Good afternoon

Please note: This submission by RSPB NI comprises 9 attachments.

Please find attached RSPB NI's responses in respect of the following consultations:

1. LDP draft Plan strategy;
2. RSPB NI response SPPS and climate change call for evidence response (2024)
3. RSPB NI response on renewables and low carbon energy review response (2023)
4. RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
5. RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017) (please note that this response has not yet been placed in the public domain by DfI).
6. RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (2016)
7. RSPB NI's response to the DOE's Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk (2014)
8. RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS) (2014)
9. For convenience a copy of our original Preferred Options Paper consultation is also attached, as it has been referred to in the abovementioned responses, and as such form part of this submission.

I would be grateful if you could acknowledge receipt of same and keep me advised of future opportunities for comment.

Kind regards

[redacted]

[redacted]
Head of Nature Policy and Casework

[redacted]

RSPB NORTHERN IRELAND

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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 Directive[1] 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.

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[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 SPP[3], 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 SPP[4]: *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 25[5] 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.

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[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 storage[6], 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 2010[8]. 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.

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[7] http://www.bis.gov.uk/foresight/our-work/projects/published-projects/flood-and-coastal-defence
[8] 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 document[10]:

'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.

[redacted]
RSPB Northern Ireland (02890 491547)
January 2014

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

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

A response from the RSPB, 06 May 2016

Introduction

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

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

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

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

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

Our response to the following question is outlined below:

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

Long Term Vision

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

Protection of Biodiversity

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

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

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

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years[2], 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 Ireland[3].

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 Services[4] — 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 NEA[6]) — The report forms the first analysis of the benefits the UK's environment provides, both to people and the economy, and commonly forms the basis of much of the ecosystem services thinking underway in the UK at present.

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

Health and Well-being

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

In 2007, again for RSPB, Dr Bird correlated the link between nature and mental health[8]. 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 SPPS'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 growth[9] around existing public transport and utility infrastructure, and re-using or restoring existing buildings would help combat these issues.

A Land Strategy for Northern Ireland

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

For further information contact:

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E-mail: [redacted] *Telephone:* [redacted]

[9] Based on a need assessment

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

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 Directive[1] and Special Protection Areas (SPAs) under the European Birds Directive[2]. 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 curlew[3] and snipe[4] have also been recorded in published research[5] 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 targets[6] 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 targets[7] 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 depend[8].

At a time when biodiversity is in trouble, with 60% of UK species that have been assessed having declined over the last 50 years[9], 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 techniques[10] 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 proposals[11] 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 Report[12] 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 Convention[14] (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.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=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 Energy[15] 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 data[16] 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 details[17]).

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 Policy[18] (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* project[19], 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 exercise[20] 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://wwww.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 map[22] and wind farm map[23] 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 submitted[25]

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 issues[26]), 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 statistics[27] can undermine any such benefits.

In this context, the publication Meeting Europe's Renewable Energy Targets in Harmony with Nature[28] 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.nienvironmentlink.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 studies[31] 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 Report[33]. 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 report[34], 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 evidence[35] 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 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 facilities co-operation and joint-working between the various stakeholders is key to ensuring the successful delivery of sustainable renewable energy development in Northern Ireland. Wind turbines for example, can impact on the amenity value of local wildlife and features valued by local communities. Local support is essential for the successful roll out of onshore wind, and other low carbon renewable sources. The RSPB recommends early and proactive engagement with stakeholders as an important way of increasing public acceptability of such projects.

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

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

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

Community Benefits

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

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

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

[36] http://www.legislation.gov.uk/nia/2011/25/section/76

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

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

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

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

> The general perspective was one of concern and lack of confidence in developers, planners and the Government more generally to be transparent and to act in their best interest when it comes to wind farm developments. For example, our Local Groups felt that developers were following the letter of the law in regard to community engagement but not necessarily the spirit of it, by, for example, arranging consultation meetings for school holidays when many people would be unable to attend.
>
> An RSPB local group also mentioned that a parish council had been approached by a developer and offered community benefits in exchange for a letter of support.

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

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

Summary of Recommendations

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

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

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Newry, Mourne and Down District Council - Local Development Plan Preferred Options Paper

A response from RSPB Northern Ireland, 24 August 2018

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 Newry, Mourne and Down District Council (NMDDC) Local Development Plan Preferred Options Paper (POP).

For convenience, section numbering follows. Please note that not all sections/questions have been commented on within this response.

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

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- 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

While the POP examines the three pillars of sustainable development (social, economic and environmental), it nevertheless has perpetuated the 'silo approach' to plan making with each of these pillars being examined in isolation from one another.

If the Council is to truly further sustainable development, then any future iteration of the LDP needs to be more cross-cutting and integrate the various sectors/themes of the plan. For example, the requirement to reduce the level of greenhouse gasses can be achieved in part through an integrated transportation system that reduces the need to travel and the use private car, the requirement for energy efficiency in building design, the delivery of renewable energy in the right places, and policy to protect our fully intact/functioning lowland raised or blanket bog (which though its carbon storage makes a positive contribution towards meeting our greenhouse gas targets).

Furthermore, the POP fails to recognise the importance of -ecosystem services and its part in sustainable development, which should also be cross-cutting and integrated with other sectors/themes in the LDP. For example, back to the policy to protect our fully intact/functioning bog land referred to above, it is not only greenhouse gas targets where a positive contribution can be made, but also in terms of flood management and water quality, great benefits for biodiversity and human well-being.

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Chapter 1, 2 and 3 – Introduction, District Profile, and Regional and Local Policy Context

Q. Do you have any comments on Chapters 1-3 of the POP that should be taken into account when preparing the Plan Strategy?

Yes.

1. Introduction - Sustainability Appraisal (SA) / Habitats Regulation Assessment (HRA)

RSPB NI welcomes the commitment to undertake both a Sustainability Appraisal (SA) and a Habitats Regulation Assessment (HRA), which are required under The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 and the Habitats Directive[1] respectively. We further welcome the fact that a Draft HRA will be published for consultation with the Draft Plan Strategy (paragraph 1.30). However, now is the ideal time to establish what the key sensitivities of the various protected sites are (both within and those with linkages outwith the Council area) to ensure that their needs are reflected in the design of the Plan, and to employ effective avoidance techniques, as opposed to mitigation measures (as per tier 1 of the mitigation hierarchy).

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

2. District Profile

Under the Environment heading, the district's nature conservation designations are identified in numerical value only. In this regard, it would be most helpful if a map and narrative could be provided which provides detail on their spatial extent (like that for Infrastructure, at Map 2 on the following page), and list the species and/or habitats for which they are designated. (See also our comments in relation to Section 8 Environmental: Protecting and Enhancing the Environment below for further information).

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

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3. Regional and Local Policy Context

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

Supplementary Guidance

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

Council Masterplans and Strategies

Such documents can only be regarded as a small part of the evidence to help to lead to the future LDP, particularly where such documents may have gone beyond an issues and evidence gathering process (which should focus on looking at the key strategic sites, and question how they could be developed), rather than any fait accompli Frameworks which the documents may present. Furthermore, the contents of such documents will have to be weighed against the evidence that will be gathered to support the LDP, and where there is any conflict, the evidence will have to be given primacy.

It will therefore be necessary for the Council to satisfy itself that reliance on such documents within the context of the LDP is sound, and that evidence gathered to support the LDP is given primacy in the event of any conflict.

Chapter 4 - Plan Vision and Strategic Objectives

Q. Do you agree with the Council's Plan vision and strategic objectives? If not, what alternatives would you suggest? Please note that any alternative objectives should be planning related and supported by a sound evidence base.

No.

[2] https://www.daera-ni.gov.uk/sites/default/files/publications/doe/natural-policy-biodiversity-strategy-to-2020-2015.pdf)

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Plan Vision

While RSPB NI welcomes the reference to 'sustainable' within the LDP Vision, it does not however go far enough in meeting the Council's legislative requirement[3] of furthering sustainable development in the plan making process or being in general conformity with the Regional Development Strategy 2035 (RDS) and the Strategic Planning Policy Statement (SPPS). Furthermore, there is no regard to protection and enhancement of the natural environment for its 'own sake' either now or for the future within the vision – a pillar of 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 Regional Development Strategy (RDS) 2035, and the Strategic Planning Policy Statement (SPSS).

These aspects will be discussed further throughout this response.

Strategic Objectives

At the outset, it is noted that the POP does not contain any reference to or identification of 'Overarching Principles'. In this regard, RSPB NI would support the use of the SPPS 5 Core Principles augmented with the need to further sustainable development as defined within the SPPS, which includes (i) Mitigation and Adapting to Climate Change and (ii) The Importance of Ecosystem Services. While the POP references climate change, there is however no reference to, or recognition of the importance of ecosystem services, as required by the SPPS. Both these elements will be further discussed below.

In general terms, RSPB NI welcomes the three pillars of sustainability as strategic objectives. However, within their current format they remain three isolated silos – there needs to be a greater inter-relationship between them. RSPB NI firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs. '...The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. The aim is to achieve the right development in the right place. The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society'.

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

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 within environmental limits.

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

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

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

Social Objectives

Social Objectives in respect of open space could go further by requiring sustainable as well as accessible locations and should include reference to blue as well as green open spaces. Public places and shared spaces should include reference to sustainable locations and also include areas of open spaces (green and blue). Access to open space is not only beneficial to our health and well-being but also for biodiversity. The latter is considered to be consistent with the biodiversity duty on public bodies (as contained within Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011)[4], which includes the furthering of conservation of biodiversity and enhancement of species or habitat. These aspects will be discussed further below.

[4] http://www.legislation.gov.uk/nia/2011/15/crossheading/biodiversity

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Economic Objectives

Disappointingly, the only reference to heritage assets is with regards to tourism, and this reference is weak. The objective seeks only 'respect', this is not strong enough with regards to the protection and enhancement of the natural environment and does not seek any furthering of sustainable development.

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

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

The project aims to restore the ASSI, secure habitat for wildlife, improve water quality and maximise the bog's potential as a vital carbon store. This approach, adopted previously by water companies in England, has proved more sustainable and more cost effective than dealing with water quality issues at the treatment works. Read more at:
https://www.rspb.org.uk/our-work/rspb-news/news/361922-giving-nature-a-home-at-garron#HIkI7Kf22JWcsLvM.99

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

In 'Supporting the Transportation Network and Other Infrastructure', the LDP will need to articulate that development which results in an increased number of journeys (by private car) and/or journey length is not consistent with the strategic policy direction and legislative requirement of furthering sustainable development.

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Environmental Objectives

While all the environmental objectives are welcomed, they do however require strengthening and extension. In order to halt the loss of our habitats and species, NMDDC (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. This, when considered in combination with their public biodiversity duty (as noted above by virtue of the Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011)), which includes the furthering of conservation of biodiversity and enhancement of species or habitat, serves only to highlight that **the fourth environmental objective** to 'protect our sensitive upland landscapes from inappropriate development' does not go far enough in fulfilling either of these requirements. This objective must be extended to include all sensitive landscapes, not just those in our uplands or along the coast (as captured by the **fifth environmental objective**) in any future iteration of the LDP. Furthermore, care must be given to ensure that the fourth objective does not focus or give undue primacy to visual landscape quality, but also include environmental sensitivity. Sensitive landscapes must also include our full suite of designated sites including internationally and nationally designated sites (including species and habitats), as we will elaborate further below, it is not always how aesthetically pleasing an area is in its contribution to nature conservation, biodiversity and the ecosystems services which flow from it.

In addition, there should be an objective which steers development to less environmentally 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.

The first and second environmental objectives should be extended to recognise the value of old, vacant or utilised buildings for biodiversity. Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/refurbishment should incorporate measures to continue to give nature a home – see Key Issues 7, 8 and 9 with regards to design and place making 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. Furthermore, it is not just our protected/designated sites that are valuable for biodiversity, and this this regard, the LDP needs to recognise the value of urban biodiversity, and the role the local plan has to play in its continued survival. As will be discussed later in this response, urban biodiversity is in serious trouble. The State of Nature

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2016[5] report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years. RSPB NI believes that the protection and enhancement of urban biodiversity can be achieved through careful planning and development, which aims to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites. Good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3). See comments below relating to Key Issues 7, 8 and 9 for further information in this regard.

Furthermore, this objective should be extended to include reference to the incorporation of increased opportunities for biodiversity e.g. swift bricks, bat boxes etc. – see comments below with regards to design and place making (Key Issues 7, 8 and 9) for ways in which this can be achieved).

The fifth environmental objective should be extended to include the measures at Paragraph 3.13 of the SPPS which set out how the planning system can mitigate and adapt to climate change, if it is to truly further sustainable development.

Furthermore, this objective should be extended to include reference to the incorporation of sustainable technology within development design to reduce carbon emissions. See comments below at Key Issues 7, 8 and 9 with regards to design and place making and ways in which this can be achieved.

Chapter 5 - Spatial Growth Strategy: Promoting Urban Centres and Supporting Sustainable Rural Development

General Commentary

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

[5] 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

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

The twelve principles of good spatial planning are:

1. Planning should be positive, setting out a clear vision for how areas should look and function in the long-term.
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.

[6] http://www.rspb.org.uk/ourwork/policy/planning/planningnaturally.aspx

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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 Environment section of this response towards the end of this document (page 46).

In terms of growth *per se* within the NMDDC area, 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 considerations.

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.

While the POP refers to the environmental capacity to absorb further development within the NMDDC area (through the use of capacity studies, as set out in paragraph 5.23 of the POP), there is however no commitment to steer development away from sensitive areas (including habitats and species). Such sensitive areas should be complemented with a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy 2020. Such a combined approach is necessary to ensure that growth does not exceed the capacity of the environment or the essential infrastructure expected for modern living.

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

Key Issue 1: Settlement Hierarchy

Q Do you agree with the Council's preferred option for the settlement hierarchy? If not, why?

No.

RSPB NI is disappointed that the POP makes no reference to 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'.

It is also worth noting 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 NMDDC in its approach to growth within the smaller settlements of the hierarchy, and in the identification of new small settlements to ensure conformity with the RDS and SPPS. This is also particularly relevant to the POP's proposed desire to see a policy shift in these new small settlements from rural to urban (as set out in Preferred Option 3) – as these areas will remain rural in character, continue to set within the open countryside, a simple blunt direct transfer of urban policies to what is essentially a rural area may not be entirely appropriate or sustainable. As such, RSPB NI reserves to the right to comment on this aspect further when such polices have been developed.

To ensure that there is a furthering of sustainable development within the LDP, a clear definition supported by parameters and criteria will be necessary for the robust assessment of any new small settlement designations arising from a cluster of development. Failure to do so could result in the potential for dispersed patterns of development, and increased pressure on the rural area (in terms of capacity and biodiversity) – all of which are contrary to the principles of sustainable development, and strategic policy.

Key Issue 2: Quantity of Housing Land

Q Do you agree with the Council's preferred option in taking account of the HGI for the district and existing commitments that there is sufficient housing land at a district wide level to meet the district's housing needs to 2030? If not, why?

No.

The POP acknowledges that 'provision from committed sites and zoned sites together with completed sites represents 96% of the district's HGI for the Plan period (excluding housing in the countryside)' (Option 1, page 52 of the POP). However, when including housing in the countryside, a 'further 3,532 units (based on an

approval rate of 196 per annum) could be potentially delivered under current planning policy'. Thus, available housing land and current planning policy has the potential to deliver 18,068 units over the plan period' (paragraph 5.18 of the POP). This exceeds the extrapolated HGI figure of 15,092 by 2,973 units – RSPB NI considers this to be a significant uplift.

Furthermore, at paragraph 5.21 the POP continues 'taking all potential housing provision within settlements and the open countryside into account there is the potential for housing provision to exceed the district's HGI by 20%'. In light of our comments above – this is most concerning. In the circumstances, an overprovision of existing zoned housing land should not in itself be justification for an increase in HGI figures, or be the driver of reductions in site densities, both of which, either individually or combined, could prejudice sustainable forms of development. Rather, the LDP process should allow for an opportunity for the Housing Land Evaluation Framework approach to be applied to their designation to ensure that all zonings moving forward, met the Council's legislative requirement of furthering sustainable development in the plan making process. A similar approach identified in Stage 1 of the Employment Land Evaluation Framework (within the RDS) should be adopted with regards to existing unimplemented residential zonings, by undertaking an initial assessment of the 'fitness of purpose' including the environmental implications of the exiting housing land portfolio. While it is acknowledged that the POP (paragraph 5.22) refers to undertaking 'a full review of zoned housing lands', this does not go far enough as any surplus zoned land will simply be 'held in reserve to the longer-term needs of that settlement' (paragraph 5.22 of the POP). Such a process is not considered to comply with the Housing Land Evaluation Framework and the Council's legislative requirement of furthering sustainable development in the plan making process – all zonings moving forward require to adhere to this requirement and be fit for purpose.

It is worth noting that historically, the carryover of any unimplemented zonings into a new plan preparation phase was not fait accompli – this position should remain in order to ensure that the new plan truly furthers sustainable patterns of development.

Q Do you agree with the Council's proposed phased approach, whereby surplus housing lands are held as a longer-term land reserve? If not, why?

While RSPB NI does not object to the principle of a phased approach to the release of development land in order to secure sustainable forms and patterns of development, it cannot however support the Council's

proposed phased approach, whereby surplus lands are simply rolled over from current zonings and held as a longer-term land reserve.

RSPB NI is of the opinion that housing provision within the LDP should adopt the 'plan, monitor and manage' approach, with annual monitoring determining the need or otherwise for the release of a second phase of sites in order to maintain a 5-year supply of available housing land. Such an approach will be consistent with RG8 of the RDS which seeks to manage housing growth to achieve sustainable patterns of residential development, and avoids over-zoning or the premature release of housing land. This will ultimately avoid burdening the environment with more housing land than is actually needed. (N.B. the rolling over of surplus zoned lands is not considered to be a robust substitute to the maintenance of a 5-year supply).

In light of the various statements noted above by the Council with regards to (i)its approach to identifying the quantum of housing required for the plan, (ii) its intention to undertake a full review of zoned housing lands, and (iii) alongside its preferred option to retain the current level of zoned housing land and simply roll over any surplus into a reserve to meet longer-term housing need, it is difficult to comprehend how such a combined approach is consistent with the strategic requirements of the RDS and SPPS to further sustainable development.

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. If not carefully checked, there is a real danger that the LDP could burden the environment with more housing land than is actually required for the plan period. In this regard, housing growth and allocations should therefore be based on a robust evidence base. As mentioned previously, land is a finite resource and we need to ensure that all development is within environmental limits.

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Key Issue 3: Distribution of Housing Land

Q Do you agree with the Council's preferred option for the allocation of housing across all settlement tiers and the open countryside? If not, why?

Q Are there other options the Council should consider?

RSPB NI does not agree with the Council's preferred option for the allocation of housing within the LDP.

In the interests of delivering sustainable patterns of growth, protecting and enhancing the natural environment and stimulating urban regeneration, any such preferred option must increase the ability to meet the RDS 60% Brownfield target in settlements over 5,000. It is therefore concerning that the Council's preferred option lacks real ambition in seeking to fully achieve this target. If we are to truly produce settlement patterns which further sustainable development, and are set within environmental limits, an evidential sequential approach to development must be used. Any proposal which reinforces dispersed patterns of development should be resisted. Within the rural area, there should be a general presumption against dispersed rural housing which increases pressures on areas which are more likely to be of value for nature conservation.

While strategic policy advocates for increased housing density without town cramming in town and city centres, it is also important to recognise that Brownfield sites are often havens for wildlife. Any policy on previously developed land should therefore not apply where it would conflict with other relevant policies in the LDP or strategic policy, such as those relating to biodiversity, or contains Northern Ireland Priority Species, and should exclude minerals workings and landfill or soil dredging and landfill.

As previously noted, as with all zonings, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network, and include priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites. For example, within the settlement limits, river flood plains should be avoided so as not to prejudice their ability to act as flood storage areas, and thus allowing them to make a positive contribution towards biodiversity and nature conservation. (Such areas should also be avoided with regards to any new development zonings). Within the rural area, there should be a general presumption against dispersed rural housing which increases pressures on areas which are more likely to be of value for nature conservation.

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Q Following adoption of the Local Policies Plan, as part of the LDP five-year review, should sites that have not progressed to planning application stage be considered for replacement with alternative sites? If not, why?

No.

Once zoned, market conditions will drive the release of zoned land for development. To introduce such a system will, in reality, serve little in the way of delivering housing from phase 1 lands – save only to potentially create a rush of planning applications (which may never be built out during the 5-year review period) as the test is only to have progressed to the planning application stage. Phase 1 lands should be identified as the most sustainable locations for housing development within the LDP, and its zoning for such at this location will have been subject to the SEA process. As we have already set out, land is a finite resource, and as such the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits.

To adopt an ad-hoc approach of identifying this land for other uses, which may not have been subject to SEA assessment at this location, potentially as early as 5 years from the plan adoption serves only to undermine the new plan-led system. Again, this situation serves to illustrate why it is important to accurately identify the amount of housing land within the LDP (without over zoning) to ensure that it maintains strategic control over permitted uses.

Key Issue 4: Quantity of Employment Land

Q Do you agree with the Council's preferred option? If not, why?

Q Do you believe there is an adequate quantity of employment land zoned in the district? If not, why?

RSPB NI does not agree with the Council's preferred option for quantity of employment land. 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. Against this

background, RSPB NI is concerned that the POP fails to address the need to facilitate sustainable economic growth, rather it sees the LDP having a critical role in ensuring suitable land use opportunities are provided which are aligned to the district's business needs (paragraph 5.35). Against this background, alongside that of strategic policy and the current availability of such land (as discussed below), it is difficult to reconcile the Council's preferred option of a 20% uplift in the overall amount of land zoned for employment.

In the interests of furthering sustainable development, RSPB NI recommends that all employment zonings (where there is no extant permission, or commenced development), should be revisited in line with the approach advocated by The Employment Land Evaluation Frameworks as set out in the RDS. In this regard, the initial assessment of the 'fitness for purpose' including the environmental implications of the existing land portfolio would be extremely beneficial in identifying what, if any, other unimplemented development zonings could make a positive contribution to furthering sustainable development within the district.

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

From Table 5 of the POP it is established that of the 227.96ha zoned for employment uses, 174.87ha remains available for development, meaning that over the 15-year plan period from 2000 to 2015 only 27.68ha were developed, with a further 13.08 ha being lost or discounted during the same period.

Furthermore, at pages 60 and 61, the POP utilises the NISRA estimate for growth in employment in the district over the plan period of 9,066 to 9,213 jobs and then translates[7] this into a land requirement of between 166 and 169ha of employment land across the district until 2030. Notably, the POP fails to recognise that that not all new jobs created within the district will be on zoned employment land.

This is of significance given that currently 174.87ha of land zoned for employment currently remains within the district (a figure already 5.87-8.87ha in excess of the projected requirement). This is only compounded by the fact that the council's preferred option, seeks to uplift the overall amount of land zoned for employment use

[7] Using the methodology set out in Preparatory Paper 3 – Employment and Economic Development of 50 jobs per ha.

by 20%. (N.B., it is not clear from the POP which 'land zoned figure' the Council wishes to use for this calculation i.e. the total area zoned 227.96ha, or area remaining of 174.87ha). This could result in a district allocation of between 209.84 and 273.55ha (depending on which 'land zoned figure' the council uses to calculate the 20% uplift). To put this into context, setting aside the current availably of zoned industrial land of 174.87ha, the council's proposed 20% uplift (if using the total area zoned figure) would generate an additional quantum of land which is almost double to that developed in the plan period 2000-2015 (i.e. 20% uplift of 227.96ha = 45.60ha, with 27.68ha being developed between 2000-2015).

Furthermore, the relevancy and accuracy in calculating the number of jobs per hectare may not be sufficiently robust to reflect current times. With the advent of new technologies and businesses, the land-take necessary to allow these new and emerging technologies (clean and hi-tech technologies) may not be as large as previously required for traditional economic zonings. All these factors (individually and combined) could create the potential for significant over zoning of economic land within the Plan area.

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

Key Issue 5: Distribution of Employment Land

Q Do you agree with the Council's preferred option? If not, why?

No.

RSPB NI is concerned that the Sustainability Appraisal Summary confirms that the Council's preferred Option 2 acts negatively for the environmental sustainability objectives. As set out at 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.

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. 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.

It is unclear where the Employment Land Evaluation Framework approach and the environment will sit in the NMDDC's preferred option for economic development, particularly with regards to the ecosystem services upon which the economy relies (both within and adjoining the council area). Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

Within this context, the POP needs to place a stronger emphasis on implementing the Employment Lands Evaluation Framework as outlined in the RDS – this is key to undertaking a comprehensive review of all current economic development land zonings within the Borough. Any new sites identified, including those in areas of social deprivation need to further the principles of sustainable development. The re-use of previously developed economic development sites and buildings for other uses must also demonstrate how the principles of furthering sustainable development are achieved.

Where it has been robustly demonstrated that there is a need for additional economic sites, greater emphasis should be made to the commitment of exploring brownfield sites. In this regard, the POP fails to place any emphasis on sustainability, or commitment to explore brownfield sites in identifying future economic sites, or the re-use of vacant/under-used lands land was last used for economic development.

As with all other allocations and zonings, the LDP should steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. As noted at the outset, while the protection of designated sites will be a key priority for RSPB NI during this plan process, there is also a need for a robust policy which protects priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites. Such an approach is necessary to ensure that growth does not exceed the capacity of the environment or the essential infrastructure expected for modern living.

RSPB NI is disappointed that there is no reference to or recognition of the environment within this section or the ecosystems services which flow from it, or sustainable economic development in the countryside. 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

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

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

Chapter 6 – Social: Accommodating Peopled, improving Health and Wellbeing

Key Issue 7: Housing in the Countryside

Q Taking account of our proposed spatial growth strategy and strategic housing allocation, do you agree with the Council's preferred approach to carry across the majority of policies within PPS21, with clarification and minor changes, in so far as they relate to housing in the countryside?

This Key Issue and itssubsequent options provide little detail over and above that which is set out in strategic policy, for example the council's preferred Option (No. 2) simply reiterates what is contained within the SPPS with regards the ability to tailor existing policy to the needs of the district. There is no detail on how the local policy will be tailored. In the circumstances, RSPB NI reserves the right to make further comment when more detail on the proposed 'local tailoring' is provided.

Any future allocation must be set within an environmental assets appraisal and landscape assessment context to ensure that the projected growth does not exceed the capacity of the environment or the essential infrastructure expected for modern living, nor result in the dispersal of development in the countryside, as this would be wholly inconsistent with strategic policy on this issue.

RSPB NI advocates that not only should environmental considerations be taken into account in the location, siting and design of dwellings in the countryside, but that recognition of the environmental value of the countryside is included within any LDP policy – for example in terms of its value to wildlife, landscape quality, recreational and tourist assets or for the ecosystem services it provides. There is no recognition that the environment, in terms of its natural heritage is one of Northern Ireland's and indeed NMDDC's greatest assets within this section of the POP.

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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.

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.

Key Issue 8: Future Proofing and Housing for All

Key Issue 9: Integrated Renewable Energy and Passive Solar Design

Q Do you agree with the Council's preferred option? If not, why?

RSPB NI is disappointed that there is no reference to the environment or biodiversity within this section on future proofing. Furthermore, it is disappointing that the council has failed to set out its approach to design and place making in general within the wider 'Social' chapter. While it is acknowledged that Key Issue 9 references Integrated Renewable Energy and Passive Solar Design, neither Key Issue 8 or 9 go far enough in addressing long-term sustainability of development by promoting future proofing (within an environmental and climate change context, not just lifetime homes), energy efficiency, the re-use of material and measures to enhance biodiversity and reduce surface run-off (the latter is recognised in Key Issue 24 Section 8 of the POP, but remains within that silo, and has not been integrated with other aspects of the LDP).

Design and Place Making

In the absence of a Key Issue on Design and Place Making within this chapter, or anywhere within the POP (as referred to above), RSPB NI provides the following commentary:

As mentioned previously, the State of Nature 2016[8] report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years. RSPB NI believes

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

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that the protection and enhancement of urban biodiversity can be achieved through careful planning and development, which aims to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.

Good design can help encourage wildlife (as stated in PPS 7, paragraph 4.3), and this should be recognised within the LDP.

By planning for nature and green space in our neighbourhoods, we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas (as required by LDPS in the SPPS). Policy and guidance should advocate that good design and place making should include the area around a scheme i.e. its immediate environment. Furthermore, it should include a guiding principle which allows for the avoidance of development that impacts adversely upon natural ecosystems**.**

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 though 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, RSPB*[9]
(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 Report[10], and in particular Chapter 23: Health Values from Ecosystems[11]. 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).*

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

[9] http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

[10] *http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82*

[11] http://www.cbd.int/financial/values/unitedkingdom-health.pdf

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).

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

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

RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.

These documents highlight key measures by which biodiversity can be protected and enhanced through planning and development.

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

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

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

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

Within the POP there is currently no evidence of how the LDP proposes to utilise urban design to mitigate and adapt to Climate Change. Paragraph 3.10 of the SPPS states 'a central challenge in furthering sustainable development is mitigating and adapting to climate change, whilst improving air quality'. Paragraph 3.13 of the SPPS sets out how the planning system can mitigate and adapt to climate change – these measures should be incorporated into the LDP if the LDP is to truly further sustainable development.

For example, RSPB NI supports the encouragement of Local Development Plans in Northern Ireland to be more ambitious and to be ideally aiming for delivering zero carbon buildings. In this regard, our general overarching policy ask relating to energy efficiency is that UK Government and devolved administrations should designate energy efficiency as a National Infrastructure Priority and implement ambitious policies to improve energy efficiency and reduce demand, including through robust energy efficiency standards for new buildings. Within this framework, we would strongly encourage NMDDC's localised efforts to write equivalent ambition into its local plan.

All new developments in the UK should, in our view, be zero carbon (i.e. a combination of the best energy efficiency measures available and onsite generation) as any development being built now that are not zero carbon will only add to the scale of retrofit problem that will need to be addressed by the 2040s, the time by

which the UK will need to achieve net zero emissions in order to play its part in keeping temperature rises to 1.5 degree. Local authorities have a role to play in helping the UK to deliver the low carbon future that is needed to mitigate climate change.

In addition, RSPB NI would draw NMDDC's attention to the Kingsbrook development in England[12]. The RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

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

Project objectives:

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

RSPB NI does not agree with the Council's conclusion in its preferred option 3 for Integrated Renewable Energy and Passive Solar Design in that it is only individual dwellings in the countryside that have the potential to employ such technologies and principles – such technologies could be applied to individual dwellings within our settlements and not just larger residential schemes as proposed. If the council is to play its part in furthering

[12] http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing

sustainable development, and meet climate change targets then its approach to integrated renewable energy and passive solar design must run deep and wide through all development.

Key Issue 10: Open Space Provision

Q Do you agree with the Council's preferred option? If not, why?

Yes, but it could be enhanced.

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. It would have been helpful for the POP to contain a list of open spaces within the district. These areas are important for our well-being and biodiversity alike.

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 the main rivers, as biodiversity is not solely found along main river corridors.

RSPB NI is of the view that it is not just the quantity of open spaces within the plan area which is an important consideration. In this regard, the quality of and accessibility to are equally important considerations. Furthermore, it should be noted that the importance of a site for biodiversity is not always linked to how good it looks or how green it is. For example, well-manicured areas of green grass can result in the creation of a homogenous habitat with limited benefit to biodiversity.

The Local Development Plan should contain proposals for the development of an integrated green and blue infrastructure network of green spaces and water features, providing access to amenities for recreation, walking, cycling and wildlife. Please refer to the RSPB's publication 'Wellbeing through Wildlife'[13]. RSPB NI recommends that the LDP should promote multi-functional green spaces, and stipulate that they will be integral to the planning and design process.

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.

[13] http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

Proposals should be required to submit detailed landscape strategy to demonstrate that the open space provision is adequate, well designed, and integrated. It should also contain details of its future management and maintenance. Furthermore, 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.

RSPB NI would resist the loss of open spaces within urban areas – just because an area is currently underused or difficult to manage should not be a justification in itself for its loss. A new community approach to the management, ownership, connectivity and increased accessibility could serve in part to re-enabling these areas of open space to make a positive contribution to the local neighbourhood and biodiversity.

Furthermore, any loss of greenspace to development cannot be regarded as off-setting Greenfield land requirements elsewhere, as it is still Greenfield land and its loss must be regarded as such. As discussed above, the value of these lands for biodiversity may be enhanced given their dominant monoculture. Any proposed loss must be consistent with the restricting provisions of PPS8 and there must be no detrimental impact on biodiversity or on sensitive environmental areas and features. It must not set a precedent for loss elsewhere, but must be assessed on its individual merits.

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

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.

With regards to the importance of **open space / play provision within new largescale residential developments**, please refer to our comments above in respect of Key Issues 7, 8 and 9 with regards to Design and Place-making, and in particular our reference to the Kingsbrook housing development. Cognisance should also be given to the fact that that by 2030, 20.3% of the district's population will be 65+ (14.7% in 2015) (POP, page 21), and as such any provision should have regard to this fact in terms of its accessibility and design. This

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Key Issue should be integrated with a Key Issue on Community and Cultural facilities (which is currently absent in the POP). The RSPB's publication 'Wellbeing through Wildlife'[14] is also relevant in this context.

Chapter 7 - Economic: Creating Jobs, Promoting Prosperity and Supporting the Transportation Network and Other Infrastructure

Key Issue 11: Economic Development in the Countryside

Q Do you agree with the Council's preferred approach? If not, why?

No.

This Key Issue requires to be set within a growth strategy for sustainable development in the countryside – this is currently absent in the POP, and requires to be redressed in any future iteration of the LDP in order to be consistent with the SPPS (paragraph 6.6.8).

Further clarity is sought on what is meant by 'the identification of Industrial Policy Areas in villages' (paragraph 7.14) as 'the SPPS states that within villages and small settlements the LDP will not normally zone land for economic development purposes as this could inhibit flexibility' – indeed this is noted by the POP at page 65 (paragraph 5.42).

In addition, further clarity is sought with regards the Council's suggestion to bring 'forward an enhanced policy on economic development in the countryside that would allow for the development of small scale workshop style development where it was demonstrated that a suitable serviced site for example within an existing business park, was not available (see Option 2)' (our emphasis) (paragraph 7.16). The current wording of the SPPS states 'a small scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement' (our emphasis). What is the rational for the change in wording as none is provided within the POP? Of significance, the SPPS goes on to state 'an edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations'.

[14] http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf

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

With specific regard to the Council's preferred option, RSPB NI is concerned that the Sustainability Appraisal Summary confirms that in terms of environmental sustainability objectives, the Council's preferred Option 2 performs less positively than Option 1, however, it goes on to justify its position by stating that the 'social and economic benefits for Option 2 are considered to outweigh the reduced environmental benefits (page 103).

As previously stated in 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. This is the second occurrence of economic benefits outweighing the environment (previously noted in Key Issue 5 – Distribution of Employment Land). Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

There is no reference within this section to furthering sustainable development, or to the natural environment. In terms of the latter, 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 NMDDC's greatest assets. Greater cognisance should be given the natural environment and recognition of the fact that areas particularly sensitive to change (including species and habitats and those outwith the protected site network) should be avoided. 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.

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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.

Key Issue 12: Alternative Uses on Land Zoned for Economic Development

Q Do you agree with the Council's preferred option that a limited number of alternative uses should be permitted on zoned economic lands? If so, what should be permitted? If you do not agree, why?

At paragraph 7.19, the POP notes 'there have been instances across the district of development proposals seeking to use lands zoned for economic development for uses outside the remit of the traditional industrial and business uses. Proposals continue to come forward and it can be difficult for the Council to resist because of the low take up of land by the target use'. Paragraph 7.20 goes on to state 'the LDP should seek to address this issue and consider what types of uses should be permitted on economic development lands'.

In this context, RSPB NI is of the opinion that this situation serves to illustrate why it is important to accurately identify the amount of economic land within the LDP (without over zoning) to ensure that it maintains strategic control over permitted uses. An overgenerous supply of zoned economic land will not only continue to fuel a plentiful supply and lower take up in some areas, but also ultimately support the argument for alternative uses.

With regards to the Options presented, RSPB NI is somewhat confused. In this regard, Option 1 is supposed to represent the status quo (i.e. no change from existing). Here, Option 1 outlines that it will seek to ensure that zoned economic lands are protected in line with existing policy, with no consideration given to alternative compatible uses, yet the local context as set out at 7.19 of the POP clearly indicates development proposals for uses outside the remit of the traditional industrial and business uses have been difficult to resist – this, however, is within the current policy context, as purported to be set out in Option 1.

In this regard, Policy PED 7 Retention of Zoned Land and Economic Development Uses of PPS4 (which remains valid at this time) states:

> 'Zoned Land in all Locations Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses. An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is

compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development'.

The alternative uses stated in Option 2 are largely those sui generis employment uses referred to above.
It would therefore appear that Options 2 and 3 to varying extents are already occurring within the policy context of Option 1, and as such are not differing options. Further clarity on this matter is therefore required, and as such RSPB NI reserves the right to make further comment in this regard.

Key Issue 13: Tourism Development

Q Do you agree with the Council's preferred option to identify Tourist Opportunity Zones? If not, why?

No.
There currently insufficient detail provided within the preferred option to ascertain exactly how tourism will be sustainable and set within environment limits following the creation of Tourist Opportunity Zones through 'local tailoring'. In view of such vagueness, further comment in this regard is therefore reserved.

Aside from the reference to 'opportunities for dedicated sustainable tourism options over the plan period, for example, Kilbroney Park, Cranfield and Delamont Country Parks' there is no other reference to sustainable tourism. The SPPS objective is to 'facilitate sustainable tourism in an environmentally sensitive manner'. Within this context therefore, it is concerning to read that the Sustainability Appraisal Summary for the Council's preferred option 2 has a mixed impact across the environmental objectives. Option 1 delivers minor positive effects on many of the social, economic and environmental sustainability objectives, but has been ruled out on account that it does not deliver as much for the social and economic objectives as Option 2. Yet again we observe potential environmental trade-offs through the balancing of the three pillars of sustainable development rather than seeking their integration.

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

Tourism in rural areas will often be related to the enjoyment of the natural environment, and this is something we strongly advocate. However, human activity, can in some instances, have a negative impact on biodiversity.

In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides.

The Newry, Mourne and Down area is rich in wildlife and diversity of habitats. As noted above, biodiversity does not confine itself to protected sites. As such, it is imperative that the NMD 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 upland bog).

As with all other forms of development, the LDP should steer tourism related development away from sensitive areas (including habitats and species) (Such sensitive areas should also include those outwith the protected site network). Furthermore, it will be vitally important that areas outside of any area of designation or constraint zoning must not become the 'sink holes' for development. This latter aspect will be discussed greater in our response below in Section 8 – Environment.

However, we do appreciate the role that the natural landscape plays in attracting tourists, and with this in mind we caution that where the landscape is a core part of the tourism offering, that all related tourism developments are designed to be wholly sustainable and should not be at the expense of the area's natural assets.

Issues of potential disturbance to key birds from recreational tourism should also be considered, for example: Carlingford Lough and Strangford Lough designations of SPA/Ramsar/ASSI.

RSPB NI manages areas within Carlingford Lough and Strangford Lough. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

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

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

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Cognisance to environmental considerations should form part of the policy wording to include a demonstration that there is no detrimental impact on biodiversity or on sensitive environmental areas and features. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

Key Issue 14: Minerals Development

Q Do you agree with the Council's preferred option? If so, are there any specific areas or materials that should be protected? If not, why?

No.

In general terms, this subject policy needs to be set in the context which ensures that levels of extraction do not exceed environmental limits, and do not serve to undermine the environmental integrity of wider ecosystems, while also 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.

In the interests of furthering sustainable development, RSPB NI would support the approach outlined in Option 4 which has the potential to support an integrated approach between minerals extraction and protecting the environment and other interests of acknowledged importance so as to avoid environmental trade-offs. In identifying potential Areas of Constraint on Minerals Development (ACMD), consideration should also be given to including those species and habitats most at risk in terms of environmental impact, and not just include areas of High Scenic Value for example Ramsar, SPA and ASSI designations. Further cognisance should be had to the fact that protected areas and sensitive landscapes (including species and habitats) do not sit in isolation from the surrounding area when identifying ACMDs within the LDP. In this regard, it is essential to have regard to the direct and indirect effects of any linkages e.g. hydrological when considering such zonings.

The ability to define such areas with LDPS is not new and is available within the existing policy-led approach in relation to mineral development.

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

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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 project[15] 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.

[15] https://wwww.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^{o} slope.

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

Woodland – many operators have a belief that trees are great for the environment. We believe trees are good for the environment, but only in the right places. We only recommend tree planting when there is no possibility to create more favourable habitats such as heath or species rich grassland. Trees in the wrong area can also host predators such corvids.

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

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

Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from artificial islands for

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

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

With regards to peat extraction, RSPB NI recommends that 'planning permission should not be granted for peat extraction from new or extended sites, or renew extant permissions', and would like to draw your attention to RSPB's Sustainable Catchment Management Programme (SCaMP) in Garron Plateau as a model to be utilised to demonstrate and support sustainable management in such areas. For further details please see web links below:
http://www.rspb.org.uk/our-work/rspb-news/news/361922-giving-nature-a-home-at-garron
http://www.rspb.org.uk/our-work/rspb-news/news/340365-peak-district

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

Lowland raised bogs are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO_2) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

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

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

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

As with all other forms of development, MNDDC'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; as such it will be vitally important that areas outside of any area of designation or constraint zoning must not become the 'sink holes' for development. This latter aspect will be discussed greater in our response below.

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

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

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

It is also worth noting that under the English National Planning Policy Framework (NPPF) test, the significant biodiversity harm caused by the climate change from these greenhouse gas emissions cannot be avoided, mitigated or compensated for, as there is some wildlife that is or will be affected by climate change for which we have no known intervention methods.

Other minerals related issues

Review of Old Minerals Planning Consents (ROMPS)

RSPB NI seeks clarification on NMDDC'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.

Key Issue 15: Proposed Transportation Schemes

Q Do you agree with the Council's preferred option? If not, why?

No.

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

From a furthering sustainability viewpoint, RSPB NI would also question the merits of releasing previously reserved land for transportation schemes for other uses, particularly outwith settlement limits, as this could lead to ad hoc, dispersed development which could generate additional traffic on a road network which does not have the ability to carry additional traffic. Furthermore, any variance in environmental impact will also require to be assessed.

RSPB NI would also question the merits of the conclusions drawn in the Sustainability Appraisal with regards to the statement that Option 3 'may conflict with minerals development and result in the loss of greenfield

land in the long term'. In reality, such conflicts are unlikely to arise as a result of the route options stage of a proposed road scheme design. With regards to the comment 'result in the loss of greenfield land in the long term', further clarification is required as all road schemes outwith settlement limits which are off-line (i.e. not on the route of an existing road) will require greenfield land, therefore if this is the correct interpretation of this statement, then it is difficult to comprehend the conclusion drawn that Option 3 is less sustainable that Options 1 and 2 in this context. Alternatively, if it refers to the loss of greenfield land from a future developable land bank, it nevertheless remains difficult to comprehend the conclusion drawn that Option 3 is less sustainable that Options 1 and 2, when strategic policy direction is to limit the use of greenfield land and reduce greenfield extensions.

Key Issue 16: Park and Ride/Share Sites

Q Do you agree with the Council's preferred option? If not, why?

RSPB NI has no objection to the reduction in number and length of journeys by private car, providing the identification of any new site adopts an environmentally sustainable approach, and does not result in the loss or impact on any site sensitive area (habitats and species). As noted previously, this is necessary because only a very small proportion of our biodiversity is protected in designated sites.

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%. Planning can make a significant contribution to reducing these emissions through decision-making on the location, scale, mix and character of development.

Q How can the LDP reduce congestion and promote sustainable travel with its land use policies?

In terms of reducing congestion and promoting sustainable travel, new development should be located/integrated so as to enable and support the use of public transport provision and active travel (see Key Issue 17 below) while reducing dependence on the private motor vehicle. The integration of transportation with the spatial growth strategy, which if conducted correctly, could potentially make the single greatest contribution to securing sustainable transport and active travel within the district.

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

Key Issue 17: Sustainable/Active Travel and Identification of Greenways

Q Do you agree with the Council's preferred option in relation to sustainable/active travel and greenways? If not, why?

Q Are there any alternative approaches the LDP should consider to promote/encourage active travel in the district?

Q Are there any pedestrian/cycle links or paths that should be brought forward to form part of the district's greenway network?

While RSPB NI supports the Council's preferred Option, it should also include reference to blueways. Notably this Key Issue is predicated on the need to identify and protect linear open spaces. The protection of any disused transport corridors running through NMDDC for future public access should be considered in any future LDP.

In general walking and cycling should be promoted (not just in new developments), while targeting new walking and cycling routes (for example new river/lough sidewalks) could create a sustainable product for visitors to the district, improve health and well-being, make connections with nature, enhancing opportunities for biodiversity, and reduce greenhouse gas emissions.

Utilities, Renewable Energy and Telecommunications

General Commentary

In general terms, RSPB NI recommends that a linked-up and co-ordinated approach to addressing strategic infrastructure issues in the district should be adopted within the LDP; this should assist in achieving sustainable forms of development in this regard.

Inappropriately located power lines for example can pose a risk to not only the area's scenery, but the ability to sustainably restore for example our wetland landscape for nature and for tourism and recreational economic benefit.

If landscapes are to be targeted for the growing tourism market (e.g. wetlands), then power lines need to 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.

Also, as part of the integrated approach which the LDP is seeking to advocate, early dialogue with other utility providers could lead to a co-ordinated effort in areas where infrastructure is proposed, thereby helping transform the area and its natural heritage / tourism potential for the future.

Sensitive landscapes must include references to species and habitats.

Key Issue 18: Renewable Energy

Q Do you agree with the Council's preferred option to carry forward existing planning policy for renewables as contained in PPS18? If not, why?

Q Do you consider that the Council should identify an area(s) where renewable energy proposals would be acceptable in principle? If so, what evidence is there to support the identification of these areas i.e. wind speeds (in the case of wind turbines), suitable grid connection, distance from residential areas, other suitable infrastructure?

Q Do you consider Areas of Constraint for wind turbines should be introduced? If so, why and where do you think they should be located?

RSPB NI does not support the Council's preferred Option for renewable energy, as it does not provide a strategic spatial approach to renewable energy, particularly wind, which could be achieved through the promotion of Option 2. Our reasoning for such an approach is set out below:

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.

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

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

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

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

Please refer to our response to the DoE's Call for Evidence: Strategic Planning Policy for Renewable Energy Development, from May 2016 and also our response to the DfI's Call for Evidence on same in 2017, which outline *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 RSPB's 2050 Energy Vision Report[16]. 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

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

species and habitats, and to design energy policy so that the UK can meet emissions targets while having minimum impact on biodiversity.

The Energy Vision 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 details[17].

Please also refer to our submission in response to the latest call for evidence on Renewable Energy (2017), which is attached to the original email submission, as this outlines RSPB NI's position on the full suite of renewable energy technologies, including for example bio energy.

With specific regards to policy wording, RSPB NI welcomes the adoption of current policies as set out in PPS 18 and the SPPS. In particular, it is recommended that the wording in paragraph 6.224 of the SPPS be transferred across into any new policy wording as follows, to prevent adverse impact on the natural environment, including species and habitats:

> Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations:
>
> - public safety, human health, or residential amenity;
> - visual amenity and landscape character;
> - biodiversity, nature conservation or built heritage interests;
> - local natural resources, such as air quality, water quality or quantity; and,
> - public access to the countryside.

Furthermore, there needs to be an explicit expression within any new policy that any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.

The issue of cumulative impacts of single turbines will require further consideration within the LDP, as multiple single turbines in very close proximity to each other can effectively create the effect of wind farm (both from environmental and visual perspectives), without ever having been robustly assessed as such.

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

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The LDP should give a spatial expression to those areas considered sensitive to wind energy developments and cite their nature conservation designations and or features of interest. In moving forward, this 'list' should not be seen as the definitive list for sensitive areas, as it is likely that other areas will come forward during the plan development process.

Such sensitive areas should extend beyond visual quality and include those outwith the protected site network, and include priority habitats and species, as identified in the NI Biodiversity Strategy. This is necessary because only a very small proportion of our biodiversity is protected in designated sites.

To this end, the LDP should promote the delivery of a strategically planned and integrated renewable energy generation supply, which gives cognisance to the role of the right renewable development in the right place at the right time.

In terms of the Sustainability Appraisal conclusions, RSPB NI does not necessarily support the conclusion that the restrictiveness of Option 2 (which identifies areas of constraints for certain types of renewable energy) would discourage investment in the district and may mean that opportunities are lost. Rather the current approach to deploying onshore energy is market-led in terms of technology choice and locations for new developments, and as a consequence, 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. In recommending 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, 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. To this end, Map 19 clearly demonstrated the significant number of applications for wind turbine development within the district which have been withdrawn and refused. Within this context, it is extremely difficult to comprehend how such a conclusion within the sustainability appraisal would discourage investment or loose opportunities over and above the current position.

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Chapter 8 - Environmental: Protecting and Enhancing the Environment

General Commentary

RSPB NI is extremely disappointed that the environment is the final matter to be discussed within NMDDC's POP. As a multi-faceted topic, the best way to ensure adequate protection and enhancement of the natural environment and to further the conservation of biodiversity is to ensure it is integrated thoroughly throughout the LDP. Notably, the latter is a duty placed on all councils by the WANE Act 2011, as detailed at the beginning of this response. The POP however remains silent on such a duty.

As set out above, 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.

In order to halt the loss of our habitats and species, NMDDC (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 importance of ecosystem services has not been addressed within the POP, and as such it remains silent on how it will seek to address, protect and enhance ecosystem services. This is of great concern. As previously set out, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. The SPPS recognises that 'the careful management, maintenance and enhancement of ecosystem services are therefore an integral part of sustainable development' (para. 3.14).

RSPB NI recommends that the condition of ecosystem services, the provision of services and their relationship to human well-being should be integrated into plan-making and decision-taking processes (as set out in the SPPS (para. 3.16)) through overarching LDP objectives. These short-comings must be addressed in any future iteration of the LDP.

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).

Furthermore, it recommended that the precautionary principle should be carried though into any LDP Natural Heritage Strategy, as part of its strategic policy approach. Indeed, Paragraph 3.9 of SPPS states 'in formulating polices 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'.

In addition, 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).

In addition, RSPB NI recommends that LDP policy on natural heritage should include restoration and enhancement; in a manner which reflects the Lawton principles[18]. In this regard, a useful reference document

[18] http://www.rspb.org.uk/our-work/rspb-news/news/349224-positive-planning-can-help-halt-wildlife-declines-new-report-shows

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

- Get sites into favourable condition;
- Increase the size of protected sites;
- Create new sites;
- Improve the connectivity between sites; and,
- Manage the wider countryside more sympathetically to reduce pressures on sites.

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

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

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[19].

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

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

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

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

Against this background, it is unthinkable that the POP has provided nothing in the way of a natural heritage strategy (save a Key Issue identified for sensitive upland landscapes. This omission must be addressed as a matter of urgency. Potential zonings in the LDP should have full regard to natural heritage, as it constitutes more than cognisance of sensitive landscapes/views.

LDP policies to protect and enhance the natural environment should be an integral part of the overall strategy. Given the POP's silence on this issue, 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.

Protecting International, national and local nature conservation designations (that are designated outwith the LDP process)

The POP provides nothing in the way of a proposed strategy to demonstrate how the Council's LDP will assist in meeting the various site designations' (from international to local) responsibilities and obligations. In this regard, there is no indication of the Council's preferred approach to protecting international, national and local nature conservation designations (that are designated outwith the LDP process).

A map of the various protected areas and background narrative should also have been provided for reference to their feature species and habitats. Furthermore, as biodiversity does not have cognisance of boundaries on a map, linkages with the protected areas of adjacent council areas should also be highlighted e.g. hydrological linkages. Consideration could also be given to including Forest Service sites, and Important Bird Areas.

Furthermore, a co-ordinated and integrated approach will be required with the various councils whose international and national environmental designations are within, linked to, or adjacent to their boundaries. As NMDDC shares both a land and sea border with the Republic of Ireland, transboundary environmental issues

will require such an approach, yet the POP remains silent on this aspect, this is most concerning particularly in the face of Brexit.

It is also recommended that buffer zones around such designated sites should be considered for inclusion within the LDP (in addition to any other designations the LDP may offer e.g. Special Countryside Areas) thus providing a hinterland to buffer the protected area and provide space for nature to expand at a landscape scale.

LDP Local Nature Conservation Designations

Similarly, there is no mention of local designations as designated by the LDP for example, Sites of Local Nature Conservation Importance (SLNCIs). In this context, RSPB NI advocates that the LDP must be afford protection to local designations, including Sites of Local Conservation Interest (SLNCIs). Any review which would result in the potential delisting of a SLNCI should examine the reasons for loss in quality and put in place measures as part of the LDP to aid its recovery. See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email. There should be no delisting of lands important for their local nature conservation.

Biodiversity outwith Protected Areas

Furthermore, full cognisance must also be given to the natural environment and its biodiversity outwith designated sites. This is necessary because only a very small proportion of our biodiversity is protected in designated sites, for example areas of lowland grassland, so important for NI's declining breeding wader population, or the contribution fully intact/functioning blanket bog makes to our greenhouse gas targets, or the ecosystem services it provides in respect of flood management and water quality. As such, Policies NH2 and NH 5 of the PPS2 will remain crucially important in achieving sustainable development. Again, the POP is silent on this issue, as such RSPB NI recommends that there should be no weakening of the existing policy provision, and any modifications should seek only to strengthen the policy wording.

There is no mention of how the council intends to approach protected species and habitats or other habitats, species or features of natural heritage importance, or species protected by law within the LDP.

Other Habitats, Species or Features of Natural Heritage Importance

In the absence of any Council direction, RSPB NI recommends that existing Policy NH 5- Other Habitats, Species or Features of Natural Heritage Importance, from PPS2 should be adopted in full within the LDP, as it provides

an important 'catch-all' for habitats, specials or features of natural heritage importance which currently fall outwith designated areas. This has been weakened by the SPPS, and as such RSPB NI strongly advocates that the wording from PPS2 should be adopted in full.

See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

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

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

Similarly, with regards **Species Protected by Law,** RSPB NI advocates that there should be no weakening of the existing policy approach, as contained within **Policy NH 2 of** PPS2 'Natural Heritage'. It is recommended that a reference link is included to state where the terms priority habitats and priority species is found (as per the existing PPS). See also our submission in response to the Department's SPPS consultation exercise. This is included with the original submission email.

Areas of outstanding Natural Beauty

Policy NH 6 relating to Areas of Outstanding Natural Beauty should also be carried across into the new LDP.

Identifying and Protecting Sensitive Landscapes

While it is noted that Key Issue 22 references Sensitive Upland Landscapes, this however does not go far enough in developing a complete strategy for sensitive landscapes *per se* or indeed natural heritage. In this regard, the POP could provide for the identification of Special Countryside Areas (SCA) beyond upland areas, which give full cognisance 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 lowland raised bog makes to our greenhouse gas targets, or the ecosystem services it provides in respect of flood management and water quality.

To this end, the LDP must spell out what Special Countryside Areas mean and how they will be managed. They should be areas where the Council can demonstrate how a sustainable economy can be built around nature.

These areas will require precise spatial expression. It is recommended that Special Countryside Area should extend beyond any ASSI/ SPA designations boundaries for example, into the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale.

RSPB NI is of the opinion that there is merit in conducting the identification of sensitive landscapes 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 responses to the DoE's (2016) and DfI's (2017) call for evidence on Renewable Energy for further information in this regard. Please also refer to the RSPB NI's response to the DOE's Call for Evidence: Strategic Planning Policy for Development in the Countryside, all these are included as separate documents 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.

Identifying and protecting Local Landscape Policy Areas (LLPAs)

Again, the POP is silent on this topic. The identification/retention/enhancement of these areas should be recognised for their importance to biodiversity and ecological networks. These areas can include green and blue infrastructure, riverbanks and shorelines, woodland and trees, all of which make a positive contribution to the district's biodiversity, often in an urban landscape.

Such areas could assist NMDDC in promoting the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

Identifying and protecting Urban / Rural Landscape Wedges

Again, the POP is silent on this matter, however they have value as important wildlife corridors linking up with other important areas for biodiversity, thus creating important ecological networks within the plan area, while providing space for nature to expand at a landscape scale. Such areas could assist NMDDC in promoting the

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

Protecting and enhancing the environment for Nature's Sake

To protect, conserve, enhance and restore should be carried out for 'nature's sake', and the ecosystem services which flow from it. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This needs greater recognition within any future iteration of the LDP.

RSPB NI is of the view that the following Special places should be protected from development, managed appropriately and enhanced (please note that this list is not intended to be a definitive nor exhaustive, but is provided simply to illustrate the plethora of other important areas for biodiversity within the NMDDC, which will no doubt be added to as the LDP progresses):

Further details of the below mentioned sites can be provided upon request for facilitate spatial definition.

- include all areas designated for their conservation interest;
- **Strangford Lough and Carlingford Lough** – in acknowledging that the council and country boundaries bisects these water bodies respectively, it is recommended that NMDDC liaise with the other contiguous council areas regarding agreeing policy/approach for the area and that of transboundary matters with regards to Carlingford Lough;
- **The Mournes** – blanket bog and a number of heaths and grasslands
- **Coastal areas** - due attention to this feature will be needed when considering the future location and volume of new housing for NMDDC in terms of flooding and coastal erosion.
- **Deciduous woodland** takes the form mostly of small and linear remnant areas. In this regard, an integrated policy within the LDP should be developed to protect, best manage, potentially enlarge and connect.
- **Other woodland areas** include mixed and conifer plantations, which also generally have some value, and are largely Forest Service lands.
- **East County Down** – as the most arable region in Northern Ireland, this area remains a hotspot for seed-eating birds, such as yellowhammers, which appear on the Red List of Birds of Conservation Concern. Other threatened species including the wall brown butterfly, Irish hare and red squirrel could benefit in this area from the continued retention and enhancement of this land use.

- **Red kite core area** – a significant part of this area falls within the Newry, Mourne and Down. While no formal site designations for Red Kite exist in the NMDDC area (or indeed any other council area), the NMD LDP has a critical role in protecting this species' habitat from in appropriate development. Red kites are an Annex 1 species under the EU Birds Directive[20] and are additionally protected as a Schedule 1 listed species under The Wildlife (NI) Order 1985 (as amended)[21]. Red Kites as Schedule 1 birds are protected by special penalty and additionally, their nests are provided with protection all year under Schedule A1[22]. This is particularly important as red kites can refurbish and reuse their nests from previous years. Additionally, red kites 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)[23].The breeding population in Northern Ireland remains small and is still at a vulnerable level and the loss of any birds from the population can have a disproportionately damaging impact.

Unlocking the biodiversity potential of other areas within NMDDC

In addition to the above, there are other areas with potential to hold and/or do more for nature conservation which NMDDC may have access to or may be able to influence:

- Amenity parklands etc.

  Whilst green areas are very important, green areas with lots of wildlife are better (for people as much as the wildlife): in the circumstances, it is suggested that a critical evaluation of all parks/amenity areas in Council area (perhaps including, for example, cemeteries, or areas outwith NMDDC's control) to ascertain how they could be working better for nature conservation - promoting greater diversity and abundance of wildlife via interventions not currently happening.

- Golf courses

  There are numerous golf courses within the area; these could be subject to the same assessment as amenity parklands above, whether or not under council control.

[20] The EU Birds Directive 2009 (codified version)
[21] Schedule 1
[22] A1 Schedule
[23] http://www.iucnredlist.org/details/22695072/0

- Gardens

  As noted above, the onus should be on promoting as much housing development on brownfield sites, where they exist. With such developments, it would be important to incorporate the needs of wildlife into building design, as well as include a significant amount of ecologically functioning green space into such developments. Other initiatives to promote the importance of gardens in built-up areas and how to improve them for wildlife and therefore quality of life for humans should be promoted within the LDP. Please refer to comments above in respect of Section 6 – Design and place making for further details in this regard.

- Other green areas

  Furthermore, all current and any newly-provided green/conservation spaces in built-up areas could not only be linked for human access/quality of life purposes, but also in order to join them up for wildlife i.e. wildlife corridors, via plantings and other interventions.

- Trees and Hedges

  There is a requirement for more trees and hedges generally - not just in new developments; and increased protection for these through the use of tree preservation orders, and other initiatives to promote tree planting for residents or example: more trees = better air 'filtration' and more wildlife.

- Other innovative ideas for biodiversity

  More swift towers and other innovative living spaces for wildlife should be incorporated into scheme designs (again please refer to our comments above in relation to Section 6 – Design and place making for further details in this regard).

- SuDS

  Removal of hard surfaces where feasible and replacement with more natural and wildlife friendly alternatives will help with combating run-off in times of high rainfall and thus flooding risk in the built-up areas – please refer to our response to Key Issue 24, Flood Risk Management for further details.

- Quarries

  The potential for any interventions for nature conservation in quarries (in use/no longer in use) could be assessed. Please refer to our comments above on Minerals for further details.

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Key Issue 20: Conservation Areas and Areas of Townscape Character

Q Do you agree with the Council's preferred approach? If not, why?

In furthering sustainable development and promoting an integrated approach to plan making, this key issue should be linked to urban design and place-making. In this regard, neither option identified has regard to protecting and enhancing the biodiversity that such buildings and places hold. Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/ refurbishment proposals should incorporate measures to continue to give nature a home – see comments above in respect of Key Issues 7, 8 and 9 with regards to design and place making 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).

Key Issue 21: Non-Designated Heritage Assets

Q Do you agree with the Council's preferred option? If so, how do you consider existing policy should be supplemented to ensure protection of non-designated heritage assets?

In furthering sustainable development and promoting an integrated approach to plan making, this key issue should be linked to urban design and place-making. In this regard, neither option identified has regard to protecting and enhancing the biodiversity that such buildings and places hold. Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/refurbishment proposals should incorporate measures to continue to give nature a home – see comments above in respect of Key Issues 7, 8 and 9 with regards to design and place making 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).

Key Issue 22: Sensitive Upland Landscapes

Q Do you agree with the Council's preferred approach? If not, why?

Q Do you think there are any other landscapes that exhibit exceptional characteristics within our district that should be considered for SCA designation? If so, where and why?

While RSPB NI welcomes the review and extension of Special Countryside Areas within the Council's preferred Option 3, we are however concerned that Key Issue 22 only addresses Sensitive Upland Landscapes, it has no regard to natural heritage *per se* including species and habitats, and seeks to concentrate on visual sensitivity.

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Please refer to our comment comments above in respect of Identifying and Protecting Sensitive Landscapes (from page 47 onwards) for further details on this Key Issue.

Key Issue 23: Coastal Erosion and Land Instability

Q Do you agree with the Council's preferred option and the criteria required? If not, why?

Q Are there any alternative options the Council should consider to address coastal erosion?

Q Is there a need for any bespoke policies tailored to specific stretches of the coast?

RSPB NI welcomes in the inclusion of Key Issue 23 within the POP. Coastal management should be addressed within the LDP as Paragraph 3.13 of the SPPS sets out how the planning system can mitigate and adapt to climate change – these measures should be incorporated into the LDP is to truly further sustainable development. Climate Change is one of the most pressing challenges facing our society. The LDP should therefore be an opportunity to identify and implement opportunities to build resilience into the built and natural environment and to develop and implement sustainable strategies to explore, address and manage significant flood risk, as stated in para. 3.12 of the SPPS.

The RSPB has long-advocated an integrated approach to 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.

See comments at Key Issue 24 regarding coastal management for further details.

Key Issue 24: Flood Risk Management

Q Do you agree with the Council's preferred approach? If not, why?

RSPB NI agrees that a precautionary approach should be adopted when considering development within identified flood plains alongside a requirement for SuDS as contained within the Council's preferred Option 2.

Natural flooding has helped to give our landscape and countryside its unique character, and is vital to wetland wildlife.

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Flood and coastal management should be about protecting and enhancing the natural environment *alongside* protecting people and property from the damaging impacts of floods.

RSPB NI does not support the permission of new development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere. Natural flood plains and natural watercourses should not be subject to development pressure and should therefore be retained and restored of as a form of flood alleviation and an important environmental and social resource.

The Water Framework Directive, the Floods Directive, a SuDS policy and the Council's biodiversity duty could help us to restore our damaged rivers and coasts, manage our land more sensitively, and create new areas of flood storage. If Government is to fulfil its commitments to the environment and broader sustainability, physical modification of our flood plains, rivers and coasts must no longer be aimed solely at achieving the greatest cost: benefit in terms of flood risk reduction, with accompanying mitigation of adverse environmental impacts.

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

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

For example, the potential for new flood plains to be created up stream should be examined to (i) allow water in, (ii) to be held, and (iii) then to be released when the river can once again cope with the flow. Where floodplains are prevented from functioning, due to artificial flood banks, consideration should be given to the removal of strategically targeted flood banks, 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 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

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

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

These should be included within the LDP policy.

Fluvial Floodplains

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

In terms of permitted activities, positioning more properties in floodplains can increase flood risk, which may, in turn, require creation of more flood defence structures. The intensification of use of previously developed land could allow increased development in high flood risk areas with minimum flood defences where (i) risk is likely to increase in the future with climate change, resulting in the need for more hard flood defences and (ii)

the existing flood defences are already reducing the capacity of the flood plain to carry out its function. We suggest, therefore, that there is a presumption against the development of previously developed land within settlement limits, even if the appropriate 'current' minimum standard of flood defence has been met.

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

- New hard engineered or earthen bank flood defences;
- Flood compensation storage works;
- Land rising (infilling) to elevate a site above the flood level within the undefined fluvial flood plain.

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

Protection of Flood Defence and Drainage Infrastructure

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

Development at Surface Water (Pluvial) Risk

Given that peatlands are internationally recognised as important for water storage[24], we would hope that this is reflected in the assessment of plans to extract peat from lowland raised and blanket bogs in Northern Ireland, and that the precautionary approach will be adopted.

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

[24] 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).

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Artificial Modification of Watercourses

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

Development in Proximity to Reservoirs

RSPB NI recommends the retention of the Regional Strategic Policy contained within the SPPS on this matter.

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.

Q Do you think SuDS should be required in all new developments through a new SuDS policy; Or should SuDS only be required on identified zoned sites by way of key site requirements?
Q How do you consider SuDS should be managed and maintained?

With regards to SuDS, RSPB NI is of the view that 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.

For further information contact:

[redacted]
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RSPB Northern Ireland
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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 Policy[2] (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://wwww.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://wwww.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

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

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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.

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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 in 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 Europe[14].

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.

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[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.pdf [20]. 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.

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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.

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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, t*he 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 techniques[35] to assess the deployment potential for a range of renewable energy technologies.

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

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

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

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

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

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

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

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

Additional guidance provided by RSPB is linked in question 10.
Managing renewable sites for the improvement of biodiversity is an excellent way to achieve the goals of prioritising climate change mitigation and adaptation as well as conservation and enhancement of the natural environment. In particular:

- Assessments and maps of existing and potential ecological networks should be taken into account as part of the evidence base for climate change mitigation. These should be expressed as positive 'Spatial Visions' within plans.

- Areas of potential biodiversity enhancement and specific policies and actions to strengthen and/or create ecological networks should also be clearly set out and mapped within these spatial visions. In order to minimise impacts on biodiversity and provide net gains where possible.

- Management plans in line with the objective of the ecological network should be required as part of planning conditions for renewable energy development.

- The remote locations of many renewable energy developments can provide a safe haven for a range of species if actively managed with a range of habitats and organisms in mind.

Strategic approach to Community Benefits

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

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

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

[36] http://www.legislation.gov.uk/nia/2011/25/section/76

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

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

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

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

> The general perspective was one of concern and lack of confidence in developers, planners and the Government more generally to be transparent and to act in their best interest when it comes to wind farm developments. For example, our Local Groups felt that developers were following the letter of the law in regard to community engagement but not necessarily the spirit of it, by, for example, arranging consultation meetings for school holidays when many people would be unable to attend.
>
> An RSPB local group also mentioned that a parish council had been approached by a developer and offered community benefits in exchange for a letter of support.

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

be bought or sold" (http://www.landmarkchambers.co.uk/userfiles/documents/CO55012015final.pdf).[37]

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

Cumulative Impact

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

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

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

Addressing Data Gaps

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

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

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

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

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

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

Continued Investment and Robust Enforcement of Post-Construction Monitoring Requirements

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

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

Resourcing and Access to Experts

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

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

Integrated Planning and Assessment

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

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

38. Thank you for contributing to the survey.

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

We would welcome your attendance.

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

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 Strategy[2] 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 pursed 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 meets it 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 though 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, RSPB[4]***
- ***(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 Report[5], and in particular Chapter 23: Health Values from Ecosystems[6]. 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 an 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 though the responsible and hospitable qualities.

In addition at paragraph 3.38, we welcome the inclusion of guiding principles of good place making in the countryside, including the avoidance of development that impacts adversely upon natural ecosystems.

Question 9: Enhancing Stakeholder Engagement and Front-Loading

The RSPB welcomes the fact that Councils and the Department must each prepare a Statement of Community Involvement (SCI) in respect of their individual functions. In the absence of third party right of appeals, enhancing stakeholder engagement and front-loading will go some way in providing clarity and transparency for stakeholder and community involvement in the planning process.

Question 10: Enhancing Local Democratic Accountability

While we view enhancing local democratic accountability as a positive step, it will be necessary for Councillors to remain focused on the major/primary issues and not get caught up in lengthy debating over minor issues e.g. house extensions.

The Councillors Code of Conduct is a key document in Planning Reform and as such we would advocate that it is in place as soon as possible. Furthermore, given the absence of any planning decision making function within Councils for the past 40 years, there remains a significant amount of capacity building to be undertaken in order to fully maximise the potential of this approach.

Question 11: Decision-taking Principles and Practices

LDPs

The draft SPPS does not identify strategic priorities for LDPS nor does it set out detail on using a proportionate robust evidence base by which the local planning authorities can have a clear understanding of the needs and requirements in their area.

A section should also be included within the Local Development Plans section on environmental assessment.

Paragraph 4.3 should also include a reference to the addition of environmental designations.

On transparency (paragraph 4.15), we welcome public and stakeholder participation at the start of the plan-making process.

We would recommend that the key issues contained within the 'Preferred Options Paper' should include other issues such as:

- Provision of health, security, community and green infrastructure, and local facilities; and,
- Climate change mitigation and adaptation, protection and enhancement of the natural and built environment including biodiversity and landscape, and where relevant coastal management.

With regards to soundness, it would be extremely beneficial if the draft SPPS were to detail what the soundness tests comprise (similar to the way such tests are contained within the NPPF). Currently, the draft SPPS only states *'the Independent Examination will include soundness tests to ensure....'.*

Development Management

Once again there is an imbalance in the language used for the economy, society and the environment in paragraph 5.1. *'central purpose of growing a dynamic, innovative economy alongside efforts to improve our society, and protect and enhance our environment'.* A more even-handed expression of environmental, social and economic needs is required to address the more timid language used in references to the environment and society.

With regards to development hierarchy, and while the RSPB welcomes a fairer, faster and more transparent planning system, speedier planning decisions should not be at the expense of quality decisions. Any risk to investment decisions, should be viewed in the context that the planning application must be fully and competently assessed with regards to all other risks, including environmental.

Paragraph 5.9 should be clarified so as to reflect the contents of paragraph 5.7. In this regard, major development should be qualified as that not deemed to be regionally significant.

The RSPB welcomes the statutory requirements for pre-application community consultation for all major (including regionally significant) development proposals and the power of Councils to decline to determine applications which have not fully met the statutory requirement for pre-application community consultation.

Planning Enforcement

At paragraph 5.15, the RSPB considers that effective enforcement is **essential** to ensure the credibility and integrity of the planning system is not undermined.

Call-in

At paragraph 5.20 we would question the statement that call-ins *'will be used sparingly'* given that applications for determination will either have sub regional/regional impacts, or they will not. If they do, such applications will then be subject to a call-in, to use the term sparingly suggests that there could be another filter which has not been referred to in the narrative.

Developer Contributions and Community Benefits

At paragraph 5.32 we suggest that additional text should be inserted to reference that 'communities should be eligible for any community benefit agreed regardless of whether they supported the

application or not'. Furthermore, such benefits need to be tangible community benefits and not 'greenwash' or superficial unsustainable community projects.

STRATEGIC PLANNING POLICIES

Question 13: Coastal Development

It is recommended that aim of the draft SPPS in relation to coastal development be amended to protect all the coast from inappropriate development, regardless of whether it has been developed or not.

Coastal areas support some of our most spectacular wildlife in Northern Ireland, including many of our internationally important wildlife sites, with many of these habitats relying o complex biological relationships between marine and terrestrial habitats. Marine resources are also set to play an increasing role in delivering a sustainable, low-carbon economy. This should be addressed within this subject planning policy.

Integrated coastal zone management (ICZM) is therefore crucial in enabling a joined up approach to the management of the many different interests in coastal areas, both terrestrial and marine. The draft SPPS should include such provision.

Question 15: Development in the Countryside

While the RSPB welcomes the recognition of ecosystem services in the countryside, we are concerned about the adoption of a positive approach to new development in the countryside in the absence of the precautionary principle. The adoption of a positive approach to new development in the countryside could undermine the plan-led system, and the ability of local authorities to determine applications in accordance with the development plan and all other material considerations (Article 6.3 of the Planning Act (Northern Ireland) 2011). It is difficult to reconcile a plan-making process that has gone through a Strategic Environmental Assessment (SEA), before allocating sites strategically and often sequentially to ensure sustainable patterns of development - with the positive approach as it is currently worded.

At paragraph 6.63 we are similarly concerned that there is a premature presumption in its wording. In this regard, we recommend that it is amended to include the wording 'where appropriate' (as

contained within paragraph 6.61) as not all Dispersed Rural Communities (DRCs) will have the capacity to include everyone of the listed development activities.
In addition, we recommend that paragraph 6.64 makes reference to the consideration of cumulative impact.

Question 16: Economic Development, Industry and Commerce

It is unclear where the environment sits within this subject planning policy, particularly with regards to all of the ecosystem services upon which the economy relies. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies. This should be explicitly recognised within this subject policy. Paragraph 6.71 in discussing the environment fails to recognise ecosystem services.

Furthermore, we are concerned with the emphasis placed in the second policy objective for economic development to ensure *'a **generous** supply of land suitable for economic development'* (our emphasis).

In this regard, paragraph 3.3 of the draft SPPS recognises development must be within environmental limits. As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.

Furthermore, within this subject policy as a whole, inconsistent language is used with regards to the supply of land suitable for economic development. The language as currently used is not considered to be interchangeable. In this regard, *'ample', 'generous' and 'sufficient'* have all been used. As a consequence, there needs to be a consistency exercise carried out in the use of the language, in accordance with the comments detailed in the paragraph above.

Within this section there appears to be an inherent tension between public good and private interests, as stated in paragraph 1.2 of the draft SPPS, the planning system operates in the public good, this must be addressed in any subsequent revision.

With regards to decision-taking, and in particular paragraph 6.78, it is recommended that the reference to the adoption of a generally positive approach in determining applications should be removed. The inclusion of this 'presumption' is an unnecessary repetition (which is already stated within The Purpose of Planning section) and implies a weakening of the force of environmental policies. In addition, a plan-led system must be predicated on the ability of planning authorities, *where necessary,* to refuse development that sits outside that which is planned for, where it would not constitute sustainable development.

A similar 'presumption' is found at paragraph 6.82, which should be amended accordingly. In addition, the final sentence of this paragraph requires stronger links with the contents of paragraph 6.83 in order to ensure that both paragraphs are read together, so as to avoid any misinterpretation.

Question 17: Flood Risk

For comments in response to this question, please refer to our consultation response submitted to the Department in response to the draft Revised PPS15 earlier this year (January 2014). (A further copy of same can be made available upon request).

Planning has a crucial role to play in delivering climate change mitigation and adaptation. This includes factors such as heat stress and potential for increased flooding. This should be explicitly recognised at paragraph 6.87, alongside the need for a robust evidence base to inform relevant policies. To state *'there remains much uncertainty as to the degree of climate change that will occur and the implications for particular areas of Northern Ireland'* is somewhat of a weak excuse and needs to be replaced by a statement encompassing likely predications based on the best available data at this time.

While we welcome the comments at paragraph 6.93 with regards to the opportunity presented by the preparation of a LDP for engagement with other relevant government departments and agencies, it however fails to recognise the need for a joined up approach between council areas when there are potential and recognised implications beyond plan areas. Such a requirement for council areas in such circumstances requires be added to this subject policy.

The use of the word *'should'* within paragraphs 6.96 and 6.102 needs to be replaced by 'must' or 'will' to remain true to PPS 15. The use of the word 'should' represents a weakening of the requirements set out in this paragraph. The use of the word 'should' could be interpreted as a

suggestion, whereas, the use of the word 'will' is a firm commitment. In this context, the RSPB recommends that 'should' be replaced by 'will' in this paragraph to be consistent with the tenor of PPS 15.

We would reiterate our PPS 15 consultation response comments in respect of paragraph 6.104 in that there should be no land raising within coastal flood plains, consistent with the restriction in fluvial flood plains.

We would also recommend that Figure 1 is amended as follows (additional text underlined) - this additional text is consistent with PPS 15, and necessary to retain the integrity of its policies:

Defended Areas

'Previously developed land protected by minimum standard *flood defences'*

Undefended Areas

'replacement of an existing building - proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be permissible.

Question 18: Housing in Settlements

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

It is therefore crucially important that the planning system ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the planning system is required to burden the environmental with more housing than is actually needed. In this regard, housing allocations should therefore be based on a robust evidence base.

While we welcome the sequential approach applied to the identification of suitable sites with the use of previously developed land, we recommend that the priorities of Brownfield land, wherever possible, should be further explicitly stated within the subject planning policy, as it plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration. A requirement should be added to the policy which requires local authorities to deliver as much housing as possible on Brownfield land.

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

Question 19: Minerals

This subject policy needs to be set in the context which ensures that levels of extraction do not exceed environmental limits, or serve to undermine the environmental integrity of wider ecosystems.

Furthermore, we recommend that the final sentence of paragraph 6.132 is amended to replace the word *'effectively'* with 'sustainably'.

Mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration. RSPB research has shown that focusing efforts on 412 mineral sites within 1km of nine priority habitat types would see existing UK BAP habitat creation targets met for those targets. It is important that the draft SPPS recognises this potential and we therefore recommend that paragraph 6.137 be amended to include the following narrative with regards to the final bullet point which seeks to *'secure sites are restored to a high quality, seeking to achieve other objectives such as the enhancement of biodiversity wherever possible'.*

With regards to Local Development Plans we recommend that the first bullet point be amended to include reference to sustainable local supplies which include the use of recycled materials. The future needs over the plan period requires to set in a robust evidential context and not just on *'likely future development needs'* if we are to sustainably use such finite resources.

There is no reference to peat extraction within this strategic policy. In the circumstances we recommend the inclusion of the following bullet point 'not grant planning permission for peat extraction from new or extended sites , or renew extant permissions'.

Lowland raised bogs are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs. This means that, in order to harvest peat sustainably only around 10 to 20 cubic metres of peat could be removed each year, for every hectare of active, peat-forming raised bog.

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

Question 20: Natural Heritage

With regard to Local Development Plans, paragraph 6.151 of the draft document states *'where appropriate, policies should also be brought forward for their protection and / or enhancement'.* This should not be an 'and/or' situation as both can occur together. PPS 2 'Natural Heritage' at paragraph 4.3 states *'local designations arising from the plan should be identified and policies brought forward for their protections and, where possible their enhancement'.* Paragraph 6.151 of the draft SPPS should therefore be amended to remove the and / or scenario, and replicate the text contained within paragraph 4.3 of PPS 2.

It is also recommended that paragraph 4.8 of PPS 2 regarding other considerations be added to the Local Development Plans section within the draft SPPS to ensure that full account is given to natural heritage objectives contained within other legislation, policies, strategies and guidance.

We welcome the reference to the promotion of the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach.

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

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

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

The statement contained within paragraph 6.155 is considered to be somewhat bold and inconsistent with the precautionary principle. While it is accepted that adverse impacts can, on occasion, be minimised through careful planning and design, such mitigation may not be sufficient or appropriate to render the proposal acceptable. Within this context, there is an inherent presumption in favour of development within this paragraph, which suggests that careful planning and design will allow <u>any</u> development to proceed even where there is adverse impacts. This is not the case and each case will need to 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 <u>should</u> only be granted'* (our emphasis), whereas the comparative policy statement in PPS2 at Policy NH5 states *'planning permission will <u>only</u> 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:

- <u>Support radial reductions in greenhouse gas emissions</u>

[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 strengthen 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:

[redacted]
Senior Conservation Officer (Planning)
RSPB Northern Ireland

E-mail: [redacted] ***Telephone:*** [redacted]

Department for Infrastructure - Review of Regional Strategic Planning Policy on Renewable and Low Carbon Energy - Public Consultation

A response from RSPB Northern Ireland, 29th June 2023

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 in the UK, supported by over 11,000 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.

RSPB NI welcomes the opportunity to comment on the Review of Regional Strategic Planning Policy (RSPP) on Renewable and Low Carbon Energy consultation.

Please note that the numbering and sequencing of RSPB NI comments below follows that contained within the consultation document.

We have attached several documents which contain our previous responses to related consultations. These should be read in conjunction with this current submission and form part of our comments contained within this document.

We would seek clarity on the paragraph on page 3 of the consultation document, which reads as follows:

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No material weight should be applied to this public consultation draft revised policy document. However, when issued in its final form, the revised policy will supersede the existing provisions of the SPPS's Renewable Energy subject policy, published in September 2015 (pages 90 – 93 refer) and will take precedence over the provisions of extant Planning Policy Statement 18: 'Renewable Energy' (PPS 18) which continues to be retained under transitional arrangements of the SPPS, whilst councils bring forward their Plan Strategies.

We would specifically request clarification on the intention for this policy document to take precedence over PPS 18. In particular, we are unclear as to whether this applies where RSPP is silent on a particular issue which is addressed within PPS 18 (transitional period only).

Question 1: Do you agree, that overall, the revised policy will help to ensure that the planning system can play its part in supporting wider efforts of government in addressing climate change and decarbonising the energy sector?
If not, please explain how the draft policy can be improved.

Nature is in crisis. 11% of species on the island of Ireland are at risk of extinction[1] and Northern Ireland ranks 12th worst out of 240 countries for biodiversity loss[2]. A quarter of our birds are now red-listed, meaning that they are the highest category of conservation concern[3]. Other species groups are also in worrying decline. For example, there has been a 17% decrease in abundance of butterflies in Northern Ireland just since 2006, with even more concerning declines on a longer-term basis[4].

Furthermore, the Intergovernmental Panel on Biodiversity and Ecosystem Services (IPBES) and the Intergovernmental Panel on Climate Change (IPCC)[5] make it clear that the nature and climate emergency is indivisible. If we are to halt global temperature warming to 1.5°C by the end of this century global emissions must rapidly reduce by the end of the decade to reach net zero by 2050. Rapid decarbonisation is therefore vital but so is the protection and restoration of ecosystems on land and at sea. We therefore need to deliver renewable energy in harmony with nature.

Amid an interlinked nature and climate emergency, the need to reconcile the challenge of increased low carbon infrastructure deployment and threats to biodiversity has never

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[1] State of Nature 2019 Reports - National Biodiversity Network (nbn.org.uk)
[2] Biodiversity Intactness Index
[3] Birds of Conservation Concern in Ireland - BirdWatch Ireland
[4] The State of the UK's Butterflies 2022 Report | Butterfly Conservation (butterfly-conservation.org)
[5] Sixth Assessment Report – IPPC Sixth Assessment Report — IPCC

been more urgent. The imperative to act is clear; Government must ensure integrated and well-funded action for climate and nature to ensure we meet both ecological and net zero targets. Joint solutions must be at the heart of our Green Recovery and energy transition so that we can build a just, sustainable, and resilient future.

The RSPB agrees that reducing our dependence on fossil fuels and moving towards renewable forms of energy production is absolutely vital. Achieving our Northern Ireland net zero targets[6] 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 nature. 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 we can meet emissions targets while not negatively impacting on biodiversity.

Therefore, it is essential that we pursue an integrated and joined-up approach to tackling the nature and climate emergency[7], they cannot be resolved insolation or traded off against one another. A rush to net zero could result in potential unintended negative consequences where nature and climate are to be traded off against one another.

Strategic Planning Policy in its enabling role will inter alia help Northern Ireland meet its net-zero targets. It must however do this in a way that does not undermine efforts to tackle the loss of biodiversity and to reach the target of extending the protected area in Northern Ireland to at least 30% of land by 2030 ('30x30'), which the Northern Ireland Executive formally committed to within the draft Environment Strategy. As demonstrated above, the nature and climate emergency are inextricably linked and one cannot be addressed in isolation from the other – as such the RSPP as part of the overarching SPPS should recognize the need to achieve both net zero and 30x30 in policy, all in harmony with nature. Furthermore, energy efficiency and demand reduction also need to form part of this transition.

It is vital that the current review of the RSPP as part of the overarching SPPS on low carbon and renewable energy facilitates deployment of new energy infrastructure, which is strategically located, in harmony with nature and in-keeping with wider environmental considerations. A strategic spatial approach to renewables across Northern Ireland would assist in this regard while also providing certainty for developers and speeding up the consenting process by reducing the risk of contentious and unsuitable projects coming to

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[6] Climate Change Act (Northern Ireland) 2022 (legislation.gov.uk)
[7] IPBES and IPCC. Biodiversity and Climate Change Workshop Report. 2021. Available at:20210609_workshop_report_embargo_3pm_CEST_10_june_0.pdf (ipbes.net)

the application stage. Such an approach is necessary to deliver an energy transition that delivers for people, climate, and nature at every level of deployment. To this end, Government-led strategic, spatial terrestrial and marine planning should be based on the best available evidence (enhanced by monitoring and research) to identify the least environmentally sensitive locations for development and fit for the purpose of decarbonising.

Furthermore, when taking a strategic approach to planning the location of renewable projects, attention must be given to current site designations and related commitments to protected areas. Protected areas are the front line of defence against the growing pressures on the natural environment and are vital for halting and reversing declines in biodiversity. Protected areas (including Areas of Special Scientific Interest (ASSIs); Special Areas of Conservation (SACs); Special Protection Areas (SPAs); and Ramsar Sites), are not sufficient on their own and must be embedded within ecological networks and wider landscapes well-managed for nature. Nonetheless, we know that protected areas must form a central part of efforts to address the nature and climate emergency.

Regarding the siting of renewables in harmony with nature, we encourage consultation with relevant government bodies (for example, DAERA and NIEA) and external experts (for example, RSPB NI, Ulster Wildlife and NIMTF). Furthermore, we would also urge consultation with relevant bodies in the Republic of Ireland as many major energy projects will need to be considered within the context of the wider biogeographic unit that the island of Ireland represents to ensure that they are designed and developed in harmony with nature.

Biodiversity should not be viewed as a 'barrier to deployment' but rather part of the suite of material considerations when assessing low carbon and renewable energy proposals. The RSPP (and the SPSS per se) must therefore give equal recognition to the nature emergency alongside the climate emergency already noted.

Overall, the draft policy does not sufficiently contribute to ensuring that the government's wider efforts in addressing climate change and decarbonising the energy sector also meet the government's commitments to tackling the nature crisis. The text in its current form does not adequately commit to protecting nature from inappropriately sited renewable and low carbon energy development. References to the natural environment predominantly relate to protections which consist of existing legal duties. For example, paragraph 1.6 in particular we feel raises the presumption in favour of renewables development but lowers the threshold in terms of protecting nature in this process. We would request that this paragraph would be amended to adequately reflect the nature and climate twin emergencies. Furthermore, other references to the environment are

vague in places. For example, under 1.14, where it states that "in plan-making and decision-taking, planning authorities must take full account of the above-mentioned aim and targets, the regional strategic objectives and policy provisions, local circumstances, and the wider environmental, economic, and social benefits of renewable and low carbon energy development to local communities and to everyone in Northern Ireland", nature should be mentioned specifically. Furthermore, under 1.7 there is a commitment to "[ensuring] that the environmental... impacts associated with or arising from renewable and low carbon energy development (either alone or in combination) are adequately addressed", but again this is a vague commitment. Additionally, we note that the first bullet point under 1.7 is an addition to the regional strategic objectives, and it should also have regard for the twin nature and climate emergency and the fact that these are inextricably linked. The second bullet point under 1.7 is also an addition and we are concerned that this point fails to encompass all three pillars of sustainability by discussing economy and society while not directly connecting the environment to these, and therefore could result in environmental trade-offs.

Furthermore, under 1.30 the policy states that "developers should, as early as possible, proactively engage with the local community in the vicinity of their proposal". This should be amended to also include other key stakeholders, such as environmental NGOs. We also welcome the clarity that voluntary community benefits will not be a material consideration. Please see further comments on this in RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016), which is attached in the submission email.

We note that under 1.12, cumulative impacts are addressed under visual impact and landscape amenity, but cumulative impacts are not discussed in relation to biodiversity and nature conservation. Given the state of nature in Northern Ireland, we have significant concerns about the cumulative impacts that species and habitats may face as a result of inappropriately sited renewable and low carbon energy development. Therefore, in order to give biodiversity and nature conservation cumulative impacts equal standing within the revised policy, we recommend that this bullet point is reworded as follows: "biodiversity, nature conservation, archaeological or built heritage interests, including cumulative impact".

However, we welcome the inclusion of biodiversity in clause 1.15, but this could be strengthened. We would request that the line "developers should protect" is strengthened to "developers must protect", which would be consistent with language used elsewhere in the document, and this would also reflect the twin climate and nature emergency that we are experiencing, which are inextricably linked. This should not be used as a mechanism to make an unacceptable development acceptable. Additionally, the inclusion of nature networks and the restoration of habitats is positive for both nature and climate because of the role of nature-based solutions in both mitigating against climate change

and contributing to climate adaption. Adaptation, will in particular, need to be a consideration for developers as our climate becomes more volatile, which may have an impact on projects throughout their lifecycle.

We specifically wish to comment on the draft policy's reference to peatlands. We welcome the acknowledgement of the importance of peatlands under 1.26. However, under this section it states that "[the] restoration potential [of degraded peatland sites where an energy project is being proposed] can, therefore, be a material consideration in the determination of planning applications on a case-by-case basis". While we welcome the restoration of peatland sites, we would have concerns that this would allow developers to potentially cause damage to an imperfect but still valuable habitat because they have provided a restoration plan. It cannot be used as a mechanism to make an unacceptable development acceptable. Due to the carbon emissions caused by damaged peatlands and the important habitats they provide for some of our most threatened species, they must not be subject to further damage before they are restored. Furthermore, the inclusion of a restoration plan, should it be deemed a material consideration, should not allow developments to go ahead where there is potential harm to other natural features (for example, where bird species will be vulnerable to collision or disturbance).

Finally, we note that consultation with statutory bodies, including NIEA, is mentioned under the context of safety concerns, which we would wish to see amended to read as "relevant and/or appropriate statutory and advisory bodies". We would like to emphasise that NIEA should be consistently consulted with regard to the potential impacts of individual projects on nature. Furthermore, non-statutory bodies should also be routinely consulted on energy projects. This should include environmental non-governmental organisations such as RSPB NI. Engagement with all stakeholders (both statutory and non-statutory) should be early in the decision-making process, (and be continuous through the process), and it should be meaningful. Planning applications submitted should contain all of the information required (including robust and competent environmental assessment) and it should be of a high quality in order to make the decision-making process quicker. However, we would note that faster decision-making must not be at the expense of robust, rigorous and competent environmental assessment if we are to realistically address both the nature and climate emergency.

Question 2: Do you agree that the new provisions for a spatial approach through LDPs will assist in providing certainty and clarity to planning authorities, communities and developers alike by providing a presumption in favour of development in areas identified in LDPs?
If not, please explain how the draft policy can be improved.
The spatial approach in the RSPP does not appear to consider nature. The "appropriate locations" discussed under section 1.7 must ensure that areas containing sensitive

species and habitats are not earmarked for renewables development that would have a negative impact on nature. We seek clarification that references to "[ensuring] that the environmental... impacts associated with or arising from renewable and low carbon energy development are adequately addressed" and "[ensuring] adequate protection of the region's built, natural and cultural heritage" specifically include biodiversity and therefore commit to ensuring no negative impact on species and habitats. What 'adequately addressed' means in practice would need to be clarified. We would also like to remind the department of the mitigation hierarchy of 'avoid, minimise, restore, compensate' which must be followed: where in the first instance, any impacts must be avoided, where this is not possible sufficient mitigation measures must be put in place. Only if there are any residual impacts that could not be avoided or mitigated must compensation measures be used.

We note that under 1.8, councils are instructed to "positively facilitate Northern Ireland's full potential for renewable and low carbon energy development... councils must set out policies and proposals in their LDPs to maximise the plan area's contribution to achieving the renewable energy targets". Such presumptions must be caveated that they are in accordance with meeting normal planning policy, including no adverse environmental impact. Furthermore, we would seek clarity and information from DfI and Strategic Planning on how they see 1.8-1.10 fitting in with all the councils' LDP plan preparation timetables.

For further comments on strategic spatial planning, please see our previous responses submitted which are attached to this email. Any presumption in favour of development must be predicated on the need to satisfy normal planning policy considerations, particularly with regard to robust environmental assessment.

We note that section 1.10 states that areas outside of those identified as appropriate for renewable energy may still be able to accommodate renewable and low carbon energy development. We request that the areas that are most sensitive to nature are not left open to energy development that would have negative impacts on species and habitats (for example, onshore wind that would have harmful impacts on bird species that are vulnerable to collision or disturbance associated with wind farms).

Furthermore, we note that under section 1.11, a cautious approach is proposed for renewable and low carbon energy development proposals within designated landscapes which are of significant value. Paragraph 1.29 states that "developers should seek to avoid designated landscapes and utilise industrial or previously developed land, where feasible". Furthermore, under 1.22, developers are advised to "seek to avoid valued designated landscapes" when siting large scale developments. We support these points

in principle, however, Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Ramsar sites and Areas of Special Scientific Interest (ASSIs) are not included here. These sites include some of our most precious pockets of habitat for wildlife and it would be incompatible with the government's biodiversity commitments to allow damaging energy development to proceed in these areas. While we appreciate the importance of visual impact for many people (and it is therefore well referenced within the draft policy), protecting our precious species and habitats must be considered of at least equal, if not greater, importance in the context of the nature crisis. We do however note that AONBs are mentioned within the draft policy text. 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. We would therefore request that 1.29 and 1.22 are reworded to avoid environmental trade-offs and to reflect the importance of protected areas in addressing the nature crisis. Explicit references to the above designated sites must be added to 1.11 and to 1.7 where it refers to "[ensuring] adequate protection of the region's... natural... heritage features" to ensure that the deployment of renewable and low-carbon energy does not worsen the nature crisis.

We also note that section 1.12 states that "all renewable and low carbon energy development and associated buildings and supporting infrastructure will be permitted where the proposal will not result in an unacceptable adverse impact... on the following planning considerations, which cannot otherwise be mitigated: … biodiversity, nature conservation". We would seek clarification on how 'unacceptable' is defined in the context of impacts on nature. We also urge DfI to abide by the mitigation hierarchy whereby mitigation should only be pursued where impacts cannot be avoided or minimised (minimised where they cannot be avoided). We would also note that for some species, there is no mitigation for the impacts of certain developments that is proven to be effective (for example, there is no evidence of effective mitigation for disturbance of snipe and curlew in close proximity to onshore wind turbines).

Question 3: Do you agree with the draft revised policy approach to provide a presumption in favour of re-powering, extending and expanding solar and wind farm developments, where appropriate?
If not, please explain how the draft policy can be improved.

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. Furthermore, it is vital that post-construction monitoring has been submitted on a timely basis and are made available to ensure that the full impacts of the original development have been

considered. There also needs to be stronger enforcement of post-construction monitoring conditions that are attached to planning approvals.

With regards to perpetuity, typically, most windfarm developments in Northern Ireland are now granted planning permission for a specified time[8], normally 25 years and varying reasons for the limit are provided by the planning authority e.g. to restore peatland and maintain the landscape quality of the area[9]. This means, operators of these developments will need to decide between repowering, life extension or decommissioning as the time limit approaches. We welcome that decommissioning has been addressed under paragraph 1.28, and would request that site restoration includes biodiversity benefit.

Such 'end-of-life' considerations potentially allow for opportunities for the reconsideration of wider environmental and social matters relating to the development at that time. For example, RSPB Scotland has had instances of windfarms being granted where no collision risk is predicted for a species for example hen harrier, then several collisions have been recorded once the windfarm is operational.

Given that there is usually some form of monitoring on most windfarms, RSPB NI is of the opinion that it is necessary to allow a review of the development having regard to such information inter alia as that obtained from the pre and post construction monitoring program.

Having time-limited consents is therefore considered to be a robust mechanism to avoid the potential continuation of, for example, a particularly detrimental site and prevents the need for planning authorities to have to revoke a planning permission in such circumstances.

Furthermore, time-limited consents, may also have benefits in the context of possible future energy technology changes.

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[8] Although this has not always been the case historically, with some of the first generation windfarms here in NI being effectively granted in 'perpetuity' i.e. no time-limiting condition e.g. B/1993/0377, this was more frequent when windfarms were somewhat of a novel technology within development management. This is not an unusual situation with regards to novel types of development where first generation permissions have historically been found to be less 'restrictive' in scope and content than later permissions. Later windfarm permissions then began to refer to 'after the lifetime of the workings, all structures and access roads shall be removed and the landscape restored in accordance with a scheme agreed with the Department in writing' to 'minimize the long-term landscape impact' e.g L/2002/1042/F, but the lifetime of the workings were not specified in this intermediate period. Nowadays, time limit conditions are regularly found in windfarm permission.

[9] LA10/2021/0770

While it is noted that Scottish Planning Policy, paragraph 170[10], requires areas for new windfarm developments to be suitable for use in perpetuity, it does not however preclude time-limited consents. In this regard, we interpret this as requiring a long-term view of the site and any potential impacts, rather than an argument for permanent consent.

This is supported by the fact that at the local development plan level e.g. Policy 7D (part v) of the Orkney Local Development Plan[11] states that consent for wind energy developments may be granted for a maximum period (usually 25 years) from final commissioning or first energy generation.

While RSPB NI would support the continuance of time-limited consents, in order to provide clarity to developers, stakeholders and other interests, such consents would need to be set in a clear policy context which specifically relates to the assessment of repowering applications or extending the consent period. Please refer to RSPB NI's response to DfI Review of SPPS on Renewables and Low Carbon Energy - Issues Paper 11.02.22 with respect to our recommendations for repowering and life extensions of windfarm developments.

Where any renewable energy development is to be repowered, extended or expanded, full and robust environmental assessment must be undertaken and each project must be considered on a case-by-case basis. Where habitat has established around renewable energy infrastructure, habitat loss must be avoided. Finally, we would request that the definitions of 'extending' and 'expanding' are clarified within any revised policy (we provide these comments with the assumption that 'extending' is defined as extending the lifespan of a project while 'expanding' is defined as adding additional infrastructure to expand the footprint of the existing project).

Question 4: Do you consider that the draft revised policy provides an appropriate regional strategic planning policy framework for plan-making and decision-taking for all forms of renewable and low carbon energy development? If not, please explain how the draft policy can be improved.

We need a strategically planned energy mix which is in harmony with nature, taking into consideration impacts across an ecosystem not just at the project level. This energy transition must be accompanied by measures aimed at increasing energy efficiency and reducing energy demand.

[10] https://www.gov.scot/publications/scottish-planning-policy/documents/
[11] https://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm

We would request that paragraph 1.20 regarding co-location is caveated as follows, "subject to normal planning considerations".

In terms of specific technologies, we note that a diverse mix are listed within the draft policy. Diversifying the mix of renewable technologies in Northern Ireland must consider the impacts that these technologies will have on nature. While diversifying the mix of technologies may reduce the pressure that one technology exerts on nature (for example, if onshore wind was to be favoured there may be pressure to develop sites where there is a clear conflict with nature), this remains highly dependent on deployment. Incentivising a diverse mix of technologies must translate to avoiding deployment on the most sensitive sites for nature in order to avoid a situation where we worsen the nature emergency through our actions to deal with the climate emergency. Furthermore, we would like to clarify that we do not support all technologies that may fall under the umbrella of 'renewable sources'. For example, we would urge caution on the use of bioenergy, which may not be fully sustainable depending on the source of the fuel[12]. We therefore do not support the inclusion of unsustainable technologies that may fall under 'renewable technologies' and instead request that any planning policy support is focused on genuinely low carbon renewables that are sited, constructed and operated in harmony with nature. As renewables technologies are rapidly-developing, the precautionary principle will need to be applied where technologies are new or novel and the impacts are not yet fully known. We have provided further comments on specific technologies below:

Wind

Onshore and offshore wind will make a significant contribution to Northern Ireland reaching net zero, but it must be deployed strategically in order to avoid the most ecologically sensitive places. Primarily, wind farm and single turbine siting must avoid bird species which are vulnerable to collision or disturbance from the construction or operation of wind energy (for example, a range of raptor, wader, wildfowl and seabird species). Wind energy development should also avoid sensitive habitats which may be damaged and, for example in the case of peatlands, emit carbon as a result of this damage. We have already seen significant pressure on our terrestrial wildlife as a result of onshore wind and the expansion of this technology in order to hit the climate targets set in law must not place further pressure on our most vulnerable species. For example, curlew is one species that are sensitive to wind farm development. Curlew are of high

[12] Please see further comments on bioenergy specifically below.

conservation concern as they are red-listed in Ireland[13] and classed as near threatened on a global scale[14]. They are also a Northern Ireland priority species[15] and breeding pairs have significantly declined in recent years in Northern Ireland to an estimated 526 pairs[16], representing a decline of 82% in the mean breeding densities in the last 30 years. However, through ongoing RSPB fieldwork we believe that these population trends have continued and estimate that current numbers in Northern Ireland could be fewer than 200 pairs. 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 42.4% within 500metres (m) of turbines and/or associated infrastructure and 30.4% within 1km[17]. Hen harrier is another species which is threatened by inappropriately sited wind power. There has been a 22% decline in territorial pairs in Northern Ireland between 2010 and 2016 reported in the most recent hen harrier census[18]. Indeed, the most recent Rare Breeding Birds in the UK in 2018 Report[19] shows a further decline to 18 confirmed breeding pairs (or 26 maximum total pairs (typically possible, probable, and confirmed breeding)) from the 46 pairs found in the 2016 census. The expansion of wind power must not put further pressure on species such as the curlew and hen harrier discussed here.

We recognise that Northern Ireland is now in the early stages of offshore wind development and we stress that a piecemeal approach to deployment must be avoided. Offshore wind and associated infrastructure deployed in the least ecologically sensitive areas offers a huge opportunity to deliver vast amounts of renewable energy, but our marine environments are already under significant threat. In the case of our seabirds, 23 out of 24 of Ireland's breeding species are now amber-listed or red-listed in the Birds of Conservation Concern Ireland list for 2020-2026[20]. Additionally, since 2021, the most recent strain of Highly Pathogenic Avian Influenza (HPAI) has killed tens of thousands of wild birds. To our knowledge HPAI has been detected in 69 UK bird species and its most devastating effects have been felt by seabirds. The effects of HPAI, in addition to existing

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[13] Gilbert G, Stanbury A and Lewis L (2021), "Birds of Conservation Concern in Ireland 2020- 2026". Irish Birds 9: 523-544.

[14] Numenius arquata (Eurasian Curlew) (iucnredlist.org)

[15] https://www.daera-ni.gov.uk/sites/default/files/publications/doe/northern-ireland-priority-species-list.pdf

[16] 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.

[17] 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.

[18] Full article: Status of the Hen Harrier Circus cyaneus in the UK and Isle of Man in 2016 (tandfonline.com)

[19] Eaton, M and Holling, M. (2020): Rare breeding birds in the UK in 2018 (British Birds 113, 737 – 791)

[20] Birds of Conservation Concern in Ireland - BirdWatch Ireland

threats including being caught in bycatch and other unsustainable fishing practices affecting prey availability, the impacts of non-native mammalian predators on islands and changing prey distributions due to climate change, present a highly concerning situation for seabirds that has worsened significantly since 2012. It is vital that the acceleration of offshore renewable technology does not significantly add to these existing pressures driving further, potentially irreversible, declines. With regards to the RSPP, we are particularly concerned about negative impacts on wildlife from any landfall infrastructure (e.g. cabling). Under 1.7, we would request that an addition is made to read as follows: "enable energy from offshore renewable and low carbon energy development proposals to be appropriately connected to onshore networks in a manner that does not cause any ecological harm". Ultimately these impacts, individually or cumulatively via multiple windfarms and other activities and developments, constitute growing pressures on sensitive marine species which may contribute to reduced breeding success and increased mortality. However, strategic spatial planning that avoids these most sensitive areas offers the best chance for offshore wind to be developed in harmony with nature.

Solar

Solar energy has significant potential to contribute to Northern Ireland's path to decarbonised energy. On a small-scale and when deployed on rooftops, these technologies involve low ecological risk, and also offer opportunities for public engagement in climate action, for instance through individual or community ownership. We therefore fully support their deployment as a means of delivering low-carbon energy. Solar panels are a reliable, established method of generating electricity and heat and enjoy significant public support. They need daylight, not sunshine or high temperatures, and are suitable for a vast number of properties in Northern Ireland. As with wind energy, solar panels must not be sited in sensitive areas for nature and must not result in loss of any habitat. We would welcome a planning requirement for the installation of solar (PV and solar thermal) in new buildings, domestic and commercial, to be maximised. This could be achieved through a general requirement for installation of solar rooftop technologies to be 'maximised', or a requirement that a specific minimum percentage e.g. 50% of suitable roof-space must be used for solar panels or green roofs unless there is a clear justification why this is not needed (e.g. because there is alternative low carbon energy supply such as renewable energy in harmony with nature). Combined with improved energy efficiency, reduced energy consumption and house design (which has the potential to maximise passive solar gain), solar energy has the potential to save consumers money on their energy bills.

Large PV arrays mounted in agricultural fields (or other non-urban / unsealed areas) are unlikely to be a concern from a nature conservation perspective provided they are developed in suitable locations. Where possible, the potential for enhancing the value of

a site for nature when developing solar energy capacity should be explored. For example, planting and managing nature-rich hedgerows can both create habitat for wildlife and act as screening. Where proposals are not within or close to protected areas and functionally linked land, not resulting in a change in grazing regime which would result in a decrease in biodiversity, or not resulting in a loss of species rich grassland, it is unlikely that the RSPB will have major concerns. However, this will depend on the ecological characteristics of the site and its sensitivity to the proposed changes. In all cases, we should seek to ensure implementation of appropriate mitigation and enhancement measures, in line with the mitigation hierarchy as previously discussed. We note that under 1.17, the policy favours "previously developed land (of low ecological value)" for solar development (and previously developed land is also discussed under 1.29). We welcome excluding land of medium and high ecological value for development, but we would note that brownfield sites (sites that have previously been developed) can still hold significant value for nature[21]. For example, a number of our reserves across the UK were previously developed (for example, for peat extraction[22] or gravel pits[23]) and are now thriving with wildlife. Projects such as the Colliery Spoil Biodiversity Initiative[24] and Nature After Minerals[25] prove how previously worked landscapes can be havens for nature. This applies not just to extracted sites, but across a range of previously developed areas where nature has returned and would be threatened by fresh energy development. Therefore, each site should be assessed on a case-by-case basis and there should be no presumption that a brownfield site will not be of medium or high ecological value. Furthermore, under 1.17 the policy states that "poorly designed schemes which will have a negative impact on the landscape should not be supported". This should also include schemes which will have a negative impact on nature.

Hydropower

As with other renewable technologies, hydropower has the potential to make a meaningful contribution to net zero, but it must be delivered in harmony with nature. Our freshwater and marine ecosystems are sensitive and are already facing many threats, including pollution, litter, overfishing, invasive species, disease, climate change, bycatch and damage caused by insensitive hard engineering works. Any hydro developments must be underpinned by robust and competent environmental assessment and must seek to avoid all potential negative impacts on nature. While some of these projects can raise serious concerns regarding their impact on nature (for example, the tidal barrage on the

[21] Brownfield Guidance Press Release 02.06.2015.pdf (wcl.org.uk)
[22] Ham Wall Nature Reserve, Somerset - The RSPB - see site infromation.
[23] Middleton Lakes Nature Reserve, Staffordshire - The RSPB
[24] Home | Colliery Spoil Biodiversity Initiative
[25] Home - Nature After Minerals

Wash estuary in East Anglia[26]), we have also demonstrated how these projects can be delivered in harmony with nature by developing our own hydro scheme in Scotland[27].

Heat-related technologies

Low-carbon heating (including heat pumps) have considerable potential to enable households to move away from oil and gas heating and should therefore be developed where there is no conflict with the natural environment.

Bioenergy

We have potential concerns surrounding the development of bioenergy in Northern Ireland. While growing crops for energy (and for greenhouse gas removals) may not always remove existing habitat, they will compete with food and nature for land. Furthermore, the direct and indirect land use change, as well soil erosion associated with bioenergy crops results in emissions that are often not properly accounted for. Woody biomass should be strictly limited and based on verifiable sustainable use of wastes and processing residues. Whole trees and roundwood, which have significantly higher carbon debt periods, and are likely to negatively impact biodiversity, should be entirely avoided. High standards of energy efficiency should apply, avoiding electricity-only uses.

Hydrogen

The role of hydrogen in the future energy mix requires to be revisited, with a focus on green hydrogen where appropriate, and no support for blue hydrogen. It should not come from fracking or from unstainable sources of bioenergy. The deployment of hydrogen should not be a barrier to other necessary changes to reduce emissions from heating, such as electrification of heat for off-grid homes, much higher levels of energy efficiency and the use of local heating solutions such as small and medium-scale combined heat and power plant. In short, we would urge caution on green hydrogen energy production but where appropriate, it must be developed in harmony with nature and it must be genuinely low carbon, with consideration given to its wider sustainability (for example, water usage).

Storage

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[26] Controversial Wash barrage plans resurface as developers urged to rethink (rspb.org.uk)
[27] Hydropower is here! - Scottish Nature Notes - Our work - The RSPB Community

Energy storage solutions will be important to ensure that renewable and low-carbon energy that is produced will be used efficiently, thus reducing waste and minimising the number of renewables projects that need to be developed. However, any storage projects that are developed in order to support Northern Ireland in reaching net zero must be genuinely sustainable; i.e., both genuinely low carbon and in harmony with nature.

Microgeneration

Small-scale, community-led renewable projects should be facilitated, provided that they are developed in harmony with nature. We would seek clarification on how microgeneration (mentioned under 1.21) is defined. These projects must be subject to full, robust environmental assessment. We refer the department to our previous consultation response on Permitted Development Rights (15.12.22) which is attached to this response (via email).

Strategic Environmental Assessment

RSPB NI's concerns outlined above regarding the lack of an integrated and joined-up approach to tackling the nature and climate emergency[28] within the context of this policy review is further amplified in the Strategic Environmental Assessment which accompanies the policy consultation.

In this regard both Table 6.2: High Level Matrix Assessment of Selected Strategic Alternative, and Table 6.4: Detailed Matrix Assessment collectively serve to highlight the scale of potential ecology and nature conservation impacts of the revised policy, with only two elements from 24 in Table 6.2 actually recording a likely beneficial effect (of which one is recorded as questionable). The remainder range from 2 adverse, 10 uncertain and 10 neutral. In the context of both a nature and climate emergency, this is wholly unacceptable.

Similarly, when Table 6.4 is further examined, with regards to ecology and nature conservation, the metrics again show a moderate level of effect on ecology and nature conservation over the greatest possible scale of impacts with medium certainty, this again is most concerning and unacceptable in the context presented above in this response.

[28] IPBES and IPCC. Biodiversity and Climate Change Workshop Report. 2021. Available at: https://www.ipbes.net/sites/default/files/2021-06/20210609_workshop_report_embargo_3pm_CEST_10_june_0.pdf

The ecology and nature conservation objective consistency fairs worse in all the themes presented in Table 6.4.

While the SEA Directive (Annex 1 (g)[29] requires the setting out of 'measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme' is considered that the embedded mitigation as set out at Section 7.2 of the SEA is insufficiently robust in this regard. We have set out above the concerns we have with the policy wording which is designed to be ecology and nature conservation mitigation at paragraphs 1.12, 1.15, 1.26 with regards to its vagueness and inability to prevent potential unintended negative consequences where nature and climate are to be traded off against one another. This requires to be addressed with utmost urgency, given the scale of nature emergency.

Similarly, the environmental enhancements outlined at Section 7.3, while although welcome, are however insufficient to satisfactorily mitigate the ecology and nature conservation impacts outlined in Tables 6.2 and 6.4. Again, please refer to our response above which outlines the concerns we have with paragraphs 1.12 and 17 in their current form.

For further information contact:

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ENDS.

[29] eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042

Department for Infrastructure - Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change - Call for Evidence

A response from RSPB Northern Ireland, 25th March 2024

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 in the UK, supported by over 11,000 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.

Nature is in crisis. 12% of species on the island of Ireland are at risk of extinction[1] and Northern Ireland ranks 12th worst out of 240 countries for biodiversity loss[2]. A quarter of our birds are now red-listed, meaning that they are the highest category of conservation concern[3]. Other species groups are also in worrying decline. For example, there has been a 17% decrease in abundance of butterflies in Northern Ireland just since 2006, with even more concerning declines on a longer-term basis[4].

The Intergovernmental Panel on Biodiversity and Ecosystem Services (IPBES)[5] and the Intergovernmental Panel on Climate Change (IPCC)[6] make it clear that the nature and climate emergency is indivisible. The most recent UN Emissions Gap report identified that we are currently on track for 2.9 degrees of warming by 2100 – this would be devastating

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[1] Northern Ireland - State of Nature
[2] About the Biodiversity Intactness Index | Natural History Museum (nhm.ac.uk)
[3] Gilbert G, Stanbury A and Lewis L (2021), "Birds of Conservation Concern in Ireland 2020-2026". Irish Birds 9: 523-544.
[4] https://butterfly-conservation.org/state-of-uk-butterflies-2022
[5] 20210609_workshop_report_embargo_3pm_CEST_10_june_0.pdf (ipbes.net)
[6] Sixth Assessment Report — IPCC

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for wildlife and people[7]. Rapid decarbonisation is therefore vital, but so is the protection and restoration of ecosystems.

We therefore welcome this review in light of the indivisible nature and climate emergency, but urge the Department not to prioritise climate at the expense of nature. The SPPS must only support developments that are in harmony with nature and do not contribute to a worsening of the nature emergency while seeking to cut emissions in addressing the climate emergency. In particular, the current trend towards deregulation of planning is concerning for nature[8] and we urge the Department to ensure that any review of the SPPS does not contribute to this wider push towards deregulation. In essence, fast decision-making should not be at the expense of quality decision-making. This was a sentiment that was expressed by the then Environment Minister Mark H Durkan when he announced reform measures in 2014, promising "a system that delivers for business, with timely decisions that bring investment and jobs but not at the expense of our environment, planet or people[9]".

We welcome the Department's intention to ensure that the climate crisis is fully embedded in the SPPS, but this review must not result in rolling back ambition on sustainable development. This review must seek to embed sustainability in its entirety – including with regards to nature. This means that planning policy should not be altered in order to facilitate development that will be necessary in order to meet net zero at the expense of nature.

Our general comments which apply throughout this response include the need for nature (native species and habitats) to be recognised throughout the SPPS with a meaningful commitment to their protection and restoration. Furthermore, the application of the mitigation hierarchy to development is relevant throughout the SPPS whereby in the first instance, any impacts must be avoided, where this is not possible then the impacts must be minimised. Only where this is not possible then sufficient mitigation measures must be put in place. Furthermore, the need for all development to be accompanied by the appropriate level of environmental assessment, which must be competent and robust, is repeated throughout our response. Additionally, where there is a lack of evidence on the impacts of any element of development, the precautionary principle must be followed whereby in the absence of scientific certainty, development should not go ahead. Finally, we make reference to concerns about habitat fragmentation. This should be understood

[7] Emissions Gap Report 2023 | UNEP - UN Environment Programme
[8] https://www.wcl.org.uk/open-letter-to-pm-on-environmental-deregulation.asp see section on UK Planning and Infrastructure Bill.
[9] https://www.businessfirstonline.co.uk/articles/cbi-response-environment-minister-statement-planning-reform/

in the context of the Lawton Principles[10]. These principles come from a review published in 2010 calling for sites for nature to be 'bigger, better and more joined up' to create an effective ecological network. It is vital that the planning system does not allow development which undermines this.

RSPB NI welcomes the opportunity to comment on the Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change call for evidence. Our response should be read in conjunction with the response submitted by the Northern Ireland Environment Link (NIEL), which provides greater background on the sustainability challenges which this SPPS review should address.

Please note that the numbering and sequencing of RSPB NI comments below follows that contained within the consultation document.

Question 1: Can you provide any evidence on how and why the Department should update, revise, and improve 'The Purpose of Planning' as contained within the SPPS so that it is fit for purpose and suitably future proofed to appropriately support the Climate Change agenda going forward? Please detail.
We would support the retention of the existing wording which states that "the planning system should positively and proactively facilitate development that contributes to a more socially, economically, and environmentally sustainable Northern Ireland". Environmental sustainability must continue to be upheld as a key purpose of the planning system within the context of the severity of the nature and climate emergency. **In light of this, we would strongly urge the Department to amend the SPPS to make the nature crisis a primary consideration when assessing development proposals**, in addition to the climate crisis. This would bring Northern Ireland into line with Scotland, where their National Planning Framework 4[11] in considering all development proposals states "significant weight will be given to the global climate and nature crises". Scotland ranks 28th worst out of 240 countries in the Biodiversity Intactness Index, compared to Northern Ireland, which ranks 12th worst[12]. It is therefore vital that Northern Ireland keeps pace and that the planning system both halts the decline of nature, but also contributes to its restoration.

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[10] Making space for nature: a review of England's wildlife sites and ecological network ('the Lawton review')
https://webarchive.nationalarchives.gov.uk/ukgwa/20130822084033/http://www.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf
[11] National Planning Framework 4 - gov.scot (www.gov.scot) National Planning Policy – policy 1
[12] https://www.nhm.ac.uk/our-science/data/biodiversity-indicators/about-the-biodiversity-intactness-index.html

Additionally, the existing SPPS goes on to state that "planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society". The reference to our natural environments is very important and should be retained as our species and habitats must be a core consideration of the planning system if we are to address the nature and climate emergency. However, we would request that this line is amended to read: *"planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management, protection, and restoration of our built and natural environments for the overall benefit of our society". Furthermore, there needs to be an inherent recognition within the SPPS that the environment and its biodiversity should be protected for its own sake, consistent with the approach advocated by the Regional Development Strategy.*

Our economies are reliant on nature[13], and the impacts of the nature and climate emergency, if we don't take ambitious action, have the potential to cause significant economic damage. It is therefore imperative for the sake of economic performance that planning facilitates genuinely sustainable development that contributes to a low carbon economy while protecting and enhancing nature.

Question 2: Can you provide any evidence on how and why the Department should update, revise, and improve 'Furthering Sustainable Development' (including Mitigating and Adapting to Climate Change and The Importance of Ecosystem Services) in order to better support the Climate Change agenda? Please detail.

We wish to reiterate our point laid out in our answer to question 1 whereby we propose that nature should be on the same footing as climate. Furthermore, we note the inclusion of "working towards the restoration of and halting the loss of biodiversity" and urge the retention of the inclusion of this. In light of severity of the nature crisis as outlined in our introduction and in particular as highlighted within the latest State of Nature report, it is not sufficient to simply halt the decline of species, but instead nature must be able to recover and increase in numbers. Therefore, the inclusion of "restoration" must be retained. And within this context of a worrying decline in nature, it is also vital that wording on the precautionary approach is retained (3.9)

We also note that peatlands are referenced within 3.3. While we recognise that peatlands/bogs feature within the Planning Policy Statements, we wish to highlight their particular importance and would propose the following amended wording: *"This means... the conservation of soil and the restoration and conservation of bog lands/peat habitats".*

[13] https://www.weforum.org/press/2020/01/half-of-world-s-gdp-moderately-or-highly-dependent-on-nature-says-new-report

Furthermore, given that peatlands are internationally recognised as important for water storage[14], 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, we would propose the following amended wording to 3.6 to recognise the importance of brownfield sites for nature: *"Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. However, these sites have the potential to support habitat and species and so any reuse of previously developed land must be able to demonstrate that it will not result in harm to nature through competent and robust environmental assessment. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development."*

Regarding Mitigating and Adapting to Climate Change, we would propose strengthening 3.10 to read as follows: *"A central challenge in furthering sustainable development is mitigating and adapting to climate change, whilst improving air quality and addressing the nature crisis."* Furthermore, we would propose the rewording of the final bullet point under 3.13 as follows: *"working with natural environmental processes and embracing nature-based solutions which provide habitat and support climate mitigation and adaptation, for example through promoting the development of green infrastructure and also the use of sustainable drainage systems (SuDs) to reduce flood risk and improve water quality."*

Finally, under the Importance of Ecosystem Services, we would again propose that references to nature-based solutions are strengthened. Under 3.14, we would propose the following change: *"The careful management, maintenance and enhancement of ecosystem services are therefore vital for supporting our species and habitats, and are also an integral part of sustainable development"*. Furthermore, we would propose the following under 3.15: *"A good quality environment can also help to improve resilience to climate change, as nature-based solutions such as trees, hedgerows, peatlands, species-rich grassland, blue carbon stores and other green infrastructure, when appropriately located, provide important ecosystem services that, for example, reduce the effects of flooding and the urban heat island, in addition to providing important habitat and supporting numerous species."*

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

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

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.

Question 3: Can you provide any evidence on how and why the Department should update, revise, and improve the 'Core Planning Principles' in order to better support the Climate Change agenda? Please detail.

Improving health and wellbeing

We welcome the link that the current SPPS makes between health and wellbeing and the environment. Time spent in nature has well-researched mental and physical health benefits[15][16]. We urge the retention of the bullets points made under 4.5 although we would recommend the embedding of spaces that deliver for nature within these points through the following changes:

- *safeguarding and facilitating quality open space, sport and outdoor recreation which delivers for people and nature;*
- *encouraging and supporting quality, environmentally sustainable design which is rich in nature;*
- *facilitating the protection and provision of nature-rich green and blue infrastructure;*

Within section 4.7, we would also recommend the retention of the reference to habitats, and this should be strengthened by amending as follows: "*This green 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 and nature.*" As outlined above, nature-based solutions, which can be implemented through green and blue infrastructure, offer a range of benefits to people, nature and the climate as outlined in our response to question 2. However, an active effort must be made to ensure that blue and green infrastructure delivers for nature in addition to storing carbon. Therefore, the SPPS must embed this throughout.

Furthermore, we would request that the ambition is increased within 4.10 by making the enhancement of natural heritage standard practice. Therefore, it should be reworded as

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[15] https://www.mentalhealth.org.uk/our-work/research/nature-how-connecting-nature-benefits-our-mental-health

[16] White, M.P., Alcock, I., Grellier, J., Wheeler, B.W., Hartig, T., Warber, S.L., Bone, A., Depledge, M.H. and Fleming, L.E. (2019). Spending at least 120 minutes a week in nature is associated with good health and wellbeing. Scientific Reports, [online] 9(1). Available at: https://www.nature.com/articles/s41598-019-44097-3.

follows: "*Conserving and~~, where possible,~~ enhancing these environments as well as promoting their appropriate use, accessibility and connectivity is key to ensuring their sustainable upkeep.*"

Supporting sustainable economic growth

The RSPB does not object to increased levels of sustainable development, such as housing and genuinely low carbon energy infrastructure in harmony with nature 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 SPPS does not conflate, nor substitute, sustainable development with economic growth.

In 2021, the Dasgupta Review[17] into the economics of global biodiversity found that economies are embedded in nature. The destruction of nature not only threatens the survival of all species, but is also placing our economies and wellbeing at risk[18]. This must be reflected in the SPPS. The current wording of the SPPS states that our environment is an asset for economic growth in its own right, but we would recommend that section 4.21 is reworded as follows to better reflect a natural capital approach[19][20][21][22][23]: "*Supporting sustainable economic growth through proactive planning must not mean compromising on environmental standards. A healthy environment is essential for economic growth and planning authorities must integrate the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built environment. Our natural environment also provides ecosystem services, such as reducing flood risk,*

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[17] Dasgupta, P. (2021), The Economics of Biodiversity: The Dasgupta Review. (London: HM Treasury) https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review

[18] https://www.rspb.org.uk/helping-nature/what-we-do/influence-government-and-business/nature-and-the-economy/greening-public-investment

[19] https://www.nienvironmentlink.org/site/wp-content/uploads/2022/01/accounting-for-nature.pdf

[20] https://www.nationaltrust.org.uk/our-cause/communities/new-research-reveals-need-for-urban-green-space

[21] https://community.rspb.org.uk/ourwork/farming/b/farming-blog/posts/valuing-our-peatland---environmental-and-societal-benefits-delivered-through-peatland-restoration
This work showed that for every £1 invested in our study site at Garron Plateau, it delivered £4 in public benefits.

[22] https://www.camecon.com/what/our-work/rspb-economic-benefits-of-nature-based-climate-solutions/

[23] https://carnegieuktrust.org.uk/publications/natural-capital-account-for-derry-city-and-strabane-district/
Work conducted by Derry City and Strabane District Council found that for every £1 invested in green and blue spaces, £22 in public benefits were delivered.

storing carbon, providing habitat and ensuring clean air which should be given due weight within decision-making. Sustainable economic growth can also contribute to higher social standards and improve the health and well-being of our society overall."

Supporting Good Design and Positive Place-Making

We note the inclusion of efficient resource usage under 4.24. As Northern Ireland transitions towards renewable energy sources, energy efficiency will be particularly crucial. 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 appropriately sited 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 limiting global temperature rises, which are currently on track for a devastating 2.9 degrees of warming by 2100.[24] Energy efficiency is a 'no regrets' option, which can deliver significant short-term emissions reductions with no or minimal risk to wildlife while stimulating economic recovery through job creation and delivering social benefits. Energy Efficiency is also vital to reconciling energy demand and nature conservation, by reducing overall consumption levels and therefore making the energy generated from low carbon technology, power more. There is almost universal recognition of the benefits and clear support from the UK Climate Change Committee (CCC)[25]. We believe that 4.24 should be expanded to reflect the importance of resource efficiency as a tool for reducing pressures on species and habitats.

Furthermore, 4.24 also discusses the importance of integrating biodiversity into design. This should be expanded to ensure that designing with nature is the standard. We wish the wording to reflect this through the following wording: *"Landscape design and planting considerations are also an integral part of design and can contribute to biodiversity. Green roofs and walls that deliver tangible benefits for nature, swift bricks and other bird nesting provision, native tree and hedgerow planting in appropriate places, creation of quality open habitats that deliver for nature and other measures to enhance biodiversity should be mandated by local authority guidance. Furthermore, existing habitats and species must be preserved."* Further advice can be provided on biodiverse green roofs[26], creating space for breeding birds[27] and other measures to support nature[28]. By way of example, we would draw DfI Strategic Planning's attention to the Kingsbrook development in

[24] Emissions Gap Report 2023 | UNEP - UN Environment Programme
[25] https://www.theccc.org.uk/publication/sixth-carbon-budget/
[26] https://cdn.buglife.org.uk/2019/07/Creating-Green-Roofs-for-Invertebrates_Best-practice-guidance.pdf
[27] Give birds a place to call home (rspb.org.uk)
[28] What you can do (rspb.org.uk)

England[29]. The RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments.

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

Project objectives:

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

Preserving and Improving the Built and Natural Environment

We note that on 3rd February 2020, the NI Assembly declared a climate emergency and in doing so recognised that "we are facing climate breakdown and a biodiversity crisis"[30]. Therefore, this section of the SPPS must explicitly recognise that we are facing a nature crisis. We would suggest the following rewording of 4.38: *"Our environment must therefore be managed in a sustainable manner in accordance with the Executive's commitment to preserve and improve the built and natural environment and halt the loss of biodiversity and in recognition that we are facing a nature crisis."* Furthermore, we would also suggest the following amendment: *"Whilst all of us share a collective*

[29] Barratt Developments (rspb.org.uk)
[30] https://aims.niassembly.gov.uk/plenary/details.aspx?sp=0&pid=2&doc=290756%20

responsibility in this regard the planning system plays an important role in conserving, protecting, restoring and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society." We also urge the retention of the point under 4.39 which states the importance of the contribution that our local environments make to global biodiversity. This is very pertinent within the context of many of our local species' global conservation statuses. For example, the black-legged kittiwake[31], Atlantic puffin[32], common pochard[33] are all species which are found in Northern Ireland and are globally classed as vulnerable and are decreasing in numbers. Many more of our species, including Eurasian curlew[34], northern lapwing[35], bar-tailed godwit[36], black-tailed godwit[37], Eurasian oystercatcher[38], common snipe[39], common ringed plover[40], Eurasian tree sparrow[41] and redwing[42] are all classed as globally near threatened and decreasing in numbers. Furthermore, we hold very significant global proportions of some species such as light bellied brent geese, the vast majority of which overwinter in Northern Ireland[43].

Nature tourism linked to visits to well-designed sites for cultural tourism can provide opportunities for unique and memorable visitor experience, provided that such sites are designed with low impact sustainable access in mind (and are wholly sustainable). 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.

Environmental assessment (as discussed under 4.40) is a hugely important tool for preventing unsustainable development, if they are carried out robustly and competently. These assessments must not be watered down in order to not only halt the loss of nature, but to ensure its restoration.

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31 Rissa tridactyla (Black-legged Kittiwake) (iucnredlist.org)
32 Fratercula arctica (Atlantic Puffin) (iucnredlist.org)
33 Aythya ferina (Common Pochard) (iucnredlist.org)
34 Numenius arquata (Eurasian Curlew) (iucnredlist.org)
35 Vanellus vanellus (Northern Lapwing) (iucnredlist.org)
36 Limosa lapponica (Bar-tailed Godwit) (iucnredlist.org)
37 Limosa limosa (Black-tailed Godwit) (iucnredlist.org)
38 Haematopus ostralegus (Eurasian Oystercatcher) (iucnredlist.org)
39 Gallinago gallinago (Common Snipe) (iucnredlist.org)
40 Charadrius hiaticula (Common Ringed Plover) (iucnredlist.org)
41 Passer montanus (Eurasian Tree Sparrow) (iucnredlist.org)
42 Turdus iliacus (Redwing) (iucnredlist.org)
43 Branta bernicla hrota Pale-bellied Brent Goose :: Northern Ireland's Priority Species :: (habitas.org.uk)

Question 4: Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Flood Risk', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

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. Nature is a key ally in flood prevention. Trees and hedgerows are particularly effective at intercepting water. For example, when compared to a hard surface like Asphalt, woodland can reduce water runoff by up to 62%[44]. While deciduous trees are able to most effectively intercept water during the summer, even during the winter they intercept up to 12% of rainfall[4546]. This interception can spread the effect of a rainstorm over a longer period and prevent severe flash flooding, and some of the water (up to 30%) will evaporate directly from the canopy without even reaching the ground[47]. Furthermore, given that peatlands are internationally recognised as important for water storage[48], 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. Approaches to flood management should therefore retain vegetation and natural features wherever possible rather than relying on hard engineering, which is often counterintuitive. With regards to any future protection afforded to exiting flood defences, we would request that any policy revision should still afford the opportunity 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.Therefore, we request the retention and strengthening of the wording in relation to working with the natural environment. The objectives laid out in 6.104 to retain and restore natural floodplains and natural watercourses, and contribute to the conservation and enhancement of biodiversity, must be priorities for adapting to flooding in light of climate change.

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[44] Armson, D., P. Stringer, and A. R. Ennos. 2013. "The Effect of Street Trees and Amenity Grass on Urban Surface Water Runoff in Manchester, UK."

[45] Harding, R.J., Hall, R.L., Neal, C., Roberts, J.M,Rosier, P.T.W. and Kinniburgh, D.K. (1992) 'Hydrological impacts of broadleaf woodlands: implications for water use and water quality', Institute of Hydrology, British Geological Survey Project Report 115/03/ST and 115/04/ST for the National Rivers Authority, Institute of Hydrology, Wallingford, UK.

[46] Roberts, J. M. and Rosier, P.T.W. (2005), 'The impact of broadleaved woodland on water resources in lowland UK: III. The results from Black Wood and Bridges Farm compared with those from other woodland and grassland sites', Hydrology and Earth System Sciences,9,issue 6, pp 614-620.

[47] https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/flooding/

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

With regards to the Local Development Plan process, we would emphasise that draft LDPs present an opportunity for engagement with other relevant government departments and agencies. However, this needs to be supported by a joined-up cross-departmental/council approach, particularly so when there are potential and recognised implication beyond the plan area boundaries, as is recognised in 6.126.

Sustainable Drainage Systems (SuDS), must become standard practice through the new legislation discussed in the consultation document, rather than continuing to be an optional extra within new developments, and 6.118 should reflect this. Further guidance on maximising the potential of SuDS for nature and people can be found in referenced report[49]. In order to mitigate against and adapt to climate change and in order to address the nature crisis, new developments must fully integrate SuDS and nature-based solutions into their design and planning policy must drive this.

Furthermore, we support the retention in particular of 6.124, which recognises the unsustainability of culverting.

Subject to detail, we would welcome further guidance on the definition of a floodplain as outlined in the consultation document. Finally, please refer to our comments on PPS15, which is attached as an appendix. In this we advocate for no development of previously developed land within floodplains and call for a catchment-scale approach to dealing with flooding.

Question 5: Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Transportation', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

Reducing reliance on private cars will be necessary to reduce carbon emissions and that this should be done in conjunction with making sustainable forms of travel more accessible. We would be particularly supportive of the CCC's advice with regards to an increased proportion of journeys to be made by walking or cycling[50]. We wish to highlight the importance of the sustainable travel hierarchy, whereby walking is the first preference

[49] Graham, A., Day, J., Bray, B. and Mackenzie, S. (2012). Sustainable drainage systems: Maximising the potential for people and wildlife: A guide for local authorities and developers. [online] RSPB, WWT. Available at: https://www.wwt.org.uk/uploads/documents/2019-07-22/1563785657-wwt-rspb-sustainable-drainage-systems-guide.pdf .

[50] Advice report: The path to a Net Zero Northern Ireland - Climate Change Committee (theccc.org.uk)

mode of transport, followed by cycling, then public transportation and private vehicles are only used where this is the only feasible option (we note that this is similar to the 'modal shift' discussed in the current SPPS[51], but the hierarchical element discussed here must feature). We note that shifts in modes of transport will require significant investment, such as provision for expansion of electric car network including rollout of increased number and location of EV charging points. We note that the Department refer to a sustainable hierarchy which prioritises reducing the length and number of trips, shifting to sustainable modes for the journeys that do need to be made and shifting to more sustainable fuels. We are in support of these shifts, prioritised according to this hierarchy.

In light of these comments, we would request the following rewording of 6.294: "*Sustainable patterns of development with local design that adhere to the sustainable travel hierarchy, whereby walking is the first preference mode of transport, followed by cycling, then public transportation and private vehicles are only used where this is the only feasible option. Priority will be given to facilitating a reduction in the journeys that need to be made and the length of journeys through the considerate location of amenities and facilitating remote access. For journeys that must be made, there should be a modal shift in line with the sustainable travel hierarchy as described above.*"

In order to reduce reliance on private cars and shift to more sustainable modes of transportation, there must be a cross departmental approach, including linkage to the LDP process. However, as discussed in response to the previous questions, addressing climate change within the planning system must not worsen the nature crisis, as they are inextricably linked. Therefore, all projects must be subject to appropriate levels of environmental assessment and must be underpinned by competent and robust surveys. This will include strategically siting new sustainable travel routes in harmony with nature by ensuring that these projects do not result in loss or fragmentation of habitat, but instead enhance habitats and contribute to nature's restoration. Furthermore, throughout the SPPS, the mitigation hierarchy must be integrated within all principles, processes and policies. The mitigation hierarchy is a key principle guiding development where in the first instance, any impacts must be avoided, where this is not possible then the impacts must be minimised. Only where this is not possible then sufficient mitigation measures must be put in place. Furthermore, the precautionary principle must also be applied throughout the SPPS.

[51] See 6.294

With respect to this issue, we would request that 6.296 is reworded to encapsulate this with the following addition: "*The aim of the SPPS with regard to transportation is to secure improved integration with land-use planning, consistent with the aforementioned documents; and to facilitate safe and efficient access, movement and parking. In particular, land-use planning for transport infrastructure must consider the nature and climate emergency through the strategically planned siting of infrastructure underpinned by robust and competent environmental assessment.*" This point should also be integrated into the regional strategic objectives under 6.297 and under 6.301 where transportation issues that should be addressed within LDPs are discussed. Furthermore, under 6.305, the point on environmental impacts should be strengthened.

Planning plays a critical role in reducing 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 active travel options in order to reduce dependence on the private motor vehicle. A cross departmental approach will be required to deliver on this - the scale of change necessary cannot be delivered in isolation.

We note that the current wording of the SPPS references strategies developed in previous Assembly terms designed to shape transportation in Northern Ireland. These include the 'Regional Transportation Strategy for Northern Ireland[52]' for the period 2002-2012, and the subsequent document 'Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation[53]', published in March 2012. We would ask to what extent these strategies achieved their objectives. For example, the 2012 New Approach to Regional Transportation, under strategic objective 10, details that "greenhouse gas emissions from transport will have to be reduced". However, the CCC, in their advice report for Northern Ireland, report that while transport emissions are down by 6% between 2010 and 2019, they will need to fall by 43% between 2019 and 2030[54]. Therefore, both the incoming strategies that will inform the SPPS and the SPPS itself will need to see increased ambition.

In summary, we support the consultation document's intention to ensure that the planning system promotes "more sustainable transportation for a greener and more

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[52] Regional Transportation Strategy 2002 to 2012 | Department for Infrastructure (infrastructure-ni.gov.uk)
[53] Ensuring a Sustainable Transport Future: a New Approach to Regional Transportation | Department for Infrastructure (infrastructure-ni.gov.uk)
[54] Advice report: The path to a Net Zero Northern Ireland - Climate Change Committee (theccc.org.uk)

resilient future", but it is vital that this greener and more resilient future ensures that nature is protected and restored.

Question 6: Can you provide any evidence on how and why the Department should update, revise, and improve the subject policy 'Development in the Countryside', as set out in the SPPS, in order to better support the Climate Change agenda? Please detail.

Regarding development in the countryside, we wish to repeat many of our points made within our answer to question 6 regarding transport. Principally we would further emphasise the need for planning to play a positive role in the considerate location of sustainable new development. Furthermore, we wish to repeat previous points with regards to all development being strategically located to minimise impacts on nature, adherence to the mitigation hierarchy and the need for competent and robust environmental assessment.

We welcome the retention of the policy approach of clustering, consolidating and grouping new development in proximity to existing established building and promoting the re-use of buildings, subject to clustered development not exerting pressure on nature by, for example, fragmenting habitat. As discussed above, it is vital that this is underpinned by competent and robust environmental assessment. We propose the following rewording to 6.66 to embed nature within this policy area: "*conserve the landscape, species, habitats and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution*". Furthermore, 6.76 should also be amended to reflect this.

We note that within 6.73, strategic policy is laid out for development in the countryside, including non-residential development. Under this section, we propose the following additions:

"*Farm diversification: provision should be made for a farm diversification scheme where the farm business is currently active and established (for a minimum 6 years) and, the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaptation of existing buildings, with new buildings only being acceptable in exceptional circumstances. Proposals must represent sustainable development and must not result in the fragmentation of habitats or damage to the natural environment;*"

"*Agriculture and forestry development: provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.*

New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances. Proposals for development on agricultural holdings and forestry must be sustainable in nature and must not result in the fragmentation of habitats or damage to the natural environment;"

Finally, 6.77 must reference the conservation of species and habitats as follows: "*In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for nature conservation, drainage, sewerage, access and road safety*".

Question 7: In light of the declared climate emergency and the requirements of The Climate Change Act (Northern Ireland) 2022, can you provide any other evidence on how and why the Department should update, revise, and improve the SPPS to better support the Climate Change agenda? Please detail.

We have attached our response to the recent review of PPS18 on Renewable Energy as an appendix due to its relevance to planning policy and climate change.

For further information contact:

[redacted]
Conservation Officer (Planning)
RSPB Northern Ireland
Email: [redacted]

ENDS.

NMD-DPS-088

RSPB NORTHERN IRELAND

Newry Mourne and Down District Council - Local Development Plan Draft Plan Strategy Representation

A response from RSPB Northern Ireland, 22 September 2025

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 in the UK, supported by over 12,500 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 Newry Mourne and Down District Council (NMDDC) Local Development Plan (LDP) draft Plan Strategy (dPS).

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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 14 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:

1. RSPB NI response SPPS and climate change call for evidence response (2024)
2. RSPB NI response on renewables and low carbon energy review response (2023)
3. RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
4. RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017) (please note that this response has not yet been placed in the public domain by DfI).
5. RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside (2016)
6. RSPB NI's response to the DOE's Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk (2014)
7. RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS) (2014)
8. Our original Preferred Options Paper consultation.

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

General Comments

In preparing LDPs, councils must take account of the Regional Development Strategy 2035 (RDS 2035), the Sustainable Development Strategy for Northern Ireland and any other policies or advice and guidance issued

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by the Department, such as the NI Biodiversity Strategy 2020 and forthcoming Nature Recovery Strategy. 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).

However, in order to halt the loss of our habitats and species, Newry Mourne and Down District 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.

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

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

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

Response 1

PART 1: PLAN STRATEGY / 5. SPATIAL GROWTH STRATEGY AND STRATEGIC POLICIES / ECONOMIC / TELECOMMUNICATIONS AND OTHER UTILITIES STRATEGY

LDP Objectives, page 126 – bullet point 4

Typo omission

The word 'built' is missing, as the preceding bullet point specifically relates to natural heritage. Should read as follows:

"To protect, conserve and enhance the district's **built** heritage assets and promote their sensitive re-use";

Response 2

PART 1: PLAN STRATEGY / 5. SPATIAL GROWTH STRATEGY AND STRATEGIC POLICIES / ECONOMIC / RENEWABLE ENERGY STRATEGY

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Strategic Policy RES1 – Renewable and Low Carbon Energy – page 134

The justification and amplification section makes reference to **'previously developed sites of low environmental quality such as disused quarries'.** However it should be noted that such areas can often provide nesting sites for Peregrine Falcons for example, and may therefore still be of biodiversity value.

Response 3

PART 2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / SOCIAL / 5. OPEN SPACE, SPORT AND OUTDOOR RECREATION

Policy OS7 - Floodlighting of Sports and Outdoor Recreational Facilities – page 215

Unsound ☒

☒ 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?

'Bats are a European Protected Species and some are priority species'.

Please note that following the publication of the revised NI Priority Species List in 2023, **all** species are now listed as priority species. See List of Northern Ireland priority species 2023 | Department of Agriculture, Environment and Rural Affairs

In addition, while the policy correctly notes the potential impacts of floodlighting on wildlife and specifically uses bats as an example, it is recommended that roosting birds are also included as an example in this paragraph as this can be a less obvious sensitive receptor.

Response 4

PART 2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / SOCIAL / 5. OPEN SPACE, SPORT AND OUTDOOR RECREATION

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NMD-DPS-088

Policy OS8 Green and Blue Infrastructure – page 217

Unsound ☒

☒ 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?

With regards to mitigating and adapting to the impacts of climate change, in terms of tree planting, trees planted should be native species and saplings should be of local provenance. Many of our native species are reliant on native trees. But in addition to supporting more biodiversity than non-native trees, native broadleaved mixed woodland also sequesters more carbon than non-native Sitka spruce plantations[1], as can be seen in figure 1. It is also important that these trees are planted in appropriate places (i.e., not on important habitats such as peatlands and lowland meadows or in locations that would negatively impact important species). The biodiversity value of existing trees should also be considered, and the protection of mature native trees should be a priority for the council in recognition of their particular value as habitat for a range of species and as carbon stores.

Native trees provide important habitats for nature, sequester carbon, reduce the risk of flash flooding, improve air quality, offer shading particularly in urban areas and provide recreational space for people to enjoy. With Northern Ireland's tree cover at only 8% (compared to the UK average of 13%)[2], an ambitious planting plan is welcomed. However, as stated above, trees must not be planted in locations that damage or fragment other priority habitat. Furthermore, young trees that are planted should be of local provenance and the use of plastic tree guards should be avoided. Maintenance of the trees will be required, including any necessary removal of stakes or guards.

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[1] https://storymaps.arcgis.com/stories/1ea3da7bc65847ddb087bb17121c2a91

[2] https://www.daera-ni.gov.uk/news/poots-planting-pledge

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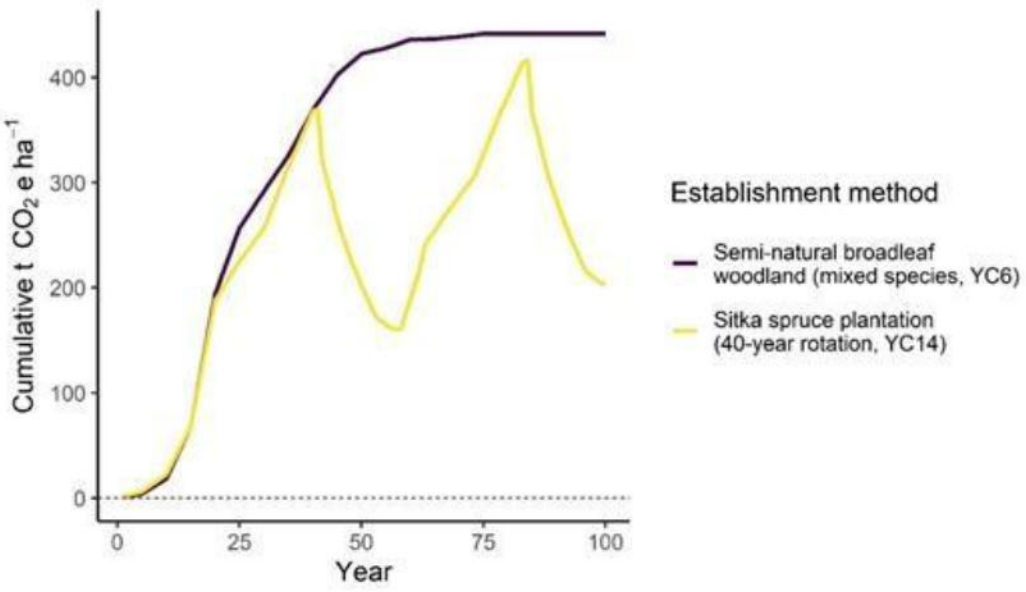

Policy OS8 should therefore be amended to include the above detail.

Response 5

2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / ECONOMIC / 18. RENEWABLE AND LOW CARBON ENERGY

18 Renewable and Low Carbon Energy

Policy RE1 Renewable and Low Carbon Energy – page 308

Unsound ☒

☒ 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?

'Applicants will also be required to ensure that upon decommissioning, all above ground redundant structures, plant, buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location' (our emphasis).

This proposed wording is at variance from PPS18 which required 'generally to a condition which is as close as possible to its original state as appropriate to its location'.

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While the proposed wording in draft Policy RE1 does require the agreement of the standard, it does not provide clarification with whom the agreement is with. Furthermore, it also allows for the potential for a different habitat to be restored including one which is of a lesser value for biodiversity.

In the circumstances, the wording should be modified as follows:

Applicants will also be required to ensure that upon decommissioning, all above ground redundant structures, plant, buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location **as agreed with the Council, and shall be at least equal in biodiversity value to its original state.**

Response 6

2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / ECONOMIC / 18. RENEWABLE AND LOW CARBON ENERGY

18 Renewable and Low Carbon Energy

Policy RE1 Renewable and Low Carbon Energy

Justification and Amplification General Criteria – page 310

Unsound ☒

☒ 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?

'Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised or mitigated through careful consideration of location, scale, design and other measures'.

While this is welcomed, it fails to have regard to the full scope of the mitigation hierarchy which as a first step involves avoidance.

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In this regard, when mitigating against harm to nature in the natural environment, the mitigation hierarchy must be followed: where in the first instance, any impacts must be avoided, where this is not possible then the impacts must be minimised. Only where this is not possible then sufficient mitigation measures must be put in place.

Proposals should therefore be required to demonstrate how they have avoided impacts. Proposed amendment should read:

'Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been **avoided,** minimised or mitigated through careful consideration of location, scale, design and other measures'.

Response 7

PART 2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / ECONOMIC / 18. RENEWABLE AND LOW CARBON ENERGY

Policy RE1 Renewable and Low Carbon Energy – Wind Energy – Page 312

Unsound ☒

☒ 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?

'Some of these impacts may be considered to be temporary if conditions are attached to planning permissions which require future decommissioning of turbines'.

RSPB NI urges caution with regards to the reliance on such a cavate to mitigate impacts, given that the windfarms usually have a lifespan of around 25 years. This is not considered to be a temporary effect. Furthermore, there is no guarantee that the turbines will be decommissioned completely after their end of life, with often a new application being submitted for re-powering, with the result being that a new turbine remains in place for another 25 years approximately.

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It is therefore recommended that this be deleted from Policy RE1, as it serves to undermine the environmental assessment process, and could take into consideration aspects of the proposal which are never realised i.e the permitted turbine is decommissioned and no further turbine in place. This collectively is not sound decision making in these circumstances and not furthering sustainable development, consistent with the Strategic Planning Policy Statement (SPPS).

Response 8

2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / ECONOMIC / 18. RENEWABLE AND LOW CARBON ENERGY

18 Renewable and Low Carbon Energy

Policy RE1 Renewable and Low Carbon Energy – page 313 – Anaerobic digestion.

Unsound ☒

☒ 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?

The requirement to specify feedstock and the relevant waste codes does not serve to demonstrate the sustainably of the feedstock or its potential environmental impacts. The policy wording should be modified to have regard to matters including full cycle analysis.

Full life cycle analysis is necessary to calculate the net greenhouse gas balance of bioenergy (Koh et al., 2008). As well as during combustion, greenhouse gases are emitted during the operations of growing, harvesting, transporting and processing of bioenergy crops. Furthermore, growing energy crops competes with other land uses, such as food production, and may not lead to any significant net greenhouse savings due to indirect landuse change (Gove et al., 2010). **Direct land use change to grow bioenergy crops can increase net greenhouse gas emissions if carbon rich ecosystems like wetlands, forests and grasslands are destroyed in the process** (Chum et al., 2011).

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Policy support should only be directed towards genuinely sustainable renewable energy technologies that will be in harmony with nature. Furthermore, the precautionary principle will need to be applied where technologies are new or novel and the impacts are not yet fully known.

Response 9

PART 2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / ECONOMIC / 18. RENEWABLE AND LOW CARBON ENERGY

Policy RE2 Renewable Energy and Energy Efficiency Measures in all Development - page 314

Unsound ☒

☒ 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?

Mico-regeneration benefited from a specific kW definition in PPS 18 (paragraph 4.23). This is absent from the draft Plan Strategy. For the interests of clarity, the kW should be added to draft policy RE2 as per the paragraph below:

Micro-generation

4.23. Micro-generation is widely accepted to be the production of heat (less than 45 kW capacity) and/or electricity (less than 50kW capacity) from low or zero carbon energy sources. In addition to the carbon benefits, increased use of micro-generation plays an important part in diversifying our energy mix and ensuring security of energy supply. It can allow energy to be produced and consumed locally, help alleviate fuel poverty (especially in off-gas network areas) and play a part in meeting renewable energy targets.

Response 10

PART 2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / ENVIRONMENTAL / 22. NATURAL HERITAGE

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Policy NH5 - Habitats, Species or Features of Natural Heritage Importance – page 355

Unsound ☒

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

'Planning permission should only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:' (our emphasis).

However, Draft Policies NH1 –4, 6, & 7 all state 'planning permission will only be granted' as their opening policy line (our emphasis).

Also, as the policy includes reference to habitats, then the final paragraph of policy NH5 should be amended to take account of this inclusion.

Modifications

(i) In the interests of consistency across all the natural heritage policies within the LDP and also consistent with PPS2 NH5 and to avoid any potential weakening of existing policy, it is recommended that the policy wording be amended as follows:

'planning permission **will** only be granted...'

(ii) The latest Northern Ireland Priority Species **and Habitats** Lists ~~is~~ **are** available to view at the following link: www.daera-ni.gov.uk

Response 11

PART 2: PLAN STRATEGY / 6. GENERAL POLICY AND OPERATIONAL POLICIES / ENVIRONMENTAL / 24. COASTAL POLICIES

Policy CO2 The Developed Coast – page 365

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Unsound ☒

☒ 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?

Proposals will be positively supported where they result in any of the following:

...An environmental benefit though protection of existing wildlife habitats and where appropriate creation of opportunities for new habitat creation...

Needs to ensure that there are no unintended consequences and that development does not compromise policies NH1-NH7 of the LDP or the Biodiversity Duty of the WANE Act 2011. To avoid this, this bullet point should be expanded to include reference to be in compliance with policies NH1-NH7 of the LDP.

'...An environmental benefit though protection of existing wildlife habitats and where appropriate creation of opportunities for new habitat creation' - **all accordance with polices NH1-NH7 of the LDP**...'

Response 12

Section K – Monitoring

PART 2: PLAN STRATEGY / 7. MONITORING AND REVIEW

11. To support renewables infrastructure whilst affording protection to the environment. - page 380

Unsound ☒

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☒ CE3 There are clear mechanisms for implementation and monitoring - ☒ No

If this is to effectively monitor the following metric - 'to support renewables infrastructure whilst affording protection to the environment, then policies NH1-NH7 should also be included as relevant polices in this section.

Furthermore, the monitoring target itself provides no indication of the effectiveness or otherwise of second part of the metric 'protection to the environment'. In this regard, an additional, more meaningful target would be 'the number of applications recommended for approval and/or approved by the Council against the recommendation of DAERA Natural Environment Division'. In addition, a review trigger of 1 case should also be added for effective monitoring and review purposes.

End of response.

Q2- contact details

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Q3 - RSPB NI responded to the previous Preferred Options Paper

Section C – Organisation

See details above.

Q5 - Oral Hearing