive of civil society, whether community groups or other stakeholders.
9. Decision-making must be transparent and made by a democratically accountable body or person.
10. Those adversely affected by a planning decision should have a fair opportunity to challenge it.
11. Public authorities should be given the legal powers and resources to enforce planning laws, especially where illegal development is resulting in environmental damage.
12. Plans should be monitored and reviewed regularly.

It is considered that the draft SPPS reflects these principles with varying degrees of success, with principles 1-4 being the weakest - justification in this conclusion will be addressed in answers to subsequent questions.

Question 3: Furthering Sustainable Development

Although not within the remit of the current consultation exercise, the RSPB does not fully understand why the NI Executive 's Sustainable Development Strategy was not able to fully endorse the guiding principles of the UK Sustainable Development Strategy² in the same way that the Coalition Government was able to in their publication *Mainstreaming Sustainable Development*³.

Notwithstanding, the inclusion of the NI Executive's six guiding principles are welcomed.

However, bullet points 4-6 underpin *living within environmental limits; and ensuring a strong, healthy just and equal society*. Achieving a sustainable economy; using sound science responsibly;

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69412/pb10589-securing-the-future-050307.pdf

³ *Mainstreaming Sustainable Development: The Government's vision and what this means in practice*, Defra 2011

promoting opportunity and innovation; and, promoting good governance are all means to an end. This 'hierarchy' is the way the guiding principles are approached in both the NI Executive's Sustainable Development Strategy and the UK Sustainable Development Strategy.

For the draft SPPS then to go on and discuss the three pillars of sustainable development is considered somewhat confusing.

These six guiding principles should be at the heart of the planning system and be seen as a golden thread running through both plan-making and decision-taking. Within this context, paragraphs 3.4 and 3.5 require to be amended to allow the six principles to be pursued in an integrated way, which can allow multiple goals to be delivered.

The RSPB firmly believes that planning, especially plan-making should seek to integrate these objectives rather than balancing, as this could potentially result in environmental trade-offs, particularly when viewed in the context of the economic emphasis detailed in the 'Purpose of Planning' section.

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

Question 4: Improving Health and Wellbeing

The RSPB welcomes this section, particularly in light of the evidence of health benefits of green spaces. While we welcome the recognition of the environmental benefits of green spaces as habitats for wildlife, there should also be a recognition of wellbeing through wildlife. In this regard, we would refer the Department to the following useful reports, and request that they be listed as key documents within this section:

- (i) Wellbeing through wildlife, RSPB⁴***
- (ii) Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012***

⁴ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

At paragraph 3.11 the draft SPPS states *'this infrastructure should be designed and managed as a multifunctional resource capable of delivering on a wide range of environmental and quality of life benefits for communities'*. In this context however there should be the recognition by the decision makers that sometimes particular functions will require precedence e.g. some species will require undisturbed habitat.

A further publication of relevance is UK National Ecosystem Assessment: Technical Report⁵, and in particular Chapter 23: Health Values from Ecosystems⁶. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic intervention (Hine et al. 2009; Haubenhofer et al. 2010); that planners and architects should improve access to greenspace (green design); and that children should be encouraged to spend more time engaging with nature and be given opportunities to learn in outdoor settings (green education). Some of the substantial mental health challenges facing society (Foresight 2008; HSE 2008), and physical challenges arising from modern diets and sedentary lifestyles (Wanless 2002; Wanless 2004; DH 2005a; Sport England 2006; Wells et al. 2007; NICE 2008; DH & DCSF 2009; NICE 2009), could be addressed by increasing physical activity in green settings. If children are encouraged and enabled to undertake more green exercise, then they are more likely to have active exposure to nature embedded in their lifestyle as adults and they will reap the associated health benefits'* (Paragraph 23.8, page 1173).

A key omission from the first two core planning principles is the reference to water quality. Similar consideration should be give to this topic as managing noise and improving air quality for example.

Question 5: Creating and Enhancing Shared Spaces

RSPB recommends that all opportunities to reconnect people with their natural surroundings should be promoted. Please refer to comments in respect of the health benefits of green spaces above.

Question 6: Delivering Spatial Planning

The RSPB welcomes the move towards a positive and more proactive approach to planning, though requests that further clarity is provided with regards to how the new community planning powers will assist in moving planning in this directions, as detailed at paragraph 3.31.

⁵ <http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82>

⁶ <http://www.cbd.int/financial/values/unitedkingdom-health.pdf>

Currently, decisions about land-use are made by different organisations and government departments, each with their own priorities and interests. To tackle cross-sectoral issues such as biodiversity loss and climate change, policies affecting land-use must be taken forward in a co-ordinated way. There is a need to join up the policies and investment decisions of government departments on land, sea, and air transport, energy, housing, employment, education, health, agriculture and food supply, protection and enhancement of natural resources, water management, energy generation and supply – which have spatial implications but which are dealt within in different departments. The Executive should consider developing those mechanisms in the context of its Sustainable Development Strategy – Everyone's involved. In this context we welcome the first bullet point of paragraph 3.30 which means planning should be *'broad-ranging and integrated with other programmes, plans, policies and projects that affect the development and use of land'*.

Question 7: Observing a Plan-Led System

The RSPB strongly supports a plan-led system. It underpins an intelligent, strategic planning system and is crucial to the delivery of sustainable development, public participation, and ultimately public faith in the planning system. The initial success of this system will be both dependant upon the Local Development Plans (LDPs) being in place as soon as possible following Reform and the quality of the plans.

Question 8: Supporting Good Design, Positive Place-Making, and Urban and Rural Stewardship

The written narrative at paragraph 3.36, and in particular the ten qualities of successful urban places should be accurately sourced to the 'Living Places: An Urban Stewardship and design Guide for Northern Ireland'. The RSPB welcomes these qualities especially the recognition of climate change through the responsible and hospitable qualities.

In addition at paragraph 3.38, we welcome the inclusion of guiding principles of good place making in the countryside, including the avoidance of development that impacts adversely upon natural ecosystems.

Question 9: Enhancing Stakeholder Engagement and Front-Loading

The RSPB welcomes the fact that Councils and the Department must each prepare a Statement of Community Involvement (SCI) in respect of their individual functions. In the absence of third party right of appeals, enhancing stakeholder engagement and front-loading will go some way in providing clarity and transparency for stakeholder and community involvement in the planning process.

Question 10: Enhancing Local Democratic Accountability

While we view enhancing local democratic accountability as a positive step, it will be necessary for Councillors to remain focused on the major/primary issues and not get caught up in lengthy debating over minor issues e.g. house extensions.

The Councillors Code of Conduct is a key document in Planning Reform and as such we would advocate that it is in place as soon as possible. Furthermore, given the absence of any planning decision making function within Councils for the past 40 years, there remains a significant amount of capacity building to be undertaken in order to fully maximise the potential of this approach.

Question 11: Decision-taking Principles and Practices**LDPs**

The draft SPPS does not identify strategic priorities for LDPS nor does it set out detail on using a proportionate robust evidence base by which the local planning authorities can have a clear understanding of the needs and requirements in their area.

A section should also be included within the Local Development Plans section on environmental assessment.

Paragraph 4.3 should also include a reference to the addition of environmental designations.

On transparency (paragraph 4.15), we welcome public and stakeholder participation at the start of the plan-making process.

We would recommend that the key issues contained within the 'Preferred Options Paper' should include other issues such as:

- Provision of health, security, community and green infrastructure, and local facilities; and,
- Climate change mitigation and adaptation, protection and enhancement of the natural and built environment including biodiversity and landscape, and where relevant coastal management.

With regards to soundness, it would be extremely beneficial if the draft SPPS were to detail what the soundness tests comprise (similar to the way such tests are contained within the NPPF). Currently, the draft SPPS only states *'the Independent Examination will include soundness tests to ensure....'*

Development Management

Once again there is an imbalance in the language used for the economy, society and the environment in paragraph 5.1. *'central purpose of growing a dynamic, innovative economy alongside efforts to improve our society, and protect and enhance our environment'*. A more even-handed expression of environmental, social and economic needs is required to address the more timid language used in references to the environment and society.

With regards to development hierarchy, and while the RSPB welcomes a fairer, faster and more transparent planning system, speedier planning decisions should not be at the expense of quality decisions. Any risk to investment decisions, should be viewed in the context that the planning application must be fully and competently assessed with regards to all other risks, including environmental.

Paragraph 5.9 should be clarified so as to reflect the contents of paragraph 5.7. In this regard, major development should be qualified as that not deemed to be regionally significant.

The RSPB welcomes the statutory requirements for pre-application community consultation for all major (including regionally significant) development proposals and the power of Councils to decline to determine applications which have not fully met the statutory requirement for pre-application community consultation.

Planning Enforcement

At paragraph 5.15, the RSPB considers that effective enforcement is **essential** to ensure the credibility and integrity of the planning system is not undermined.

Call-in

At paragraph 5.20 we would question the statement that call-ins *'will be used sparingly'* given that applications for determination will either have sub regional/regional impacts, or they will not. If they do, such applications will then be subject to a call-in, to use the term sparingly suggests that there could be another filter which has not been referred to in the narrative.

Developer Contributions and Community Benefits

At paragraph 5.32 we suggest that additional text should be inserted to reference that 'communities should be eligible for any community benefit agreed regardless of whether they supported the

application or not'. Furthermore, such benefits need to be tangible community benefits and not 'greenwash' or superficial unsustainable community projects.

STRATEGIC PLANNING POLICIES

Question 13: Coastal Development

It is recommended that aim of the draft SPPS in relation to coastal development be amended to protect all the coast from inappropriate development, regardless of whether it has been developed or not.

Coastal areas support some of our most spectacular wildlife in Northern Ireland, including many of our internationally important wildlife sites, with many of these habitats relying on complex biological relationships between marine and terrestrial habitats. Marine resources are also set to play an increasing role in delivering a sustainable, low-carbon economy. This should be addressed within this subject planning policy.

Integrated coastal zone management (ICZM) is therefore crucial in enabling a joined up approach to the management of the many different interests in coastal areas, both terrestrial and marine. The draft SPPS should include such provision.

Question 15: Development in the Countryside

While the RSPB welcomes the recognition of ecosystem services in the countryside, we are concerned about the adoption of a positive approach to new development in the countryside in the absence of the precautionary principle. The adoption of a positive approach to new development in the countryside could undermine the plan-led system, and the ability of local authorities to determine applications in accordance with the development plan and all other material considerations (Article 6.3 of the Planning Act (Northern Ireland) 2011). It is difficult to reconcile a plan-making process that has gone through a Strategic Environmental Assessment (SEA), before allocating sites strategically and often sequentially to ensure sustainable patterns of development - with the positive approach as it is currently worded.

At paragraph 6.63 we are similarly concerned that there is a premature presumption in its wording. In this regard, we recommend that it is amended to include the wording 'where appropriate' (as

contained within paragraph 6.61) as not all Dispersed Rural Communities (DRCs) will have the capacity to include everyone of the listed development activities.

In addition, we recommend that paragraph 6.64 makes reference to the consideration of cumulative impact.

Question 16: Economic Development, Industry and Commerce

It is unclear where the environment sits within this subject planning policy, particularly with regards to all of the ecosystem services upon which the economy relies. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within this subject policy. Paragraph 6.71 in discussing the environment fails to recognise ecosystem services.

Furthermore, we are concerned with the emphasis placed in the second policy objective for economic development to ensure '*a **generous** supply of land suitable for economic development*' (our emphasis).

In this regard, paragraph 3.3 of the draft SPPS recognises development must be within environmental limits. As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

Furthermore, within this subject policy as a whole, inconsistent language is used with regards to the supply of land suitable for economic development. The language as currently used is not considered to be interchangeable. In this regard, '*ample*', '*generous*' and '*sufficient*' have all been used. As a consequence, there needs to be a consistency exercise carried out in the use of the language, in accordance with the comments detailed in the paragraph above.

Within this section there appears to be an inherent tension between public good and private interests, as stated in paragraph 1.2 of the draft SPPS, the planning system operates in the public good, this must be addressed in any subsequent revision.

With regards to decision-taking, and in particular paragraph 6.78, it is recommended that the reference to the adoption of a generally positive approach in determining applications should be removed. The inclusion of this 'presumption' is an unnecessary repetition (which is already stated within The Purpose of Planning section) and implies a weakening of the force of environmental policies. In addition, a plan-led system must be predicated on the ability of planning authorities, *where necessary*, to refuse development that sits outside that which is planned for, where it would not constitute sustainable development.

A similar 'presumption' is found at paragraph 6.82, which should be amended accordingly. In addition, the final sentence of this paragraph requires stronger links with the contents of paragraph 6.83 in order to ensure that both paragraphs are read together, so as to avoid any misinterpretation.

Question 17: Flood Risk

For comments in response to this question, please refer to our consultation response submitted to the Department in response to the draft Revised PPS15 earlier this year (January 2014). (A further copy of same can be made available upon request).

Planning has a crucial role to play in delivering climate change mitigation and adaptation. This includes factors such as heat stress and potential for increased flooding. This should be explicitly recognised at paragraph 6.87, alongside the need for a robust evidence base to inform relevant policies. To state '*there remains much uncertainty as to the degree of climate change that will occur and the implications for particular areas of Northern Ireland*' is somewhat of a weak excuse and needs to be replaced by a statement encompassing likely predications based on the best available data at this time.

While we welcome the comments at paragraph 6.93 with regards to the opportunity presented by the preparation of a LDP for engagement with other relevant government departments and agencies, it however fails to recognise the need for a joined up approach between council areas when there are potential and recognised implications beyond plan areas. Such a requirement for council areas in such circumstances requires be added to this subject policy.

The use of the word '*should*' within paragraphs 6.96 and 6.102 needs to be replaced by 'must' or 'will' to remain true to PPS 15. The use of the word 'should' represents a weakening of the requirements set out in this paragraph. The use of the word 'should' could be interpreted as a

suggestion, whereas, the use of the word 'will' is a firm commitment. In this context, the RSPB recommends that 'should' be replaced by 'will' in this paragraph to be consistent with the tenor of PPS 15.

We would reiterate our PPS 15 consultation response comments in respect of paragraph 6.104 in that there should be no land raising within coastal flood plains, consistent with the restriction in fluvial flood plains.

We would also recommend that Figure 1 is amended as follows (additional text underlined) - this additional text is consistent with PPS 15, and necessary to retain the integrity of its policies:

Defended Areas

'Previously developed land protected by minimum standard flood defences'

Undefended Areas

'replacement of an existing building - proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be permissible.

Question 18: Housing in Settlements

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

It is therefore crucially important that the planning system ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environment with more housing than is actually needed. In this regard, housing allocations should therefore be based on a robust evidence base.

While we welcome the sequential approach applied to the identification of suitable sites with the use of previously developed land, we recommend that the priorities of Brownfield land, wherever possible, should be further explicitly stated within the subject planning policy, as it plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration. A requirement should be added to the policy which requires local authorities to deliver as much housing as possible on Brownfield land.

However, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the Statement, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and excludes minerals workings and landfill or soil dredging and landfill.

Question 19: Minerals

This subject policy needs to be set in the context which ensures that levels of extraction do not exceed environmental limits, or serve to undermine the environmental integrity of wider ecosystems.

Furthermore, we recommend that the final sentence of paragraph 6.132 is amended to replace the word '*effectively*' with 'sustainably'.

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration. RSPB research has shown that focusing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets. It is important that the draft SPPS recognises this potential and we therefore recommend that paragraph 6.137 be amended to include the following narrative with regards to the final bullet point which seeks to 'secure sites are restored to a high quality, seeking to achieve other objectives such as the enhancement of biodiversity wherever possible'.

With regards to Local Development Plans we recommend that the first bullet point be amended to include reference to sustainable local supplies which include the use of recycled materials. The future needs over the plan period requires to set in a robust evidential context and not just on '*likely future development needs*' if we are to sustainably use such finite resources.

There is no reference to peat extraction within this strategic policy. In the circumstances we recommend the inclusion of the following bullet point 'not grant planning permission for peat extraction from new or extended sites , or renew extant permissions'.

Lowland raised bogs are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

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

Question 20: Natural Heritage

With regard to Local Development Plans, paragraph 6.151 of the draft document states *'where appropriate, policies should also be brought forward for their protection and / or enhancement'*. This should not be an 'and/or' situation as both can occur together. PPS 2 'Natural Heritage' at paragraph 4.3 states *'local designations arising from the plan should be identified and policies brought forward for their protections and, where possible their enhancement'*. Paragraph 6.151 of the draft SPPS should therefore be amended to remove the and / or scenario, and replicate the text contained within paragraph 4.3 of PPS 2.

It is also recommended that paragraph 4.8 of PPS 2 regarding other considerations be added to the Local Development Plans section within the draft SPPS to ensure that full account is given to natural heritage objectives contained within other legislation, policies, strategies and guidance.

We welcome the reference to the promotion of the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

In this regard, a useful reference document is 'The *Making Space for Nature*' report (the 'Lawton review') sets out a practical vision for addressing the fragmentation of our natural environment by restoring ecological networks across the country, based on five components:

1. Get sites into favourable condition
2. Increase the size of protected sites
3. Create new sites
4. Improve the connectivity between sites
5. Manage the wider countryside more sympathetically to reduce pressures on sites.

The exact 'mix' of actions required will vary from place to place, and decisions are often best taken at a larger-than-local ecosystems-scale', through close co-operation between local authority and a range of other partners (i.e. statutory bodies, NGOs, communities, land owners and businesses).

The statement contained within paragraph 6.155 is considered to be somewhat bold and inconsistent with the precautionary principle. While it is accepted that adverse impacts can, on occasion, be minimised through careful planning and design, such mitigation may not be sufficient or appropriate to render the proposal acceptable. Within this context, there is an inherent presumption in favour of development within this paragraph, which suggests that careful planning and design will allow any development to proceed even where there is adverse impacts. This is not the case and each case will need to be assessed on its individual merits. This paragraph requires to be amended to remove the inherent presumption.

At paragraph 6.172 there is a weakening of the force of the policy when compared with PPS 2. In this regard, at paragraph 6.172 '*planning permission should only be granted*' (our emphasis), whereas the comparative policy statement in PPS2 at Policy NH5 states '*planning permission will only be granted*' (our emphasis).

The use of the word 'should' could be interpreted as a suggestion, whereas, the use of the word 'will' is a firm commitment. In this context, the RSPB recommends that 'should' be replaced by 'will' in this paragraph to be consistent with the tenor of PPS 2. Similar comments apply at paragraph 6.175.

It is recommended that a reference link is included at paragraph 6.172 to state where the terms priority habitats and priority species is found (as per the existing PPS 2).

Question 21: Open Space Sport and Recreation

The RSPB recognises the crucial role that green and blue infrastructure can play in supporting healthy communities, supporting wildlife and mitigating the effects and causes of climate change.

Please refer to the RSPB's publication 'Wellbeing through Wildlife'⁷, and our comments at Question 4 above for further details.

Question 22: Renewable Energy

Climate change is one of the most pressing challenges facing our society. The need to mitigate against climate change must be one of the crucial areas that local plans should cover. Doing so will require the identification of suitable sites for the delivery of renewable energy based on a robust evidence base. This must be reflected in paragraph 6.194 and wording will require the identification of sites for the deployment of renewable energy infrastructure added - a spatial element to the strategic approach is also necessary.

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

Paragraph 6.194 requires to be amended to include a reference to that fact that renewable energy development must not result in an unacceptable adverse impact on the factors listed, consistent with Policy RE 1 contained within PPS 18.

Furthermore paragraph 6.199 should be amended to include reference to the restoration of the site to '*generally to a condition as close as possible to its original state as appropriate to its condition*' consistent with paragraph 4.16 of PPS 18.

Question 24: Tourism

Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to their local economies.

⁷ http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

Paragraph 6.217 includes a general presumption in favour of tourism development within settlements. The inclusion of this 'presumption' is an unnecessary repetition (which is already stated within The Purpose of Planning section) and implies a weakening of the force of other policies e.g. environmental. Furthermore, a plan-led system must be predicated on the ability of planning authorities, *where necessary*, to refuse development that sits outside that which is planned for, where it would not constitute sustainable development.

Within the countryside, a similar presumption is also contained within paragraph 6.218.

Furthermore, no regard is had to the environment or the ecosystem services it provides. Tourism in rural areas will often be related to the enjoyment of the natural environment, and this is something we strongly advocate. However, human activity, can in some instances, have a negative impact on biodiversity. In this regard a line should be added to this paragraph which clearly states that proposals should not have an adverse impact on biodiversity. In addition, the final sentence of this paragraph is somewhat open ended and requires some form of qualification of the circumstances and scale of development which may be appropriate.

Question 32: Transportation

The transportation of people and goods has a crucial role to play in fostering economic prosperity and social integration. However, it also accounts for 21% of the total greenhouse gas emissions for the UK, with cars alone accounting for 12%⁸. Planning can make a significant contribution to reducing these emissions through decision-making on the location, scale, mix and character of development. In particular, new development should be located so as to enable and support the use of public transport provision and reduce dependence on the private motor vehicle.

However this current strategic policy fails to require local authorities to include the necessary policies to achieve the above goals. Reducing carbon emissions is not a matter of practicability, it is a necessity. In this context we would recommend the inclusion of the following additional objective (paragraph 6.240) to provide a far stronger steer to local authorities:

- Support radial reductions in greenhouse gas emissions

⁸ Greenhouse gas emissions by Transport Mode, Department for Transport 2008

Furthermore, we are concerned that within paragraph 6.239, the aims of this draft SPPS (with regards to transportation) fails to acknowledge its requirement to deliver sustainable development. This should be added to the aims within this paragraph.

The RSPB appreciates the difficulty of reconciling the need for some development in rural areas with an ability to serve that development with good public transport provision. However, any development that is likely to generate 'significant movement' and that cannot be served adequately by public transport provision should be refused. The wider implications of climate change dictate that local development cannot be allowed where it compromises the objective of minimising carbon emissions associated with new development. The first bullet point of paragraph 6.240 should therefore be amended accordingly.

Question 34: Implementation and Transitional Arrangements

Until such time as local authorities have their own local plans in place, the RSPB strongly recommends that the current Planning Policy Statements remain as material considerations. As a result of having a unitary planning system, our Planning Policy Statements (PPSs) contain more than strategic policy, to therefore remove the effect of the PPSs before the new local development plans have been adopted, and rely solely on the draft SPPS could lead to a policy vacuum.

Furthermore, paragraph 7.8 states that detailed Departmental Guidance is currently being considered as a separate exercise. The RSPB recommends that such guidance is brought forward as soon as possible in order to provide guidance and clarity for all users of the planning system.

At paragraph 7.5, the RSPB requests that the sentence be strengthened to state that 'Department will undertake a fundamental review of the SPPS within 5 years', as an 'intention' is not considered sufficiently strong.

Q 35: Other SPPS Comments

Please see introduction and summary text for further comments.

Q 36: Interactive Digital Engagement

The RSPB believes that while the provision of a digital consultation has been partly successful, there are a number of issues with the consultation response setup which we believe to be problematic:

- The availability of text formatting within each of the response boxes is extremely basic and does not allow for highlighting or underling text for example. The availability of such formatting is critical in presenting responses in order to make them easy to read and coherent.
- There is no provision for footnotes or references within the consultation response text boxes - to have to resort to including such references within the main body of the response is disruptive to the flow of the response.
- The 'yes or no tick' boxes to the questions is somewhat basic, and on occasion neither response was directly applicable, an 'in between / in part' option would have been useful.
- Once the yes or no box has been highlighted there is no opportunity to de-select both options, it has to be either a yes or a no- yet neither may be the most appropriate (see comments above).
- Comments should be invited even where support for the policy is registered (we did this anyway, even though the text just invited responses where there was no agreement/support).
- Uploading of consultation responses was rather straight forward, albeit cumbersome having to respond on an question by question basis - though it is appreciated that such a format allows for easier processing by the Department on a question by question basis.
- No opportunity to include introductory or summary text - though we included this in our response to Q 35.

For further information contact:

Michelle Hill MRTPI
Senior Conservation Officer (Planning)
RSPB Northern Ireland

E-mail: michelle.hill@rspb.org.uk

Telephone: 028 9049 1547