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From: Eimear Nelis <eimear.nelis@rpsgroup.com>
Sent: 27 January 2020 16:37
To: Local Development Plan; Planning
Cc: Aideen McFerran
Subject: Representation to Local Development Plan 2032 Draft Plan Strategy
Attachments: Derry City Strabane Local Development Plan- NIEN Representation 27.01.2020.pdf
Importance: High

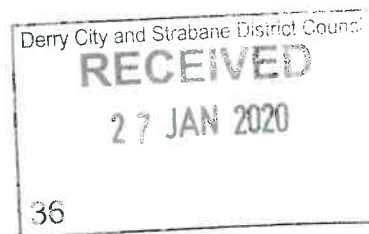
FAO Local Development Plan Team,

Please find attached a representation submitted by RPS on behalf of NIE Networks. I would be grateful if you could confirm receipt of this submission.

Kind Regards,
Eimear

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Our ref: **Submission to the DCDC Draft LDP Strategy**

Date: 27th January 2020

Local Development Plan Team
Derry City & Strabane District Council
98 Strand Road
Derry
BT48 7NN

Dear Sirs,

Derry & Strabane District Council LDP Draft Plan Strategy 2032

Please find enclosed a representation in response to the public consultation to the LDP Draft Plan Strategy on behalf of **NIE Networks**. This representation outlines our observations and highlights several concerns regarding the soundness of the draft policies.

We have reviewed the documents in the context of the planning advice provided by the Department for Infrastructure and in particular the guidance provided by Development Plan Practice Note 6 – Soundness, and have provided comments on the proposals in this context.

Background

The context for our submission is based on our status as the electricity Distribution Network Operator (DNO) and Transmission Network Owner in NI. NIE Networks are responsible for the network of engineering assets that allows the transmission and distribution of electricity to customers' premises from electricity generators and are governed by the Utility Regulator for Northern Ireland (UREGNI). The NIE Network budget is agreed with UREGNI for each price control period in advance. The current price control period applies up to 2024. The overall budget is funded by the NI customer through the Distribution Use of System (DUoS) tariff. NIE Networks generally pays for all the infrastructural alterations required to facilitate new developments. This cost is passed on to NI customers through the DUoS tariff. The cost for new connections is paid for in full by the customer. Within that context NIE Networks has a statutory obligation to offer the NI customer the 'least cost, technically acceptable' solution for a new connection or alteration to the electricity network to facilitate development.

Regional Development Strategy 2035 (RDS)

The RDS sets out the long term policy direction for the sustainable development of the Economy, and provides guidance on developing a modern and sustainable economic infrastructure to facilitate economic growth and promote connectivity. It notes that businesses depend in efficient connections for goods and services including the necessary electricity infrastructure to service economic growth (Section 3,2).

RG5 strives to deliver a sustainable, reliable and secure energy supply, and highlights strengthening the grid as a key objective. It recognises that this will involve 'increasing electricity interconnection capacity to strengthen the linkages between transmission and distribution networks' (RG5), which closely aligns with the objectives and responsibilities of NIE Networks.

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In this context, NIE Networks is committed to a substantial investment programme focused on strengthening the electricity network, which involves replacement, maintenance and upgrade of ageing assets, as well as the development of safe and efficient connections, to facilitate the delivery of a reliable electricity supply. NIE Networks recognise and acknowledge that this needs to be carefully planned and assessed to ensure it achieves a sustainable balance of strengthening the grid whilst ensuring minimal impacts on amenity and the environment.

With respect to Derry City and Strabane DC, NIE Networks already has an extensive transmission and distribution infrastructure throughout the Council area, and the development of planning policy regulating these utilities, the draft strategy to support the strengthening of electricity linkages and capacity, various land uses, and future land use zonings are of particular importance. NIE Networks generally welcomes and supports the Councils Vision for the District, as a forward looking and positive vision for the future.

However, NIE Networks has concerns regarding the soundness of the overall objectives and policies proposed as a basis for economic, social and environmental development of the district, and it is our view that several policies do not meet the required tests for soundness as set out in DDPN 6 for the reasons outlined in this submission.

Overall Strategy & Objectives: Unsound by virtue of Consistency Test C1, C4, CE2 and CE4

Local Development Plans are required to take proper account of the Regional Development Strategy (RDS) and other relevant policy and guidance. In general terms the RDS provides the framework for the Programme for Government (PFG) and the Investment Strategy for Northern Ireland (ISNI) and the LDP should be consistent with these policy documents.

Under the heading of the Economy, the RDS sets out a clear policy direction within RG5 regarding a reliable and secure energy supply, and highlights strengthening the grid as a key objective, by increasing interconnection capacity between transmission and distribution networks. RG5 recognises the importance of Northern Ireland having a robust and sustainable energy infrastructure to deliver reliable and secure sources of energy to communities and businesses (my emphasis) across the Region, and as such, identifies improving infrastructure as an essential component in delivering sustainable development for the population. Improvements to the electricity network is fundamental to the delivery of the economic, social and environmental objectives for the District, and should be recognised as such in the Overall Strategy Objectives. The draft Objectives for each of these aspects do not incorporate sufficient regard to improving and securing electricity infrastructure, which is essential for the delivery of almost every aspect of the Strategy.

Economic Development Objectives

The Plan Strategy Strategic Objective '*Economic Development Objectives (b) Creating Jobs and Promoting Prosperity*', does go some way to acknowledging the importance of energy strategically. However that recognition is limited to the renewable energy resource and not the fundamental and strategic importance of ensuring that the electricity network is fit for purpose to serve, not only the renewable energy sector, but other major developments generally throughout the district all of which play an important strategic role in economic and social development. It is clear that the Economic Objectives for the District focus on driving significant job creation, investment driven growth, new and expanded businesses and commercial enterprise, strong vibrant retail centres improvements to public services, and continued regeneration in a sustainable manner – the RDS recognises that a robust and sustainable energy infrastructure is a fundamental element in delivering on these aspirations. It is our considered view that the Economic Objectives for the District are therefore not consistent with the economic objectives of the RDS and RG5 in particular, and as such are unsound by virtue of Consistency Test C1. In addition, the Objectives and Strategy lack coherence and is therefore unsound by virtue of Test CE2. The LDP will not be consistent with the RDS and other government policy that takes direction from the RDS, and therefore lacks a coherent structure.

We respectfully suggest that an alternative wording that would deliver consistency with the RDS would be:

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'(iv) To recognise the North West's significant renewable energy resource and encourage the use of sustainable energy, and to facilitate and support the provision or upgrade of appropriate energy infrastructure as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable electrical power for the population;

Social Development Objectives

In relation to the *'Social Development Objectives: Accommodating People and Facilitating Communities'*, there is no recognition of the important strategic role of a **strong, reliable** and secure electricity system (and indeed any other services/utilities) in delivering the new homes identified and other associated development required to support the needs of people and communities. As such, this *should be* referenced under the *'Social Development Objectives'*, where it is notably absent. It is our contention that the Social Development Objectives and Policy UT1 are unsound by virtue of Consistency Test C1.

Environment-Focused Objectives

In relation to the *'Environment-Focused Objectives: Enhancing the Environment, Creating Places and Improving Infrastructure'* there is insufficient cognisance given to emerging Government policy in relation to decarbonisation and the drive to secure more energy from renewable sources. The RDS is clear in RG5 that there will need to be a significant increase in the contribution that renewable energy can make to the overall energy mix, which will mean an increase in all types of renewable energy installations and an associated strengthening of the grid and its linkages to accommodate this growth. This aligns with the UK Government approach to considerably increase targets from renewable energy targets to meet EU requirements, as well as the likely increase in the NI Executives target for achieving increased electricity consumption from renewable sources over the next two decades (as per the draft Strategic Energy Framework). As such, this should be reflected in the Objectives for the District.

The objectives as proposed do not address this requirement and the objective (iii) *'To accommodate investment in power, water and sewerage infrastructure, and waste management, particularly in the interests of public health'* places undue emphasis on the public health impacts, rather than the strategic need to improve infrastructure balanced against the desire to protect and enhance the environment. As such, it is considered that the objective is unsound by virtue of Soundness Test C4 in that it fails to take account of emerging Government Policy in relation to energy; in addition, it is considered unsound by virtue of Soundness Test CE4 in that they do not incorporate adequate flexibility to enable the Strategy to adapt to the changing policy context with regards to energy sources.

Growth Strategy: Unsound by virtue of Consistency Test C1 and CE2

As outlined previously in this submission, the RDS and specifically RG5, recognises the importance of Northern Ireland having a robust and sustainable energy infrastructure to support both communities and businesses across the Region. Section 5.15 identifies the Plan Strategy to deliver growth across the Region, which sets out the aspirations for new homes, business, investment, regeneration, and connectivity. The provision of a strong network of electricity infrastructure is a fundamental aspect in securing sustainable development in the Region, and it will be essential to ensure that the grid and network has adequate capacity and performance to deliver and support this Growth Strategy. In its current form, the Growth Strategy does not adequately reflect the intention of RG5 of the RDS and as such is considered unsound by virtue of Consistency Test C1 and CE2.

An alternative wording is suggested below to one of the draft bullet points:

'A well-connected District – with important roads infrastructure, rail, airport, ports and walking/cycling, a robust and sustainable energy infrastructure, as well as excellent telecommunications /broadband connections.'

Policy UT1: Unsound by virtue of Consistency Test C1, C3, and CE2

NIE Networks welcome the recognition in Section 19 Utilities Development that utilities including energy infrastructure play a key role in the sustainable growth of the community and its economy, and the objective

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that the Plan Strategy will facilitate sustainable delivery of telecommunications, power systems and water infrastructure in line with the SPPS to underpin economic and societal growth. NIE Networks acknowledge that new energy infrastructure must be planned, sited and constructed safely and sympathetically to the surrounding area but the requirement to "avoid natural and historic assets and adverse visual and negative amenity effects" (paragraph 19.2) is unreasonably restrictive and will potentially fetter successful delivery of the energy infrastructure necessary to meet the stated objectives of the Plan Strategy as set out in paragraphs 19.1 and 19.9. This restriction does not allow sufficient flexibility to facilitate energy infrastructure development that delivers strategic development benefits which may have limited impact in terms of the natural or historic environment and/or visual and amenity. The approach should be to avoid unacceptable impact on these interests ('*minimising harm*' as stated in 19.9) rather than the rigid approach proposed. There needs to be better consistency in the wording across this consideration.

NIE Networks has concerns in relation to the detail of the policy considerations, and a number of these are considered unsound for the reasons set out below. The policy requirements in relation to the information required in support of planning applications for proposals for electricity infrastructure lack clarity and coherence.

NIE Networks recognise that delivery of electricity infrastructure may have potential visual and other environmental impacts. It is important to note that Schedule 9 of the Electricity (NI) Order 1992 places an obligation on NIE Networks to consider visual and environmental considerations during the formulation of proposals, before they come before the Planning Authority as a planning application, and do so in accordance with the Holford Rules. The final design and proposal brought forward for submission to the Planning Authority will therefore be the output from a carefully considered balance of technical, environmental, visual and landowner considerations. This may also include appropriate mitigation measures to minimise any potential significant environmental effects or any unacceptable adverse impacts, within the final design of the proposal in the planning application.

Bullet Point 4 highlights designated areas which the Council deem to be of high landscape and visual importance, namely the Sperrin AONB, SCAs, and Areas of High Landscape Importance – it would appear logical that any consideration of the potential landscape and visual impacts are focused on these areas, and captured in the relevant assessment to include mitigation where appropriate.

In contrast, Bullet 2 notes that consideration should be given to the undergrounding of all electricity proposals in a range of areas. NIE Networks acknowledge the need to consider the option of undergrounding in designated areas if they are clearly identified in the draft Plan, however the application of this requirement more broadly to prominent ridges and locations close to public roads places an unreasonable and unnecessary burden that could compromise delivery of strategic energy infrastructure. A more rational approach that is consistent with the stated objectives of the SPPS, RDS and the Plan Strategy would be to require applicants to demonstrate that the design solution is the result of appropriate and balanced evaluation of feasibility and all relevant environmental considerations. In this context, this policy is considered unsound by virtue of Consistency Test C3 and CE2.

Similarly, under Bullet 2 it appears that the drive to promote undergrounding is being led purely by a desire to mitigate potentially unacceptable impacts on visual amenity. No consideration has been given to the challenges that undergrounding specific electricity infrastructure may bring, and the legal obligation on NIE Networks (under the Electricity (NI) Order 1992) to offer the NI customer the '*least cost, technically acceptable*' solution for a new connection or alteration to the electricity network to facilitate development. In the majority of rural and suburban areas, this will always be an overhead line connection.

In a scenario where a planning application for an overhead line connection would be refused by the Planning Authority on the basis of its location within an area considered to be of landscape importance, NIE Networks must re-quote the customer for a more expensive solution, for example, longer lines to avoid areas considered visually cluttered or underground cabling (if technically feasible / environmentally acceptable). There may well be situations that emerge where the environmental considerations are so critical that undergrounding of that particular section of the connection may be the most appropriate solution. However, it should be noted that whilst underground cabling is a potential mitigation in respect of visual amenity, it is

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not always a sustainable development solution - it can also result in serious logistical and environmental challenges particularly in respect of water crossings or bridge/culvert crossings.

This will inevitably result in delays to the delivery of development and in some cases, the customer may consider the increased cost of a connection to be prohibitive, meaning that developments and projects will not proceed. This may deter or inhibit development in rural communities, or new / expanding commercial growth. Delays in connections, increasing connection costs and increasing costs of infrastructural alterations place additional pressures on customers' bills. In this context, this policy is unsound, in that it potentially limits the ability to meeting the objectives of the RDS, in the context of Consistency Test C1.

In addition, NIE Networks has concerns regarding the use of the term '*unacceptable impact*' throughout the policy wording. This term should be consistent with the approach taken in existing policy documents, including consideration of impacts on nature conservation sites and the landscape generally in PPS2 and the SPSS. It is also inconsistent with the terminology outlined in the legislative requirements of the Planning (EIA) Regulations (NI) 2017 (and associated policy guidance); the Habitats Directive and Birds Directives (and associated policy guidance). The terminology should be amended to incorporate '*unacceptable adverse impacts*'. The lack of appropriate terminology is considered to be inconsistent with existing policy and legislation, and as such this policy is considered unsound by virtue of Soundness Test C3.

In that context NIE Networks also have concerns in respect of bullet point 3 and respectfully suggests that this should be amended to read:

- *The proposal does not result in unacceptable adverse impacts on significant natural heritage features*

NIE Networks would also query the objective of Bullet 5, which notes that '*New development or upgrades do not affect existing energy infrastructure*'. In the context of proposals which intend to strengthen, repair or maintain the distribution or transmission network, it is possible that this may involve, by its nature, the removal and replacement of all / part of the existing energy infrastructure. As such, NIE Networks is unclear on how the Council would require compliance with this policy and how it contributes overall to an efficient infrastructure system. This aspect of the policy is considered unsound by virtue of Consistency Test CE2, in that it not based on any robust evidence base, and as such should be removed.

On the basis of the preceding points, it is respectfully suggested that the following amendments are incorporated into the policy wording:

'Planning permission will normally be granted for proposals to develop new or upgrade existing electricity or gas infrastructure (not covered by PDR) where it is demonstrated:

- *There is no unacceptable loss of residential amenity or harm to public safety;*
- *Applications for proposals in designated areas of high landscape value, namely the Sperrin AONB, Special Countryside Areas, and Areas of High Landscape Importance should be accompanied by an landscape and visual assessment, which should also include any relevant mitigation required. These proposals should also provide consideration of the feasibility of undergrounding the proposed infrastructure as a potential mitigation measure to address potential impacts on visual amenity*
- *Supporting information should also be provided to demonstrate consideration of all potential adverse impacts on areas of significant nature conservation, features of natural heritage, the historic environment, or archaeological interest, and the provision of mitigation measures to address unacceptable adverse impacts.*
- *Proposals for development of power lines comply with 1998 International Commission on Non-ionizing Radiation Protection (ICNIRP).*

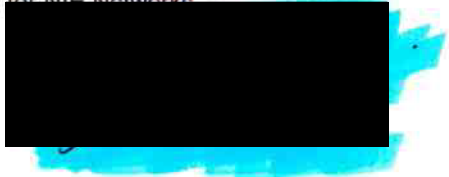
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I can confirm that NIE Networks wish to appear at the Independent Examination, in respect of the issues raised in this submission.

I trust this is of assistance and would confirm that NIE Networks are happy to meet with you and the relevant members of your team, should you wish to discuss these matters further.

Yours sincerely,

for NIE Networks



NAME Ian Bailie
Title Network Development Manager, NIE Networks
cc: David McDonald, *NIE Networks*
 Paul Morrow, *NIE Networks*