

## Draft Plan Strategy Focused Changes - SSE Renewables

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To: Development Plan <developmentplan@fermanaghomagham.com>

📎 2 attachments (717 KB)

FODC Comments on Proposed Changes - SSE.pdf; FODC Proposed Changes CL SSE Renewables.pdf;

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Dear Sir/Madam

On behalf of our client SSE Renewables please find enclosed our representations to the proposed changes to the draft Plan Strategy.

We would be grateful if you could acknowledge receipt by return of email.

Kind regards

[REDACTED]

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# Fermanagh & Omagh District Council – Draft Plan Strategy

## Comments on the Proposed Changes on Behalf of SSE Renewables

December 2020

### 1. Introduction

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

### 2. Comments

2. This section outlines our comments to the Proposed Changes of the draft Plan Strategy. This response should be read alongside representations made in response to the draft Plan Strategy (ref. DPS252) and the subsequent counter-representations (ref. CRSP5005).

Policy	Comments made to dPS	Proposed Change Ref	Proposed Change	Comment to Proposed Change
SP01 Furthering Sustainable Development	No comment made.	5	<p>Amend policy wording to comply with the demonstrable harms test in the SPPS.</p> <p>The Council will permit development proposals which further sustainable development and promote measures to mitigate and adapt to climate change, and which <i>have regard to</i> the Local Development Plan and other material considerations, <u>unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases, planning permission should be refused.</u></p>	<p>It is unclear from the proposed wording what an interest of acknowledged importance is as it is not defined within the proposed policy or supporting text. Unless the interest is defined applicants will be unable to demonstrate that no demonstrable harm will be caused. <b>This lack of clarity is in conflict with soundness test CE1.</b></p> <p>It is our view that any such interest would fall within the definition of a 'material consideration' and therefore would be adequately covered by the original proposed wording which was sound in its own right. No evidence has been provided by the Council to suggest that this additional wording is needed to make the policy sound. The proposed additional wording is not necessary to make the policy sound and <b>therefore fails against soundness test CE1 &amp; CE2.</b></p>
DE01 Amenity	No comment made.	14	<p>Amendment to re-word the opening sentence in relation to amenity, public safety and the public interest:</p> <p>The Council will not support development proposals where they would unacceptably affect: (1) the amenities of the area or the residential amenity of nearby <u>properties or sensitive receptors; and (2) the existing use of land and buildings, public safety (including road safety) and visual amenity ought to be protected in the public interest. These include:</u></p> <ul style="list-style-type: none"> <li>(i) overlooking and/or loss of privacy;</li> <li>(ii) dominance or overshadowing;</li> <li>(iii) odour, noise vibration or other forms of disturbance;</li> </ul>	<p>We note that the policy is to be amended to refer to sensitive receptors, however neither the policy nor supporting text for draft Policy DE01 gives a definition for a sensitive receptor. In order for the potential effects of development to be assessed such receptors should be identified. It is noted that the supporting text to draft Policy RE01 includes a definition for sensitive receptors relating to the development of wind energy proposals. It is unclear if this is the same definition. <b>Without further definition the draft policy fails against soundness test CE1.</b></p>

		<p>(iv) forms of pollution; and (v) general disturbance.'</p>	<p>The Council is proposing to introduce a test on the impact of development on the existing use of land and buildings. This wording is unclear as it does not take account of buildings or lands where the use has been abandoned. As such the policy fails against soundness test CE1.</p>
<p><b>TOU1</b> <b>Tourism Assets</b></p>	<p>The full response is available at Paragraphs 6.1 to 6.11 of representation DPS252.</p> <p>To summarise, the Council is seeking to introduce a policy to protect tourism assets within the district however the tourism assets to which this policy will relate have not been identified. Furthermore, the proposed wording does not align with existing regional policy within the SPPS.</p> <p>As such SSE consider that the draft policy fails to meet soundness tests C3, CE2 and CE3.</p>	<p>The overall quality or value of number of smaller parts of a tourism asset is more valuable than the sum parts. Policy re-worded to reaffirm the policy intent of protecting tourism assets and strengthening the test of justifying the loss of a tourism amenity.</p> <p>A Tourism Assets</p> <p>The Council will not permit any form of development that would, in itself or in combination with existing or approved development, have an adverse impact on the intrinsic character or quality of a tourism asset or any part thereof, or diminish its tourism value, or part thereof.</p> <p>B Tourism Development</p> <p>The Council will only permit the loss of any tourism amenity, or any development intrinsically linked to tourism where it has been demonstrated that there is a sufficient supply of amenities within the area to satisfy demand and/or the facility has been marketed and proven to be no longer viable.</p>	<p>The Council is seeking to tighten the draft Policy to include any part of a tourism asset. It is our view that this approach is unsound as it is only possible to assess the impact of development on a particular tourism asset which has been defined. The SPPS defines a tourism asset as "any feature associated with the built or natural environment which is of intrinsic interest to tourists." The SPPS goes on to say:</p> <p><i>"There are many diverse features of the built and natural heritage of Northern Ireland that can be regarded as tourism assets, in that they are important in attracting tourists and sustaining the tourism industry. Examples include historical and archaeological sites, certain beaches, conservation areas and Areas of Outstanding Natural Beauty. The safeguarding of tourism assets from unnecessary, inappropriate or excessive development is a vital element in the maintaining a healthy tourism industry. To allow such development could damage the intrinsic character and quality of the asset and diminish its effectiveness in attracting tourists. Accordingly, planning permission should not be granted for development that would, in itself, or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset, such as to significantly compromise its tourism value."</i> (Paragraph 6.262)</p> <p>The SPPS is clear that the tourism asset should be considered as whole. It does not refer to part of a tourism asset being assessed when considering the impact on tourism. As such the proposed tightening of the policy is in conflict with soundness test C3</p> <p>Furthermore, no justification is provided for the tightening of the policy wording and therefore it also fails against soundness test CE2.</p>
<p><b>L01</b> <b>Development within the Sperrin AONB</b></p>	<p>The full response is available at Paragraphs 5.1 to 5.11 of representation DPS252.</p> <p>In summary, SSE considers that the wording of Draft Policy L01 is unsound as it is based on flawed evidence and is contrary to the provisions of the SPPS.</p> <p>SSE considers that the proposed policy fails soundness test CE2 and CE3</p>	<p>Amendments to policy to more closely reflect the requirements of the SPPS and to provide detail of what is considered to be the distinctiveness of the AONB and specifying the requirement for a LVIA.</p> <p>'Development proposals which adversely affect or work to erode the distinctive special character including landscape character, visual amenity, natural, historic or cultural heritage of the Sperrin AONB, its views or setting, when considered individually or cumulatively alongside existing or approved development, will not be permitted.</p> <p>Account must be taken of the Landscape Character Assessments and any other relevant guidance including an AONB Management Plan</p>	<p>It is unclear from the revised draft policy wording or supporting text what is meant by 'its views' in reference to the adverse effects of development. Does this refer to viewpoints within the AONB, views within the AONB or views of the AONB. This is lack of clarity means that it is unclear how the policy will be implemented.</p> <p>In relation to the requirement to take account of the Landscape Character Assessments and other relevant guidance including an AONB Management Plan, these documents should be up to date.</p> <p>As such the draft policy fails against soundness test CE1 and CE3.</p>

and local design guides.

Development proposals must be accompanied by a Landscape Visual Impact Assessment.

**L02** 101  
**Special Countryside Area**  
The full response is available at Paragraphs 5.12 to 5.21 of representations DPS252.  
In summary SSE consider that the extent of the SCAs proposed under Draft Policy L02 are founded on flawed evidence. For this reason SSE consider that the policy fails to meet soundness test CE2. SSE recommends that the Council review their evidence base and revise the SCA proposals accordingly.

The revised draft policy wording is incoherent. The first part of the policy states that some development may be permitted where it does not threaten the landscape character of the SCA. The first bullet then reads that development can occur where detrimental impact on unique qualities is outweighed by regional or national importance. It is not possible to meet both these requirements of the draft policy a whole.  
**As such the draft policy fails against soundness test CE1 and CE2.**

We would propose that the draft policy is revised to read:  
*Within Special Countryside Areas, planning permission will not be granted for development proposals unless they do not threaten the landscape character and unique amenity value of the area or, where the proposal is:*

- *Of such national or regional importance, as to outweigh any potential detrimental impact on the unique qualities of the upland, outstanding vistas, or island environment; or*
- *For minor works or improvements to infrastructure such as walking and cycle-ways, fishing and canoe stands; or*
- *Providing tourism accommodation or facilities through the re-use of existing vernacular buildings whilst being sympathetic to the landscape and nature conservation interests.*

*Development proposals must be accompanied by a Landscape Visual Impact Assessment.*

*Of such national or regional importance, as to outweigh any potential detrimental impact on the unique qualities of the upland, outstanding vistas, or island environment; or*  
~~*For the consolidation of existing development, providing it is in character and scale, does not threaten the visual amenity, nature conservation interest or historic environment interests and can be appropriately integrated with the landscape character or*~~

- *Minor works or improvements to infrastructure such as walking and cycle-ways, fishing and canoe stands; or*
- *Providing tourism accommodation or facilities through the re-use of existing vernacular buildings whilst being sympathetic to the landscape and nature conservation interests.*

Development proposals must be accompanied by a Landscape Visual Impact Assessment.

**RE01** 116  
**Renewable and Low Carbon Energy Generation**  
The full response is available at Paragraphs 4.1 to 4.15 of representations DPS252.  
In summary SSE consider that the Council's proposal to heavily restrict the development of wind energy development within the AONB is not endorsed within the SPPS. Furthermore the Council's evidence is flawed in its methodology and does not align with the draft policy set out in the Draft Plan Strategy. The Council has failed to consider the operational implications of the proposed policy and how it corresponds with other proposed policies within the dPS.  
For these reasons SSE consider that Draft Policy RE1 fails soundness tests CE3, CE1, C3, CE4 and CE2

We note that criterion n) of the draft Policy has been revised to reference 'property' rather than 'dwelling'. The draft policy clearly sets out that approved, unoccupied and occupied properties will be considered. This approach is unsound as it conflict with Paragraph 6.226 which requires that only occupied properties are considered.

Whilst not yet adopted policy, the Department for Economy has recently announced a target of not less than 70% renewable electricity by 2030 and Net Zero by 2050. It is likely that the Energy Strategy will be in place if not before the adoption of the plan, then surely during its 15 year timeframe. That being the case, policies drafted to overly restrict the ability to deliver renewable development will be in conflict with government policy.

**As such the policy fails against soundness test C3.**

Amendments to more closely reflect the regional strategic policy within the SPPS with additional criteria relating to decommissioning and restoration and fall distance from public road and to remove reference to large scale solar installations.  
*The Council will permit proposals for the generation of energy from renewable or low carbon sources and any associated buildings and infrastructure, where it can be demonstrated that there will be no unacceptable adverse impact upon:*  
*a) public safety, human health, or residential amenity;*  
*b) visual amenity and landscape character;*  
*c) biodiversity, nature conservation or built heritage interests*  
*d) local natural resources, such as air quality or water quality and quantity;*  
*e) the safety of public footpaths, highways;*

- f) aviation interests, broadcasting installations and all other telecommunications.
- g) public access to the countryside and/or recreational/tourist use of the area;
- h) flood risk;
- i) any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest ~~active peatland~~; And
- j) they do not create unacceptable cumulative impacts when viewed in conjunction with other operational and approved, and those which area currently the subject of valid but undetermined applications for renewable and low carbon energy generation developments.

#### Wind Energy Proposals

- In addition to criteria (a) - (j) above, all proposals for wind energy development including single turbines and wind farms, extensions and repowering will be required to comply with the ~~guidance set out in the Fermanagh and Omagh Landscape Wind Energy Strategy~~ (Appendix 7) and demonstrate that:
- k) they do not result in unacceptable impacts on nearby residential properties and/or any sensitive receptors in terms of noise, visual dominance, shadow flicker, ice throw or reflective light;
- l) the development will not create a significant risk of landslide or bog burst;
- m) the proposed entrance is adequate for both the construction and operation phase of the development along with the local access road network to facilitate construction of the proposal and transportation of large machinery and turbine parts to site;
- n) a separation distance of 10 times rotor diameter to an occupied, temporarily unoccupied or approved ~~dwelling~~ property can be achieved, with ~~a~~ minimum distance not less than 500m will generally apply to wind farms with single turbine proposals assessed on a case by case basis; and
- o) the above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored ~~to an agreed standard appropriate to its location as per the agreed Decommissioning and final Restoration Plan which should include details of the final restoration scheme and proposed future land use.~~
- The Plan should include the following.
- timescales for completion of individual phases of restoration where a progressive scheme is proposed;
  - aftercare arrangements once restoration is complete.
- p) All wind turbines should be set back at least fall distance plus 10% from the edge of any public road or public right of way.
- ~~Large Scale~~ Ground Mounted Solar PV installations
- Ground mounted solar PV installations i.e. solar farms will not be permitted within the Sperrin AONB, Special Countryside Areas (SCAs)

and Areas of High Scenic Value (AoHSV).

Outside the Sperrin AONB, Special Countryside Areas (SCAs) and Areas of High Scenic Value (AoHSV), we will support proposals for large scale solar farms which meet criteria (a) – (j) above and the following criteria;

g) they do not result in unacceptable impacts on nearby residential properties and/or any sensitive receptors.

h) The proposed entrance is adequate for both the construction and operation phase of the development along with the local access road network to facilitate construction of the proposal and transportation of machinery and part to the site.

Contact  
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3 December 2020

S5EB3010



3 December 2020  
Delivered by email

Local Development Plan  
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Ref: SSEB3010

Dear Sir/Madam

## **FERMANAGH & OMAGH DISTRICT COUNCIL DRAFT PLAN STRATEGY FOCUSED CHANGES CONSULTATION.**

On behalf of our client SSE Renewables please find enclosed a representation in response to the Focused Changes proposed for the draft Plan Strategy. We would also confirm that these comments should be read alongside submission made in response to the previous consultation on the draft Plan Strategy (dPS), dated January 2020. The points raised in Representation ref: DPS252 and CRSPS005 remain valid for this consultation. A full copy of our original submissions are appended for consideration.

In addition to the submissions made in within the enclosed submissions we would also like to draw the Council's attention to events which have occurred following the closure of the original consultation period in January 2020. As the Council will be aware the Department for Economy (DfE) has now commenced the preparation of a new strategy to decarbonise the energy sector in Northern Ireland. The first step in the preparation of the Energy Strategy was completed in April 2020, after the consultation on this dPS concluded.

The 2010 Strategic Energy Framework (SEF) set a framework for energy in Northern Ireland up to 2020 including a target that 40% of energy would be provided from renewable sources. The new Energy Strategy will set the target for renewable energy for the next ten years, up to 2030. In order to set a target for that period, studies have been commissioned to review the future energy demand in Northern Ireland and to model scenarios for renewable energy targets. The DfE's starting point was to consider three options for a renewable electricity target – one the same as Ireland and Wales (70%), one below (60%) and one above (80%). Whilst the final figure is not yet published, it is worth noting the announcement by the Minister for the Economy, Diane Dodds, in September 2020. In her announcement the Minister set out that:

*"whilst work is ongoing to gather the evidence needed to set a new target for Northern Ireland, I firmly believe that this target should not be below 70% by 2030."*

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

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

Alongside the July Bulletin the DfE also published a report by Cornwall Insight titled 'Future of Renewables in Northern Ireland'. This report suggests that existing renewable energy assets will start to come to the end of their life in approximately 2030, reducing the capacity of renewable energy in Northern Ireland. The report also highlights that in order to achieve our 2030 target it will be necessary to repower existing assets and secure new energy developments. In considering the planning context the report sets out that:

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

It goes on to say that:

*"In all scenarios onshore wind continues to be a dominant form of renewable energy in NI to 2030."*<sup>2</sup>

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

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

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

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

We would request that the points raised in our original submission and this letter are given due consideration as you progress to the next stage in the plan-making process to ensure that the dPS is sound.

Yours sincerely

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<sup>1</sup> Page 60

<sup>2</sup> Page 60

