Chloe Duddy

From: Michelle Hill <Michelle.Hill@rspb.org.uk>
Sent: 27 January 2020 16:14
To: Local Development Plan
Subject: RSPB NI response to DCSDC LDP draft Plan Strategy
Attachments: RSPB NI DCSDC dPS response final 27.01.2020.pdf; RSPB NI final Derry_Strabane POP Aug 17.pdf; 16.05.06 -RSPB SPPS Renewable Energy final.pdf; RSPB NI Response to DfI Review of Strategic Planning Policy on Renewable - Survey Monkey - not in public domain.pdf; 16.05.06 -RSPB SPPS COUNTRYSIDE - Final.pdf; 14.01.10 _RSPB Revised Draft PPS 15 Final.pdf; RSPB SPPS Response Final 29.04.14.pdf

Please note: This submission by RSPB NI comprises 7 attachments.

Please find attached RSPB NI's response in respect of the abovementioned consultation, comprising:

1. RSPB NI LDP draft Plan Strategy response;
2. For convenience a copy of our original Preferred Options Paper submission is attached along with other RSPB NI submissions which have been referred to either in the POP or dPS response:
   (i) RSPB NI Derry City and Strabane District Council POP Response (2017);
   (ii) RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
   (iii) 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).
   (iv) RSPB NI's response to the DOE's Call for Evidence: Strategic Planning Policy for Development in the Countryside (2016)
   (v) RSPB NI's response to the DOE's Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk (2014)
   (vi) RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS) (2014)

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

Kind regards
Michelle

Michelle Hill MRTPI
Head of Nature Policy and Casework

Northern Ireland Headquarters Belvoir Park Forest, Belfast, BT8 7QT
Tel 028 9049 1547

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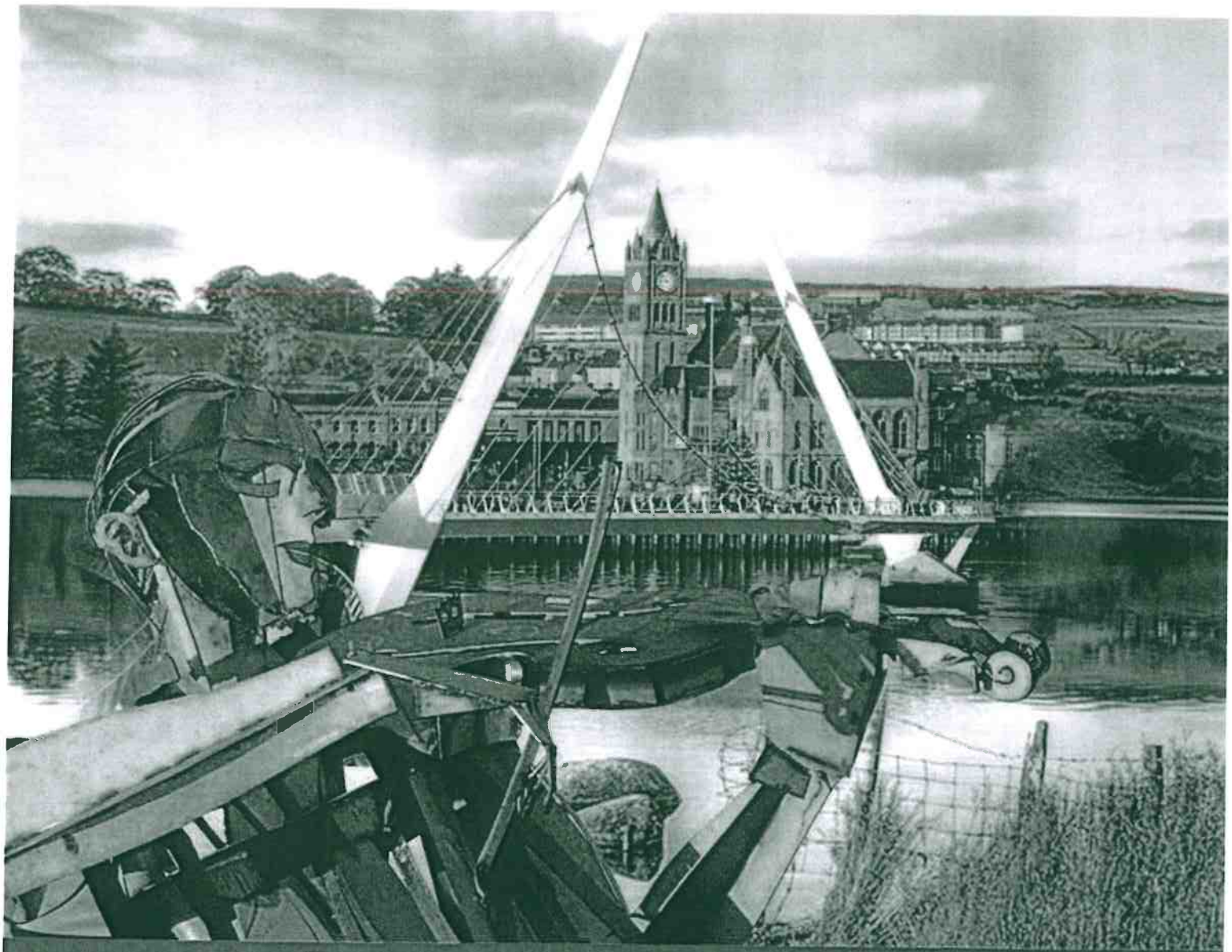
RSPB Northern Ireland is part of the RSPB, the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

Derry City & Strabane District Council

Local Development Plan

(LDP) 2032

Representations Form for the LDP Draft Plan Strategy & Associated Appraisal / Assessments



December 2019

Section B: Your Details

Q1. Are you responding as an individual, as an organisation or as an agent acting on behalf of individual, group or organisation? (Required)

Please only tick one

☐ Individual (Please fill in Question 2, then proceed to Section C)

√ ☐ Organisation (Please fill in the remaining questions in the section, then proceed to Section D.)

☐ Agent (Please fill in the remaining questions in the section, then proceed to Section E.)

Q2. What is your name?

Title: MS

First Name: Michelle

(Required) Last Name: Hill

Email: michelle.hill@rspb.org.uk

(Required)

Q3. Did you respond to the previous LDP Preferred Options Paper?

√ Yes

Section D: Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you. If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name (Required): RSPB NI

Your Job Title / Position (Required): Head of Nature Policy and Casework

Organisation / Group Address (if different from above)

Address (Required): RSPB NI Headquarters, Belvoir Park Forest

Town (Required) Belfast

Postcode (Required) BT8 7QT

Section F: Soundness

The LDP draft Plan Strategy will be examined at Independent Examination (IE) in regard to its 'soundness'. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section J.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be unsound having regard to the soundness tests
in Section J. It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the LDP draft Plan Strategy should also state below whether they wish to be heard orally at the Independent Examination (Please see www.pacni.gov.uk for further details on the IE procedures.)

Section G: Type of Procedure

Q5. Please indicate if you would like your representation to be dealt with by: (Required)
Please select one item only

√ Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

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Derry City and Strabane District Council – Local Development Plan Draft Plan Strategy Representation

A response from RSPB Northern Ireland, 27 January 2020

Introduction

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

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

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

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

RSPB NI welcomes the opportunity to comment on the Derry City and Strabane District Council (DCSDC) Local Development Plan (LDP) draft Plan Strategy (dPS).

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

N.B. preference for representation to be dealt with is by way of Oral Hearing – see page 4 of this submission for further details.

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

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

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 by the Department, such as the NI Biodiversity Strategy 2020. The latter document recognises that *'Development is essential to growing the economy, but it has the potential also to play a part in decreasing biodiversity. It can be a major threat to biodiversity depending upon where it takes place, how it is conducted and the manner in which the site is used following development'*(page 19).

The SPPS requires local plans to:

- take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area;
- Natural heritage features and designated sites should be identified, and policies brought forward for their protection and / or enhancement;
- identify and promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach;
- protect and integrate certain features of the natural heritage when zoning sites for development through 'key site requirements';
- identify and promote green and blue infrastructure where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements;
- consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes;
- incorporate biodiversity into plans for regeneration - by planning for nature and green space in our neighbourhoods we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas; and,
- ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered.

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

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

measures to enhance biodiversity.[1]

However, in order to halt the loss of our habitats and species, Derry City and Strabane 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.

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

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

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

While RSPB NI welcomes the provisions within the plan to further sustainable development, the commitment to protect and enhance the natural environment (including biodiversity net gain), the recognition of the importance of ecosystem services, and mitigating for and adapting to climate change, 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.

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

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Response 1
Part A: Contextual Chapters

2. Survey & Profile of the Derry City and Strabane District

Spatial Characteristics

Paragraph 2.28

Page 24

General Comment

The reference to 'RAMSAR' in Paragraph 2.28 should be amended to read 'Ramsar', as this designation is not an acronym – it is named after the town in which the Convention was adopted in Iran in February 1971.

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Response 2
Part B: Overall Strategy

4. LDP Vision and Objectives

Environmental-Focused Objectives

(d) Enhancing the Environment, Creating Places and Improving Infrastructure

(i)

Page 47

General Comments

While RSPB NI welcomes the commitment to 'protecting ecosystem services of fauna and flora, as well as achieving significantly more tree cover...', additional tree planting must be set within a sustainable strategic context. Acknowledging that forest coverage in NI (8%) is much lower compared to the UK (13%), and that current tree planting rates of 200 ha pa are a fraction of the 1700ha pa required to meet the NI Forestry Strategy aim to double woodland coverage from 6%-12% between 2006 and 2056. It should however be noted that past tree-planting activities in the wrong places (such as on peatland, or adjacent to designated open habitat) has harmed important wildlife habitats and species and undermined effective climate action. Future woodland expansion must be undertaken in a way that delivers for biodiversity, as well as the climate and other objectives. Achieving this will require a strategic approach to woodland expansion that is well integrated with peatland restoration and other land use planning considerations.

Biodiversity enhancement should therefore underpin woodland expansion, to create bigger, better, more and connected woodland habitats within a wider ecological network. Native woodlands, peatlands and other priority habitats represent stable, long-term carbon stores and are a readily available solution to climate change that can also contribute to ecological recovery. Expanding hedgerows and native tree cover outside woodlands and the expansion of agroforestry also have significant potential to deliver multiple benefits for climate, nature and people, but as noted above, this will require a strategic approach to woodland expansion that is well integrated with peatland restoration and other land use planning considerations.

However, the prospect of biodiversity net gain should not be used as a justification for the development in the first place, and the developer must refer to the mitigation hierarchy and seek to avoid impacts as a first principle.

The reference to native tree planning as a mechanism for biodiversity net gain is a common thread throughout the dPS, please refer to our comments at Response 25, for further details in this regard.

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Response 3
Part B: Overall Strategy

7. General Development Principles and Policies

GDP 2 Sustainable Development

(iv)

Page 74

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

While the general principle contained at Part (iv) of GDP 1 is welcomed, including the reference to biodiversity net gain, it has however lowered the threshold for biodiversity protection within the Council area. In this regard, Paragraph 4.38 of the SPSS states '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', while Part (iv) of GDP 1 refers to 'the significant loss of biodiversity' (our emphasis). Strategies like the NI Biodiversity Strategy, and EU Biodiversity Strategy also refer to simply halting biodiversity loss. In the circumstances, there is no justification or grounding in other policies or strategies to only prevent biodiversity loss which is significant, particularly given the climate and ecological emergencies now faced – all biodiversity loss, regardless of scale is wholly unacceptable.

Modifications

Part (iv) to be reworded as follows:

'development to prevent the ~~significant~~ loss of biodiversity....' i.e delete the word 'significant' from the sentence.

Please also refer to the following RSPB NI submissions:

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

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Response 4
Part B: Overall Strategy

7. General Development Principles and Policies

GDP 4 Supporting Sustainable Economic Growth

(iii)

Page 82

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?

Details and Modifications

Chapter 21 of Part E, Environment – Strategy, Designations and Policies, sets out the various polices for species and habitat protection within the Council area. Within this chapter there are various tests and thresholds ranging from, for example, 'significant effect' on European and International sites to 'adverse effect' for National, to 'likely harm' for Nationally protected species.

While the reference to protection of ecology or Ecosystems is welcomed within GDP 4, its reference to 'unacceptable adverse impact' does not accurately reflect the various levels of harm/effect thresholds outlined within the specific policy contained within Chapter 21. As such, RSPB NI recommends that the wording of the Part (iii) of GDP 4, is revised in such a way to ensure that there is no weakening or cause for conflict between the Chapter 21 policies and GDP 4 (iii), thereby maintaining the level of protection afforded to such areas as set out in the Birds and Habitats Directives, the SPPS and PPS2, as appropriate.

Please also refer to the following RSPB NI submissions:

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

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Response 5
Part B: Overall Strategy

7. General Development Principles and Policies

GDP 6 Importance of Ecosystem Services

Page 85

Unsound ☒

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

☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Please note that there are a number of elements to our response to Policy GDP 6 as follows:

Details (i)

While RSPB NI welcomes policy GDP 6 in principle, it needs to be more ambitious if it is to truly recognise the importance of Ecosystem Services as detailed in paragraph 3.14-3.16 of the SPPS. In this regard, the requirement to 'take into account any demonstrable adverse effects on established ecosystems' (our emphasis), it considered to extremely subjective and unnecessarily flexible which could simply result in the acknowledgement of same by the scheme proponent, but not actually a requirement to mitigate. (Notwithstanding the fact the developer must refer to the mitigation hierarchy and seek to avoid impacts as a first principle).

Details (ii)

Similarly, at part (iii) 'where possible and practicable' also allows an unnecessary amount of wriggle room in the interpretation and implementation of Policy GDP 6. This is all set in the context within an overarching context of 'development proposals **should'** (our emphasis), which further adds to unnecessary wriggle room in interpretation, and consequently not considered/implemented.

Details (iii)

Furthermore, Paragraph 7.44 of the justification and amplification section essentially replicates the policy provision of NE 3 of the dPS, there are two subtle differences, one with regard to the policy interpretation at Policy NE 3 with regards to ancient woodland and the other referring to rare or threatened indigenous species, rather than the 'rare or threatened native species' as contained within PPS2 and Policy NE 3 of the dPS (our emphasis). There is a subtle difference between these two words in that indigenous is more specific, even to a small area within a country whereas native is slightly wider as in country-wide.

Modifications (i)

Given the recognized importance of Ecosystem services within the SPPS, it is strongly recommended that the overarching context of the policy for the 3 sub-areas is strengthened as follows:

'development proposals **must' (revised wording bold and underlined)**.

Modifications (ii)

Furthermore, given the climate emergency now faced, and in recognition of the Council's own declaration of a climate emergency in June 2019 (as stated 7.13 of the dPS), Part (iii) of Policy GDP 6 requires to be strengthened as follows:

'include measures to prevent and adapt to environmental change, **unless it can be demonstrated that this is not feasible'**.

Justification and Amplification

In the case that an applicant is claiming that such measures are not feasible for a proposal, a suitable statement should be submitted at the outset clearly outlining why measures to prevent and adapt to environmental change are not considered to be feasible'.

This will require the scheme proponent to provide evidence as part of the planning application submission to demonstrate why measures to prevent and adapt to environmental change have not been included within the scheme. Aside from the most minor of development, it will be possible to include a range of measures depending on the scheme, such as orientation, glazing, SuDs, inclusion of energy efficiency measures, location, providing for biodiversity gain etc. etc. If the Council is to truly take its declaration of a climate emergency seriously then this policy (and others within the dPS) need to be more ambitious in delivering against this declaration and regional policy requirement. Indeed Paragraph 7.43 in the justification and amplification section sets out examples of how this can be readily achieved.

Modifications (iii)

For consistency and clarity, it recommended that the wording as contained within PPS2 and Policy NE 3of this dPS is used when referred to rare or threatened species as follows:

'rare or threatened **native** species' (amended wording bold and underlined).

Please refer to our comments at Response 18 in respect of ancient and long-established woodland (Part E: Environment – Strategy, Designations and Policies , 21. Natural Environment, Policy NE 3: Biodiversity or Features of Natural Heritage Importance, Page 326).

Please also refer to the following RSPB NI submissions:

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

Response 6
Part B: Overall Strategy

7. General Development Principles and Policies

GDP 7 Development Principles: Preserving and Enhancing the Natural Environment

Page 86

Unsound ☒

☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

☒ CE4 The plan is reasonably flexible to enable it to deal with changing circumstances.

Details (i)

If the dPS is to truly preserve and enhance the natural environment, RSPB NI strongly recommends that Part (ii) should refer to the avoidance of High Nature Farming (HNV) areas, and not the best and most versatile agricultural land. Our justification for this position is set out as follows:

The HNV farming concept was developed in the early 1990s in recognition of the importance of traditional low intensity farming systems for biodiversity and the environment across the EU[2]. This type of farming is characterised by long-established, low intensity and often complex farming systems using labour intensive practices, livestock breeds, and crop types highly adapted to local soils, vegetation, and climate (Keenleyside et al, 2014)[3].

The European Environment Agency (EEA) has identified three broad types of HNV farmland:[4]

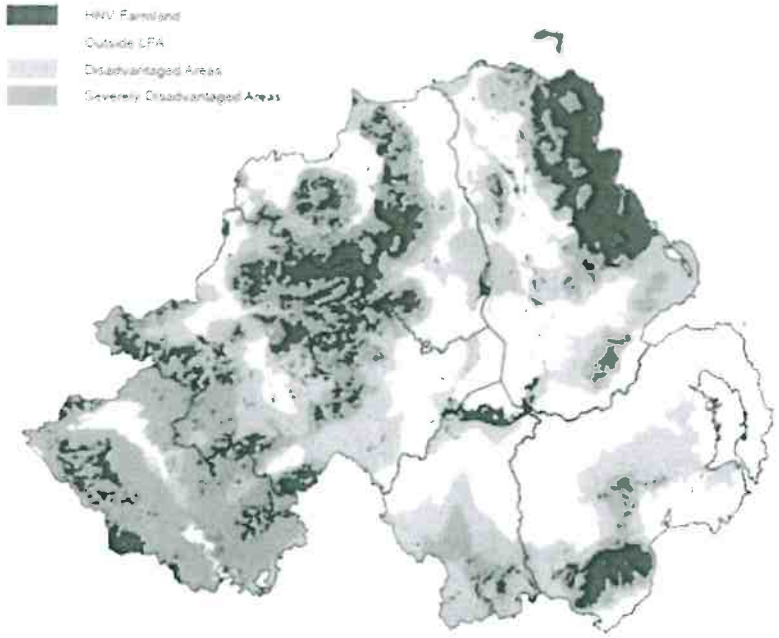
- **Type 1**
  Farmland with a high proportion of semi-natural vegetation.
- **Type 2**
  Farmland with a mosaic of low intensity agriculture and natural and structural elements, such as field margins, hedgerows, stone walls, patches of woodland or scrub, small rivers etc.
- **Type 3**
  Farmland supporting rare species or a high proportion of European or World populations.

[2] http://www.high-nature-value-farming.eu/what-is-hnv/
[3] Available at Keenleyside, C, Beaufoy, G, Tucker, G, and Jones, G (2014) High Nature Value farming throughout EU-27 and its financial support under the CAP. Report Prepared for DG Environment, Contract No ENV B.1/ETU/2012/0035, Institute for European Environmental Policy, London
[4] Paracchini, M L, Terres, J M, Petersen, J-E and Hoogeveen, Y (2006) Background Document on the Methodology for Mapping High Nature Value Farmland in EU27. European Commission Directorate General Joint Research Centre and the European Environment Agency)

In a UK context, HNV farming is mainly associated with extensive beef and sheep farming in the uplands and marginal farming areas, which relies on unimproved semi-natural vegetation for grazing. There are also examples from the lowlands which include some low input arable/mixed farming systems and coastal habitats which contain a mosaic of semi natural features which support a rich assemblage of wildlife. HNV farming relies upon the sympathetic land management practices – such as low intensity grazing, traditional mowing of hay meadows, leaving fallow areas, using seaweed as fertiliser, and traditional approaches to managing semi-natural vegetation – to maintain habitats and species.

Please refer to http://www.highnaturevaluefarming.org.uk/what-is-high-nature-value-farming for further details, including the following map which illustrates those areas likely to support HNV in NI.

Figure 5-22: Areas likely to support HNV Farming systems in Northern Ireland



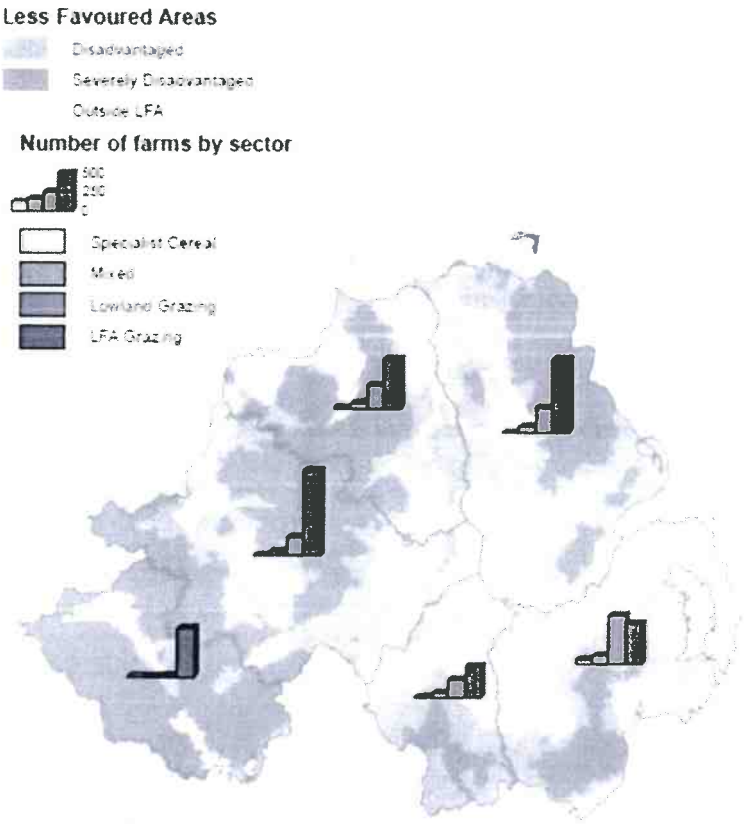
Source: European Environment Agency

The following map[5] shows the extent of LFAs in NI Disadvantaged Areas (DA)/ Severely Disadvantaged Areas (SDA), and serves to demonstrate that quite often, the 'poorest quality' land is often likely to support HNV farming systems.

The above collectively serves to demonstrate that if both the importance of ecosystems services and preserving and enhancing the nature environment are to be achieved by avoiding certain agricultural areas, then there is greater value in focusing such avoidance on the HNV areas, as opposed to the best and most versatile land.

[5] https://www.cumulus-consultants.co.uk/documents/The-potential-impacts-of-Brexit-for-farmers-and-farmland-wildlife-in-UK-23.10.17.pdf

Figure 5-19: Number of farms in each of the four focal sectors and extent of LFAs in each region of Northern Ireland



Source: DAERA (2015) and own analysis. Scale is shown in figure legend

Modifications (i)

In the context of preserving and enhancing the Natural Environment, that Part (ii) be replaced with **(ii) 'loss of High Nature Value agriculture land will be avoided'**, for the reasons set out above.

General Comments

While RSPB NI welcomes inclusion of 'overall biodiversity net gain' in Part (v), please refer to our comment above at Response 2 and at Response 25 below for further details in this regard.

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Response 7
Part B: Overall Strategy

7. General Development Principles and Policies

GDPOL 2 Design Policy in Settlements

Page 104

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

While the provisions in relation to green and blue infrastructure and open space are welcome, they are not however sufficiently ambitious to deliver on the Council's requirement of furthering sustainable development and are not equally applicable in all contexts. In simple terms, the requirements essentially represent a 'business as usual approach', and from studies like the State of Nature, we know that a 'business as usual' approach is insufficient to address the impacts of development in general on our species and habitats, through for example habitat loss, fragmentation, and pollution etc.

The State of Nature 2016 report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years. The publication's recent update, The State of Nature 2019[6] report revealed that since 1970, 41% of UK species have decreased. Although the principal driver of change is agricultural intensification, urbanisation was identified as one of the top ten drivers of biodiversity change. The RSPB therefore attaches great importance to ensuring that planning systems and policies across the UK protect the environment and promote development that is truly sustainable – an approach that we know is feasible through our partnership with Barratt Developments to build new communities, providing homes for people and wildlife – as demonstrated through the Kingsbrook case study detailed in our previous response to the Preferred Options Paper.

RSPB NI believes that the protection and enhancement of both urban and rural biodiversity can be achieved through careful planning and development.

[6] https://nbn.org.uk/stateofnature2019/

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

In this regard, RSPB NI advocated in its response to the POP the following points:

- RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites and enhance connections between ecological features within and across sites.
- RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
    1. 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;
    2. Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
    3. Green/living roofs and green walls;
    4. 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,
    5. Wildlife friendly lighting.

Modifications

Against this context, an additional criterion **'(x)' requiring biodiversity net gain to be incorporated into the design and layout as part of a development proposal** within Policy GDPOL 2 would help to address the fact that NI is failing to meet its targets on halting biodiversity loss (as contained within the NI Biodiversity Strategy, EU Biodiversity Strategy, and Aichi Targets), which are reflected in the regional planning documents of the RDS and SPPS). Such an approach would also be consistent with Defra's confirmation[7] that new developments must deliver an overall increase in biodiversity from 13 March 2019) in England.

Within the NI context, such an amendment is considered to further sustainable development, consistent with the aims of the RDS and the SPPS and comply with the Biodiversity duty set out at Section 1 of the

[7] https://deframedia.blog.gov.uk/2019/03/13/government-to-mandate-biodiversity-net-gain/

Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

Please also refer to the following RSPB NI submissions:

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

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Response 8

Part C: Economy – Strategy, Designations and Policies

13. Minerals Development

General Comments

Page 199

RSPB NI welcomes the reference to the Review of Old Minerals Permissions (ROMPs).

Page 200 -Paragraph 13.10, second line

Typo error -word missing after 'environmental'.

Page 203 – MIN 2, second paragraph, second, line

Typo error – considered should read consider.

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Response 9
Part C: Economy – Strategy, Designations and Policies

13. Minerals Development

MIN 1 Minerals Development and Paragraph 13.23

Pages 200 and 203

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

Globally, peatlands such as blanket bog store approximately double the amount of carbon that is stored in all the world's forests. A study by the Office for National Statistics found that restoring peatland would be a cost effective measure to help tackle climate change as the estimated cost of fully restoring all the UK's peatlands – £8-22 billion – is far below the estimated savings of £109 billion in terms of reduced carbon emissions[8].

Peatland habitat in Northern Ireland including blanket bog and lowland raised bog comprises 165,000 ha. In contrast to mineral soils, peatland is able to continuously accumulate carbon under waterlogged conditions. Peatland landscapes are therefore an important and potentially growing reservoir of carbon, that have enormous potential to reduce greenhouse gas emissions. However, land-use changes that degrade or damage peatland can release a significant amount of carbon into the atmosphere and peatlands can only fulfil their potential if they are in a functioning and healthy state.

In the context of the climate emergency, the urgency of the situation is reflected in the UK CCC Reducing Emissions report: *'The future inclusion of emissions from degraded peatland in the UK emissions inventory could add around 9% to Northern Ireland's total emissions'*. With only 14% of peatlands in Northern Ireland classed as intact (undrained or uncut), peatland restoration presents a major opportunity. A well-

8 https://www.ons.gov.uk/economy/environmentalaccounts/bulletins/uknaturalcapitalforpeatlands/naturalcapitalaccounts

connected network of in-tact peatland, would deliver significant economic, social and environmental value in the form of ecosystem services, as well as making a major contribution towards national biodiversity targets and climate action (mitigation and adaptation). The restoration of peatland habitats should be a priority area for conservation focus in Northern Ireland.

As previously outlined in our response to DCSDC's POP, RSPB NI recommended that 'planning permission should not be granted for peat extraction from new or extended sites or renew extant permissions'. Notably, the English National Planning Policy Framework (NPPF) has clear requirements which do not allow new or extended planning permission for peat extraction. Furthermore, under the 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.

Peatlands 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.

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

Within this context, for horticulture, 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.

Other Councils like, Fermanagh and Omagh, Mid Ulster, and Mid and East Antrim have introduced a new policy which does not permit commercial peat extraction, and while this is welcomed in principle, these councils have however introduced certain exceptions in the draft policy which in our view could result in the continued extraction of peat throughout the plan period. For example, exceptions such as:

(i) 'exceptions may be allowed where the peat land is already degraded and not reasonably capable of restoration or where it can be demonstrated that peat extraction is linked to a management and restoration plan which will deliver improved peatlands over the longer term'; and,

(ii) 'commercial peat extraction may also be permitted by way of exception, where it is part of a management plan for the conservation or restoration of peatlands over the longer term'

(Source: Mid and East Antrim dPS).

RSPB NI has serious concerns about these exceptions and does not recommend their inclusion without modification within any revised policy wording by DCDSC for the following reasons:

With regards to (i) above i.e. 'not reasonably capable of restoration' element, this wording is vague and undefined and as such it could be easily argued that an area of peatland is not reasonably capable of restoration. In the circumstances, we therefore strongly recommended that further clarification is added to the policy that **any peatland with a layer of peat of 0.5m or more is considered capable of restoration**. This would provide further clarity to the policy wording within the dPS.

Similarly, we were concerned that the second proposed exception (ii) above which states, 'commercial peat extraction may also be permitted by way of exception, where it is part of a management plan for the conservation or restoration of peatlands over the longer term'. In this regard, RSPB NI recommended that this be removed from the wording of the dPS Policy MIN 7 and paragraph 7.4.37 of the Mid and East Antrim dPS as it is contradictory to peatland conservation and it has the potential to be used to justify continued extraction.

If DCSDC (and indeed all other councils in Northern Ireland) is to take our climate change commitments seriously, then applications/proposals which increase the release of carbon dioxide in situations where peatland is drained, removed or disturbed should be resisted.

Furthermore, RSPB NI in its response to DCSDC's POP, drew the Council's attention to the potential for sustainable management of peatland habitats in the Sperrins along the border areas of Eassan Burn,

Killeter, Croagh and Moneygal – ASSI and the landscape surrounding these sites (see our previous response to the DCSDC POP for further details). In this regard, it is worth noting that RSPB has a Sustainable Catchment Management Programme (SCaMP) as a model (in the Antrim Hills) to be utilised to demonstrate and support sustainable management in the Sperrins /Derry /Strabane border 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

Modifications

Policy MIN1 should be reworded as follows:

> **'Applications for commercial extraction of peat including new or extended sites, or renewal of extant permissions will not accord with the Plan'.**

Should DCSDC be minded to include any exceptions to this policy, this should be qualified as follows:

> **Exceptions may be made where the peat land is not reasonably capable of restoration, noting any peatland with a layer of peat of 0.5m or more is considered capable of restoration'.**

Please also refer to the following RSPB NI submissions:

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

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Response 10
Part C: Economy – Strategy, Designations and Policies

13. Minerals Development

MIN 5 Restoration

Pages 205

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Please note that there are a number of elements to our response to Policy MIN 5 as follows:

Details (i)

In our response to DCSDC's POP (see RSPB NI response for full details) we outlined our experience of developing a framework for the restoration of mineral sites for the benefits of biodiversity, habitats and local people. In this regard, we outlined how 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[9] 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

[9] https://wwww.rspb.org.uk/whatwedo/projects/details/354133-restore-restoring-mineral-sites-for-biodiversity-people-and-the-economy-across-northwest-europe

- Providing Green Infrastructure
- Improving quality of life

In our previous response we outlined how mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration.

Against this background, while RSPB NI welcomes the reference to the RSPB publication 'Habitat Creation for Minerals Industry' (please also note the typo error at paragraph 13.36 of the dPS in referring to 'Habitats,') The current requirement in the dPS to 'consider' enhancing biodiversity is not sufficiently strong to ensure that any development is furthering sustainable development as required by the RDS and SPPS, and comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies. In our POP response, we clearly outlined environmental benefits and including a reference to the RSPB's publication, Habitat Creation for the Minerals Industry (mentioned above). 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.

Phasing - it is best to restore in phases as extraction continues. In addition to this, working quarries can host specialist species that utilise this temporary habitat such as sand martins, peregrines many species of invertebrates.

Management – management should be detailed in any restoration plan, so operators are aware of what is involved post habitat creation. Many operators have seeded fields with wildflowers, only for these same fields to succeed into fields of unmanaged scrub within 3-5 years.

Natural regeneration – while initially not looking visibly pleasing, natural regeneration is usually the most beneficial form of restoration when land forming is carried out correctly and the right management is in place.

Soil nutrients – many sites believe they are restoring to best practice by retaining and relaying topsoil. However, soil low in nutrients, particularly phosphorus, is more beneficial to habitats rich in biodiversity. Appropriate treatment and improvement of the substrate need only relate to preparing the site with a thin covering of subsoil.

Topography – the more varied the better. Diverse micro topography is important because it

creates ecological niches and variable microclimates for different species. The worst-case scenario is a typical 45° slope.

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

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

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

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

Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from artificial islands for ground nesting birds. Keeping the periphery free of scrub and trees is also desirable as this overshadows many aquatic plants.

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

Modifications (i)

As previously outlined in our response to DCSDC POP, 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 DCSDC 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, to this end (suggested dPS Policy rewording):

All applications for mineral development must be accompanied by satisfactory proposals for:

- The progress and final restoration of sites and proposed future land use, **including location appropriate biodiversity net gain in all restoration cases** (additional text **bold and underlined).**

Details (ii)

In addition to ensuring the financial provision for restoration and aftercare, the LDP should also provide the framework to facilitate regular inspection to ensure such plans are followed through to delivery. Furthermore, the prospect of site restoration should not be used as a justification for extraction in the first place. This is all to ensure that any development is furthering sustainable development as required by the RDS and SPPS, and with comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

Modifications (ii)

It is therefore recommended that an additional line is added to Policy MIN 5 as follows:

> **'Access to the site shall be provided at all reasonable times by the applicant/operator for inspection by DCSDC officials (or other appropriate body) to ensure restoration and aftercare plans have been implemented in accordance with the planning permission'.** (additional text **bold and underlined).**

Details and Modifications (iii)

While provision for a financial guarantee for restoration is welcome, the prospect of site restoration should not be used as a justification for extraction in the first place. In the circumstances, the paragraph should be extended as follows:

> A restoration bond or other financial provision, such as a Restoration Guarantee Fund, will be required to ensure full reinstatement of the site. Should the developer fail to implement the previously agreed restoration plan, the Council will utilize the bond to ensure full site restoration. **'The prospect of site restoration should not be used as a justification for extraction in the first place'.** (additional text **bold and underlined).**

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

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'.

Please also refer to the following RSPB NI submissions:

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

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Response 11
Part D: Social Development – Strategy, Designations and Policies

16. Housing in Settlements and in the Countryside

Context

Pages 219-224

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

Details

The revised Housing Growth Indicator (HGI) Figures (September 2019) reduced the indicative requirement for DCSDC over the plan period to 4,100 (down from 5,775 in the 2016 HGI figures), despite such a downgrade, the dPS still aspires to 9,000 (which the Plan equates to 12,000 units over the plan period to include an additional five year land supply). According to Table 9 of the dPS ,there currently exists (at 2017) a housing capacity of 20,500 within the District. (Added to this, there appears no regard to the existing vacant housing stock within any of the dPS technical supporting documents, which if brought back into use, would further add to the provision).

While it appears that the full 20,500 capacity figure will not be taken forward 'as is' in the Local Policies Plan (as confirmed by Table 8 in the dPS), monitoring of the current housing land (as set out at paragraph 16.12) has identified a remaining potential of approximately 13,790 on zoned housing land and/or with planning permission, with a further 1,292 potentially being delivered through whiteland and windfall respectively).

Against this background, there remains a real danger of overprovision of housing allocation during the plan period. While RSPB NI recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services

such as water provision.

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

Paragraph 16.14 of the dPS sets out how the LDP proposes to manage the District's housing supply over the plan period by

a. Zoning (by defining and refining) the committed housing land and prioritising sites, using phasing to focus on early delivery, in the city and towns;
b. Not zoning additional land for housing generally;
c. Identifying additional housing land on brownfield sites and otherwise in sustainable, accessible and central locations;
d. zoning additional housing lands only in an exceptional circumstance, where a specifically identified local need, and lack of alternative lands, is robustly evidenced. These sites should also be sustainable, accessible and central locations as far as possible;
e. Within villages and small settlements, identify and manage the priority housing areas for early delivery, at appropriate density levels;
f. Managing the amount, type and location of dwellings outside of settlements through Policies HOU 18 to HOU 26; and
g. By actively monitoring the amount, type and location of all dwellings being approved and implemented, with a view to revising the LDP zonings or policies so as to ensure that adequate housing is actually being delivered.

Against this background, the available current housing provision within the district DCSDC will require a robust approach to identifying its housing provision moving forward, to ensure that it is set within environmental limits. In our response to the POP with regards to extant unimplemented historic land use zoning (i.e. with no extant permission or commenced developments), we recommended that 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 existing housing land portfolio. Historically, the carry-over 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.

Furthermore, it is noted that between 1,080-1,440 dwellings have been allocated to the open countryside, while villages and small settlements are allocated between 1,080-1,260 and 135-180 respectively. The total of these figures becomes even more important when considered against the September 2019 Revised HGI, where the total District HGI was identified as 4,100 – meaning that the proposed allocation at these three settlement tiers could deliver between 56% and 70% of the 2019 HGI figure alone.

In this regard, RG8 of the Regional Development Strategy 2035 (RDS) seeks to manage housing growth to achieve sustainable patterns of residential development and avoids over-zoning or the premature release of housing land.

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

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

Modifications

Given the fact that the existing developments for the council area range in adoption dates from 1991 (Strabane Area) to the most recent Derry (2000), the dPS represents a real opportunity to create sustainable patterns of development within the council area in accordance with the RDS and redress the disproportionate amount of growth in smaller settlements and the open countryside. In doing so, further

cognisance should be made to how the dPS will take forward a robust and sustainable HGI in the context of the current available provision within the LDP and to the strategic allocation at the lower settlement tiers (particularly windfall) and the open countryside, given the significant volume of housing which could be apportioned to these areas.

Furthermore, across the settlement tiers there needs to be a re-examination of the need for those housing zonings (which remain unimplemented i.e where no planning approval exists) in order to ensure they are the most sustainable locations for housing development moving forward and can deliver of compact sustainable urban forms.

The finite capacity of our environment requires to be safeguarded through the LDP process.

Additional General Commentary

While the provisions of Paragraph 16.25 of the dPS in principle are to be welcomed as a measure to deliver sustainable forms of development, DCSDC should have regard to the fact that such a provision could lead to a rush in the plethora of developments which have been started (to bank the permission in perpetuity), but not yet completed, which again could prejudice the LDP to secure sustainable urban forms, and as noted by the dPS, 'undermine the LDP strategy for housing allocation'.

Please also refer to the following RSPB NI submissions:

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

Response 12
Part D: Social Development – Strategy, Designations and Policies

16. Housing in Settlements and in the Countryside

HOU 8 Quality in New Residential Developments

Pages 241-242

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

While criterion (a) requires 'the design and layout to respect *inter* alia the 'natural environment', and the references to promotion of biodiversity and encouragement of wildlife at Paragraph 16.74 are welcome, they are not however sufficiently ambitious to deliver on the Council's requirement of furthering sustainable development, and are not equally applicable in all contexts. In simple terms, the requirements essentially represent a 'business as usual approach', and from studies like the State of Nature, we know that a 'business as usual' approach is insufficient to address the impacts of development in general on our species and habitats, through for example habitat loss, fragmentation, and pollution etc.

The State of Nature 2016 report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years. The publication's recent update, The State of Nature 2019[10] report revealed that since 1970, 41% of UK species have decreased. Although the principal driver of change is agricultural intensification, urbanisation was identified as one of the top ten drivers of biodiversity change. The RSPB therefore attaches great importance to ensuring that planning systems and policies across the UK protect the environment and promote development that is truly sustainable – an approach that we know is feasible through our partnership with Barratt Developments to build new communities, providing homes for people and wildlife – as demonstrated through the Kingsbrook case study detailed in our previous response to the Preferred Options Paper.

[10] https://nbn.org.uk/stateofnature2019/

RSPB NI believes that the protection and enhancement of both urban and rural biodiversity can be achieved through careful planning and development.

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

In this regard, RSPB NI advocated in its response to the POP the following points:

- RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites and enhance connections between ecological features within and across sites.
- RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
    1. 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;
    2. Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
    3. Green/living roofs and green walls;
    4. 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,
    5. Wildlife friendly lighting.

Modifications

Against this context, an additional criterion **'(m)' requiring biodiversity net gain to be incorporated into the design and layout as part of a development proposal** within Policy HOU 8 would help to address the fact that NI is failing to meet its targets on halting biodiversity loss (as contained within the NI Biodiversity Strategy, EU Biodiversity Strategy, and Aichi Targets), which are reflected in the regional planning documents of the RDS and SPPS). Such an approach would also be consistent with Defra's confirmation[11] that new developments must deliver an overall increase in biodiversity from 13 March 2019) in England.

[11] https://deframedia.blog.gov.uk/2019/03/13/government-to-mandate-biodiversity-net-gain/

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

Please also refer to the following RSPB NI submissions:

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

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Response 13
Part D: Social Development – Strategy, Designations and Policies

16. Housing in Settlements and in the Countryside

HOU 10 Residential Extensions and Alterations

HOU 20 Restored and Replacement Rural Dwellings

HOU 21 The Conversion and Re-use of Other Rural Buildings

Pages 245, 264, and 267 respectively

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

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

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

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

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

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

Modifications

To this end it is recommended that Policies HOU 10, 20 and 21 should include a further requirement to achieve **no net loss of biodiversity and contribute to biodiversity net gain.** It should also include reference to the abovementioned biodiversity features which may be incorporated, where appropriate, into the design and layout (or refer to other policies within the Plan where there is such a requirement).

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

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

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

Please also refer to the following RSPB NI submissions:

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

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Response 14
Part D: Social Development – Strategy, Designations and Policies
17. Open Space, Sport and Outdoor Recreation
OS 2 Public Open Space in New Developments
Page 284

General Commentary

In our response to the POP, we provided details of the Kingsbrook development case study in England[12] where the RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments. Here, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

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

Against the background of climate change and biodiversity decline in urban areas by 56%[13], DCSDC (like all other Councils) need to be more ambitious in setting targets for new public open space provision in new residential developments if it is to truly further sustainable development (as laid down in the Planning Act 2011 and the SPPS), and comply with the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011). Notably, the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'. The preparation of the LDP presents the council with a real opportunity to deliver on this responsibility, and be more ambitious in delivering for biodiversity, building resilience against the effects of climate change, and realising the full potential and value of ecosystems services (natural capital) for the Borough (economic, social and environmental).

Please also refer to the following RSPB NI submissions:

[12] http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing
[13] http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report http://www.rspb.org.uk/Images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf - this is the NI specific element of the report

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

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Response 15
Part D: Social Development – Strategy, Designations and Policies

20. Waste Planning

Council Strategy and Policy WP 1 Environmental Impact of a Waste Management Facility

Pages 311 and 312 respectively

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

While it is acknowledged that the Council's Strategy for Waste Management:

- 'seeks to ensure that detrimental effects associated with waste management are avoided or minimised; these include effects on people, the environment, and local amenity such as pollution';
- supports the 'Proximity Principle'; and,
- Part (a) of Policy WP 1 will only grant planning permission where *inter alia* 'the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment'

None of these requirements go far enough in explicitly stating the application of the 'precautionary principle' to waste planning.

In assessing all proposals for waste management facilities should be guided by the precautionary principle that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. This is because many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment including nature conservation interests (species and habitats) and pollution.

Modifications

The application of the precautionary principle with regard to the environment should therefore be added

to the amplification and justification section of Policy WP 1 on waste management, in order to comply with Paragraph 6.322 of the SPPS ('in assessing all proposals for waste management facilities the planning authority will be guided by the precautionary approach that where there are significant risks of damage to the environment its protection will generally be paramount, unless there are imperative reasons of overriding public interest'), and Paragraph 1.19 of PPS 11 ('protecting the environment and human health are key principles in considering the development of waste management facilities or assessing other development in the vicinity of such facilities. In assessing such proposals, the Department will be guided by the precautionary principle and the polluter pays principle...') (our emphasis). This is an approach already taken by other council areas for example Mid and East Antrim and Mid Ulster.

Additional text **bold and underlined:**

> **'in assessing all proposals for waste management facilities, the Council will be guided by the precautionary approach that where there are significant risks of damage to the environment its protection will generally be paramount, unless there are imperative reasons of overriding public interest'**

Please also refer to the following RSPB NI submissions:

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

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Response 16
Part E: Environment – Strategy, Designations and Policies

21. Natural Environment

Policies (sic) NE 1: Nature Conservation Sites

Page 326

Unsound ☒

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

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details and Modifications

With regard to European/International Sites, Policy NE 1 has failed to include reference to Proposed SPAs and Sites of Community Importance. Both these sites have European protection status (Birds and Habitats Directives respectively) and should therefore be included within Policy NE 1, as currently contained at NH 1 of PPS 2.

Furthermore, for all 3 tiers of designations within Policy NE 1 i.e European/International, National/Regional, and Local Designations/Sites, Policy NE 1 should detail where a full list of European and International sites can be found, as currently contained in PPS 2.

In addition, the repeated line at the end of Policy NE 1 should be deleted.

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Response 17
Part E: Environment – Strategy, Designations and Policies

21. Natural Environment

Policy NE 2: Protected Species and their Habitats

Page 328

Unsound ☒

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

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Please note that there are a number of elements to our response to Policy NE 2 as follows:

Details (i)

DPS Policy NE 2 with regard to National Protected Species has gone beyond Policy NE 2 of PPS 2 and Paragraphs 6.179-6.182 of the SPPS, by stating 'mitigation measures may be required to enhance the habitat of those protected species known to be present on the site of a development proposal and to facilitate their safe passage through it'. In this regard, caution must be exercised to ensure that the prospect of mitigation is not used as a justification for the development's location in the first place (as it may not be equally appropriate in all circumstances) - the developer must refer to the mitigation hierarchy and seek to avoid impacts as a first principle. Furthermore, care is needed to ensure that no further environmental impacts are created by making an area more attractive to a protected species in the presence of such a development, as it could then ultimately negatively affect a greater number of the species.

Modifications (i)

Given that the policy already states, 'planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against' (our emphasis), it is questioned the value of the additional policy wording referred to above. However, should DCSDC be minded to include the additional policy wording, it will require additional wording for clarification and to avoid the potential for further environmental impacts (additional wording **bold and underlined**) as follows:

'**Where appropriate,** mitigation measures may be required to enhance the habitat of those protected species known to be present on the site of a development proposal and to facilitate their safe passage through it, **however the prospect of mitigation should not be used as a justification for the development's location in the first place. The developer must refer to the mitigation hierarchy and seek to avoid impacts as a first principle'.**

Details and Modifications (ii)

Consistent with Paragraph 5.5 of Policy NH 2 of PPS 2, the Justification and Amplification of Policy NE 2 section should also contain the following text **'the granting of planning permission does not obviate the holder of ensuring legal compliance with other legislative requirements',** for clarity and regional policy consistently purposes.

Details and Modifications (iii)

Policy NE 2 should also **detail where full lists of protected species of animals and plants can be found,** given the District's important rivers and coastal waters, Policy NE 2 should also provide further clarification on fish as follows '**as all fish are protected no lists have been produced**', as contained within Paragraph 5.6 of Policy NH 2 of PPS 2.

Please also refer to the following RSPB NI submissions:

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

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Response 18
Part E: Environment – Strategy, Designations and Policies

21. Natural Environment

Policy NE 3: Biodiversity or Features of Natural Heritage Importance

Page 330

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?

Details

Policy NE 3 creates a distinction or hierarchy between those species listed and ancient and long-established woodland, whereby planning permission which is likely to result in damage or direct loss of ancient or long-established woodland is will only be granted in wholly exceptional circumstances (our emphasis). For the other natural heritage assets listed, planning permission will only be permitted 'where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases appropriate mitigation and/or compensatory measures will be required'.

While RSPB NI does not doubt the value of ancient or long-established woodland, the reasons given within the Policy for its 'elevation', are essentially no different to what could be said for peatland in terms of its ability to host many rare and threatened species e.g for hen harrier, and its spatial decline over the years.

In order to make a more robust policy and not to undermine the level of protection afforded to all the other habitats, species or features of natural heritage importance listed in the policy, a more appropriate way of expressing/referencing the importance of ancient woodland and indeed peatland is to describe it as irreplaceable habitat as its loss cannot be mitigated or fully compensated for. This would also be more consistent with the policy wording in the SPPS with regards to the exceptional circumstances for windfarm development on active peat, which stipulates the IROPI tests (Imperative Reasons of Overriding Public Interest).

Modifications

In the circumstances, it recommended that ancient and long-established woodland is returned to the main list as set out in Policy NH 5 of PPS 2, and the final paragraph of Policy NE 3 is amended as follows:

Planning permission will only be granted in wholly exceptional circumstances for proposals likely to result in damage or direct loss **of irreplaceable habitat such as ancient or long-established woodland, or peatland as it cannot be mitigated or fully compensated for as these habitats cannot be recreated'.** (Additional text **bold and underlined).**

Please also refer to the following RSPB NI submissions:

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

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Response 19
Part E: Environment – Strategy, Designations and Policies

21. Natural Environment

Policy NE 4: Development adjacent to Main Rivers and Open Water Bodies

Pages 331

Unsound ☒

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

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details and Modifications

While the principle of Policy NE 4 is welcomed, care must be taken to ensure that it does not serve to undermine the other policy provisions or tests contained within Chapter 21. In this regard, one of provisions which a development proposal adjacent to a main river or open water must demonstrate *inter alia* that 'there is no unacceptable adverse impact on nature conservation', however, there are various tests within Chapter 21 for example, significant effect for Natura 2000 sites, unacceptable adverse impact for habitats, species or features of natural heritage importance, or likely harm for European Protected Species.

In order not to potentially undermine any of the other Chapter 21 policy tests, a more robust requirement would be:

> **'The proposal meets the relevant requirements as set out in the Natural Environment Chapter and does not result in net biodiversity loss'.** (Additional text **bold and underlined)**

Please also refer to the following RSPB NI submissions:

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

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Response 20
Part E: Environment – Strategy, Designations and Policies

22. Coastal Development

Paragraph 22.6 – the Council's LDP Strategy for coastal development

Page 340

CD 1 Coastal Development

Page 341

Unsound ☒

☒ CE4 The plan is reasonably flexible to enable it to deal with changing circumstances.

Details and Modifications

RSPB NI welcomes the Council's strategy for costal development to safeguard against the loss of distinctive habitats and to help adaptation to climate change. In this regard, a key issue will be the development of sustainable management of the coastal areas in the face of climate change and resultant coastal squeeze as sea levels rise and permanently cover land areas. In this regard, a stated exception within Policy CD 1 Coastal Development should also include nature conservation development as a stated exception to allow for nature-based solutions which could assist in managing the effects of climate change.

Please also refer to the following RSPB NI submission:

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

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Response 21
Part E: Environment – Strategy, Designations and Policies

23. Historic Environment

Policy HE 4 Listed Buildings and their Settings

Policy HE 8 Conversion and Re-use of Locally Important Unlisted Vernacular Buildings

Pages 353 and 359 respectively

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Details

Please refer to our original submission to the POP for full details of our comments on urban design and the opportunities for biodiversity and further sustainable development, including examples of best practice elsewhere. For convenience, a copy of our original POP response will be attached to our draft Plan Strategy email response submission.

The State of Nature 2016 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 both urban and rural biodiversity can be achieved through careful planning and development.

As outlined in our response to the POP, there is no regard to protecting and enhancing the biodiversity that such 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 by retaining the site/building biodiversity in any proposals for their re-development – please see comments within our POP response with regards to Place Making and Good Design 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).

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

In this regard, RSPB NI advocated in its response to the POP the following points:

- RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites and enhance connections between ecological features within and across sites.
- RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
    1. 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;
    2. Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
    3. Green/living roofs and green walls;
    4. 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,
    5. Wildlife friendly lighting.

Modifications

To this end, it is recommended that the above mentioned polices be amended to include the following **(additional text in bold and underlined)**

> **'Any extensions, alterations or adaptions should not result in a net loss of biodiversity and contribute to net gain'.**

(It should also include reference to the abovementioned biodiversity features which may be incorporated, where appropriate, into the design and layout).

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

Please also refer to the following RSPB NI submissions:

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

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Response 22
Part E: Environment – Strategy, Designations and Policies

24. Renewable and Low Carbon Energy Development

RED 1 Renewable and Low Carbon Energy Development – General Criteria

Page 368 onwards

Unsound ☒

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

☒ C1 Did the council take account of the Regional Development Strategy?

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

☒ C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Please note that there are a number of elements to our response to Policy RED 1 as follows:

Details (i)

Within the main policy box wording, the consideration of cumulative impact should be extended to include all types of renewable energy development (e.g. solar farms) and not just wind turbines as is currently proposed in dPS Policy RED 1.

In this regard, Paragraph 6.229 of the SPPS provides for the cumulative assessment of **all renewable energy developments**, not just wind turbines. This requirement should therefore be removed from the Wind Energy Development section of dPS Policy RED 1 and moved to the general policy wording section above of dPS Policy RED 1, (i.e. applicable to all forms of renewable and low carbon energy development) so as to be effective in preventing unacceptable adverse impact and accord with the SPPS.

Modifications (i)

The wording as currently proposed in the Wind Energy Development section, should be removed from the wind section and inserted within the general renewable and low carbon energy section above, and be reworded as follows (additional text **bold and underlined)**:

> **'Applications for renewable energy development will be required to demonstrate that the development has taken into consideration the cumulative impact of existing renewable energy developments, those which have permissions and those that are currently the subject of valid but undetermined applications'**

Details (ii)

Policy RED 1 makes only a limited reference for the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the life span of developments. Such policy guidance is particularly important at this time, as we are now witnessing the first wave of such proposals coming through in respect of the first generation of wind farm developments. Currently, policy in this regard is provided at Paragraph 4.17 of PPS 18, which deals the with the issue of repowering/re-equipping turbines at the end of its planning permission life (in most cases planning permission will be linked to the expected operational life of the turbine). Paragraph 4.27 of the PPS states 'while there are obvious advantages in utilising established sites, such cases will have to be determined on their individual merit and in the light of the then prevailing policy and other relevant considerations'.

Modification (ii)

In order therefore for Policy RED 1 to be effective and accord with regional policy, the provisions of Paragraph 4.17 of PPS 18 require to be copied across, with further clarification as follows (additional text **bold and underlined)**:

> **'Applications for the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the life span of developments such as wind farms and solar farms will have to be determined on their individual merit and in the light of the then prevailing policy* and other relevant factors including not resulting in unacceptable impacts on the environment or residential / visual amenity'.**
>
> ***They should be subject to detailed assessment against the same factors and material considerations as apply to proposals for new facilities.**

Details (iii)

Other factors for consideration are included within Paragraphs 6.228 and 6.229 of the SPPS, and importantly Paragraph 6.229 of the SPPS provides for the consideration of the inter-relation between these considerations – this is also absent from dPS Policy RED 1 and needs to be copied across from the SPPS.

Modifications (iii)

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

> **'It will be necessary to consider the inter-relational between both the above-mentioned**

considerations and other relevant polices within this plan'.

Details and Modifications (iv)

Paragraph 24.18 allows for mitigation measures and where appropriate compensation measures to be brought forward where impacts have been assessed to not be significant. In this regard, RSPB NI strongly recommended that any such mitigation measures should be **secured either by way of planning condition or a Section 76 Agreement**. Furthermore, Policy RED 1 must contain the following requirement **'the developer must refer to the mitigation hierarchy and seek to avoid impacts as a first principle'.** (Additional wording **bold and underlined**).

In addition, care is needed to ensure that no further environmental impacts are created by making an area more attractive to a protected species in the presence of such a development, as it could then ultimately negatively affect a greater number of the species.

Details and Modifications (v)

The provisions of Paragraphs 24.20 and 24.21 in relation to peatland are difficult to reconcile with the policy presumption against renewable energy development on active peat, as contained within Policy RED 1 (and the SPPS). DCSDC will need to review these paragraphs in light of the amended policy in SPPS with regards to active peat, from that originally contained in PPS 18 to ensure there are no policy conflicts or undermining of the provisions contained within the SPPS.

Details and Modifications (vi)

Furthermore, Paragraph 24.22 states 'in promoting mitigation/compensatory measures for renewable and low carbon energy developments, developers may be required to restore areas to active peatland that are within or adjacent to the development site'. While restoration of active peatland is to be encouraged, such restoration may not be possible outwith the development site as it may not fall under the ownership or control of the applicant/developer. Furthermore, even if the land in question outwith the application sites falls under the control/ownership of the developer, unless the area in question is included within the red line application boundary, or subject to a Section 76 Planning Agreement, there is no mechanism in place to enforce the restoration requirement outwith the development site.

DCSDC will therefore need to be mindful of the above context when agreeing to such a scenario to ensure the restoration requirement is enforceable.

Details (vii)

Absence of a Strategic Spatial Framework for Renewable Energy

(save the identification of Wind Energy Capacity Area (WECA), Special countryside Areas, Area of Landscape Importance and Area of Outstanding Natural Beauty) (as contained within Chapter 21 Natural Environment) – graphically depicted in Appendix 1 Proposals Maps 2).

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 the potential to generate energy, but also of the social and environmental factors that need to be considered.

While RSPB NI supports a strategic and spatial approach to renewable energy development, it is nevertheless of the firm opinion that this is best carried out at the Regional level to be truly coordinated and effective, however in the absence of such, councils have responsibility to define such an approach at their local government level. 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 include 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 which outlines inter alia our case for a strategic and spatial approach to wind energy development across the whole of Northern Ireland. Please also refer to the more recently published RSPB's 2050 Energy Vision Report[14].

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

The Energy Futures project was established in order to explore these complex issues and better

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

understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details[15] .

Modifications

In this regard, RSPB NI requests that a truly spatial and strategic approach to renewable and local carbon energy development is prepared for DCSDC, and therefore would highlight the following areas considered to be sensitive to wind energy development. Further consideration should therefore be given to the protection of such areas through spatial designation within the LDP (please note that the information below is correct at the time of writing):

Hen harriers

Hen harriers are Annex I species under the EU Birds Directive and are of medium conservation concern in Ireland[1]. The most recent 2016 UK Hen Harrier Survey shows the population in Northern Ireland has declined from 59 pairs down to 46 since 2010, a decline of 22%[2]. The south west corner of the DCSDC council area is important for breeding area for hen harriers, and also in the neighbouring Fermanagh and Omagh Council area. As such, hen harriers should warrant careful consideration for any wind energy applications in this area, and that areas located outwith any LDP designations do not become sink holes for inappropriately sited wind energy proposals.

Whooper swans and light-bellied brent geese

Similarly, it is recommended that the area around Lough Foyle should be considered unsuitable for wind farm development, particularly for wintering whooper swans and light-belied brent geese and breeding waders including lapwing and curlew, which utilise this area in internationally and nationally significant numbers respectively. In addition to the designated sites within the council area, the Lough Foyle polders (non-designated) is important for the Lough Foyle SPA features (whooper swan) and for approximately 5% of the Northern Ireland breeding population of lapwing.

With regards to the wintering populations of larger birds like swans and geese noted above, DCSDC must be cognisant of the flight path of such birds e.g whooper swans from Lough Neagh to the Foyle Estuary. Whooper Swans are Annex 1 species under the EU Birds Directive and are of are of a medium conservation concern in Ireland[16]. Lough Foyle, Lough Beg and Lough Neagh are wetlands favoured by the whoopers when they migrate from areas further north such as Iceland. Other less manoeuvrable birds

[15] http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project
[1] Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544
[2] http://www.rspb.org.uk/our-work/rspb-news/news/443191-UK-hen-harrier-population-suffers-decline-according-to-latest-figures
[16] Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

that are found on the SPA are Greenland white-fronted goose (Annex 1) and greylag goose, (amber listed species of conservation concern in Ireland). The location of any inappropriately sited wind turbines within their flight path could place the whooper swans and other species at a risk of collision with the turbines as they move between Lough Foyle and Lough Neagh.

Breeding waders

Curlew is a NI priority species[17]; breeding populations are of a high conservation concern in Ireland[18]; and they are also protected as a Schedule 1 listed species under The Wildlife (NI) Order 1985 (as amended)[19] and are thus protected by special penalty. Curlew are of particular concern as their global breeding range has declined enough that they are now recognised as near threatened in a global context by the International Union for the Conservation of Nature (IUCN)[20]. Additionally, Brown *et al.* (2015)[21] consider that curlew should now be considered the UK's highest conservation priority bird species.

Breeding pairs have significantly declined in recent years in Northern Ireland to an estimated 526 pairs[22], representing a decline of 82% in the mean breeding densities of curlew in the last 30 years. Curlew have also been recorded as sensitive to the presence of wind farms during their breeding seasons with a reduction in breeding pairs of up to 48% within 500metres (m) of turbines and/or associated infrastructure, with negative impacts on breeding curlew, specifically reduced breeding densities through displacement, within 1km of turbines[23].

The 2013 breeding wader survey[24] also presents current population estimates for lapwing as 860 pairs and snipe as 1123 pairs. As such, there has been continued significant population declines since the 1985/87 breeding wader survey for all of these species, with declines in mean breeding density for curlew of 82%, for lapwing of 89% and for snipe of 78%, with the distributions of all species 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.

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[17] https://www.daera-ni.gov.uk/sites/default/files/publications/doe/northern-ireland-priority-species-list.pdf
[18] Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544
[19] Schedule 1
[20] http://www.iucnredlist.org/details/22693190/0
[21] Brown D., Wilson J., Douglas D., Thompson P., Foster S., McCulloch N., Phillips J., Stroud D., Whitehead S., Crockford N. & Sheldon R (2015) The Eurasian Curlew – the most pressing bird conservation priority in the UK? *British Birds* **108**, 660-668.
[22] 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
[23] 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
[24] Colhoun, K. & Cummins, S. (2013): Birds of Conservation Concern in Ireland 2014-2019 *Irish Birds* 9:523-544

Given that curlews are particularly susceptible to disturbance by wind turbines, as confirmed by scientifically robust research[25]. In light of the decline of the curlew and lapwing as noted above, the safeguarding of this area from inappropriate development is critical to the longer-term recovery and survival of these species in Northern Ireland.

Within this context, the DCSDC LDP has a critical role in protecting such species and their habitats from inappropriate development, and to make space for the creation and management of additional habitat in this Lough Foyle area.

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

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

[25] Pearce-Higgins et al (2009): The distribution of breeding birds around upland wind farms. Journal of Applied Ecology 2009, 46, 1323-1331; *and 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

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Northern Ireland

Response 23
Part E: Environment – Strategy, Designations and Policies
25. Development and Flooding
Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk outside Flood Plains
Justification and Amplification – Paragraph 25.58
Page 389

General Commentary

In relation to SuDs, Paragraph 25.58 states, 'in carrying out the drainage assessment, the developer should give consideration to the use of sustainable drainage systems (SuDS) as the preferred drainage solution'. However, a much stronger policy provision for SuDs in contained within Policy GDPOL 1 General Development Management Policy where it states planning permission will be granted where *inter alia*:

> **'iii sustainable drainage systems (SuDS) have been incorporated. Where this preferred drainage method is not feasible, this must also be demonstrated'**

In the circumstances, Paragraph 25.58 of Policy FLD 3 needs to reconcile itself with the stronger policy provision continued within Policy GDPOL 1 for clarity.

Please also refer to the following RSPB NI submissions:

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

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Northern Ireland

Response 24
Part F: Place-Making and Design Vision

26. Place-Making and Design Vision for Development in the District

PDO 2 – Enhance the value of the Natural Environment

Page 402

General Commentary

RSPB NI welcomes the inclusion of PDO 2. There are many approaches that can be included in the detailed design of development to deliver for the natural environment. While small and often low-cost design changes can make buildings suitable for bats, birds and invertebrates, some design features (for example living roofs or rooftop permaculture farms) will require early consideration of building form and structure (especially roof loadings) so that habitat requirements can be accommodated from the outset[26].

Such inclusion within policy is only part of the step required, and as such RSPB NI recommends that further details on how to increase biodiversity[27] within development could be contained within an appropriate supplementary planning guidance document on design, which would refer back to the above Local Plan policy. A good example is Appendix 2 of Exeter City Council's award-winning Residential Design Supplementary Planning Document[28]. The SPD details good practice approaches to protecting and enhancing biodiversity value within the built fabric and wider landscape of a residential development.

Other useful sources:

- Paragraph 4.2.6 and Annex B of the TCPA Good practice guidance for green infrastructure and biodiversity[29]
- Biodiversity in the Built Environment[30]

Please also refer to the following RSPB NI submissions:

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

[26] The Environment Agency's Green Roof Toolkit
[27] Tree planning is not the only route, and needs to be the right tree in the right place, so as to prevent other potential environmental impacts – please refer to Responses 2 and 25 of this response for further details
[28] Exeter City Council (2010) Residential Design Supplementary Planning Document. Exeter City Council.
[29] Planning for a Healthy Environment – Good Practice Guidance for Green Infrastructure and Biodiversity Published by the Town and Country Planning Association and The Wildlife Trusts, July 2012
[30] UK-GBC Biodiversity Task Group (2009) Biodiversity and the Built Environment. London: UK Green Building Council.

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Response 25

Comments on Biodiversity Net Gain – and in particular native tree planting

While RSPB NI welcomes DCSDC commitment to biodiversity net gain, we note the heavy reliance on native tree planning to fulfill this objective throughout the plan for example:

Policy GDP7: (v) page 86, (iii) page 88, paragraphs 7.58, &.59 and 7.61
Policy GDP 01: (v) page 93, and paragraph 7.114
Policy NE 4: paragraph21.24, page 332
Policy NE 5: paragraph 21.32, page 334
Policy NE 7: paragraph 21.41, page 337
Policy PDO 2: paragraph 26.15, page 402
Policy CY 1: paragraph 32.14, page 445
Policy Cy 4: paragraph 32.40, page 450

Forest coverage in NI (8%) is much lower compared to the UK (13%). Current tree planting rates of 200 ha pa are a fraction of the 1700ha pa required to meet the NI Forestry Strategy aim to double woodland coverage from 6%-12% between 2006 and 2056. However, past tree-planting activities in the wrong places (such as on peatland, or adjacent to designated open habitat) has harmed important wildlife habitats and species and undermined effective climate action. Future woodland expansion must be undertaken in a way that delivers for biodiversity, as well as the climate and other objectives. Achieving this will require a strategic approach to woodland expansion that is well integrated with peatland restoration and other land use planning considerations.

Biodiversity enhancement should underpin woodland expansion, to create bigger, better, more and connected woodland habitats within a wider ecological network. Native woodlands, peatlands and other priority habitats represent stable, long-term carbon stores and are a readily available solution to climate change that can also contribute to ecological recovery. Expanding hedgerows and native tree cover outside woodlands and the expansion of agroforestry also have significant potential to deliver multiple benefits for climate, nature and people.

However, it is not a panacea for all our biodiversity ills, and as such, it must therefore form part of the overall suite of measures to deliver for biodiversity net gain within the plan area, as it will not be suitable/feasible in every situation/location. Within this context, RSPB NI has set out in both its response to the POP and within this dPS response, ways to enhance opportunities for biodiversity within development proposals beyond native tree planting alone.

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Northern Ireland

Response 26
Part H: LDP Monitoring and Review

40. Monitoring Criteria and Review Process

Paragraph 40.9 – A Monitor and Review Technical Paper

Page 472

Unsound ☒

☒ CE3 Are there clear mechanisms for implementation and monitoring?

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

In order to be SMART, all indicators should have a target or trigger to provide a basis for measurement - even if it is a basic requirement for an increase or decrease over existing. Further detail is required to be set out by the Council in order to qualify how the Monitoring Framework can be effectively implemented.

DCSDC needs to examine its Monitoring Plan in this regard as a matter of urgency in order to allow an effective assessment of how the Plan Strategy objectives are being achieved. In general, % or numeric triggers can be easier to measure and therefore effectively monitored. For example - even if it is a basic requirement for an increase or decrease over existing.

Furthermore, there are considered to be obvious omissions from the indicators and measures sections which would facilitate an enhanced assessment of the Plan Strategy in meeting its objectives for example:

The following examples demonstrate how the Indicative Monitoring Framework Table set out in Section 4.0 of the Monitor and Review Technical Paper fails to provide a SMART framework. The following numbers refer to the item number identified in the Table at page 5 of Technical Paper:

3. (General Development Principles &Policies) While this monitoring objective is welcome, the trigger is not sufficient SMART – as no target level is set. In this context, a trigger of 'above/below' target is meaningless.

11. (Tourism) Again, while this monitoring objective is welcome, it does very little to actually tell the

Council about the quality or sustainability of such planning permissions each year. A useful metric here could be number of planning permissions granted under the exceptions policy and >1 planning approval in any one year against the advice of NIEA – NED and/or Shared Environmental Services.

27. (Open Space) To further enhance this monitoring objective a further trigger could be related to the exceptions policy to monitor the amount of open space loss through permissions granted under this circumstance.

28. (Open Space) It is considered that the trigger of 10% is too high given the Council's requirement to further sustainability, its biodiversity duty and its own commitment for biodiversity net gain. In the circumstances, a lower trigger is strongly recommended.

33, 34, 39, 40, and 41
Given the requirement to further sustainable development (as laid down in the Planning Act 2011 and the SPPS), the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011) Northern Ireland, alongside the objectives of the NI and EU Biodiversity Strategies, and other legislative provisions, coupled with DCSDC declared climate emergency, it is considered that there is a real need to provide a fit for purpose monitoring framework in this regard.

While the targets are welcomed for these monitoring objectives 'To ensure no inappropriate development contrary to policy provisions', the trigger of 'No inappropriate development contrary to policy provisions' is questioned, as such development proposals should not be approved – unless exceptional circumstances. In the circumstances, a better trigger would be >1 planning approval in any one year against the advice of NIEA – NED and/or Shared Environmental Services. Such an approach could be equally applied to the Development within Fluvial or Pluvial Zones , with DFI Rivers Agency being the relevant advising authority.

Other Metrics:

Furthermore, no details have been provided in respect of mitigating and adapting to climate change. Our environment is in crisis. The United Nations and other international institutions have issued stark warnings that we have only 12 years to avert a climate catastrophe and species are declining at a rate not previously seen. Northern Ireland is not immune to this. The State of Nature 2016 report revealed that between 1970 and 2013, 56% of UK species declined. Although the principal driver of change is agricultural intensification, urbanisation was identified as one of the top ten drivers of biodiversity change. The RSPB therefore attaches great importance to ensuring that planning systems and policies across the UK protect the environment and promote development that is truly sustainable – an approach

that we know is feasible through our partnership with Barratt Developments to build new communities, providing homes for people and wildlife (refer to Kingsbrook example in our POP response for further details).

Against this background, the LDP monitoring framework should be measuring what contribution the LDP is contributing to climate change and mitigation measures, in order to ascertain whether such is sufficient to address the climate and ecological emergencies faced. An Indicator Reference could therefore include, for example, the restriction of further commercial peat extraction, where the target is no new approvals for peat extraction (either new sites or extension of existing), and the Review Tigger is more than 1 application permitted in any one year any one year against the advice of NIEA – NED and/or Shared Environmental Services.

Please also refer to the following RSPB NI submission:

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

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.

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[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).

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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.

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[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

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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.

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Summary of Recommendations

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

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

For further information contact:

Michelle Hill MRTPI, *Senior Conservation Officer (Planning)*

RSPB Northern Ireland

Northern Ireland Headquarters

Belvoir Park Forest, Belfast, BT8 7QT

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

Derry City and Strabane District Council - Local Development Plan Preferred Options Paper

A response from RSPB Northern Ireland, 22 August 2017

Introduction

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

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

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

RSPB NI welcomes the opportunity to comment on the Derry City and Strabane District Council (DCSDC) Local Development Plan Preferred Options Paper (POP).

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For convenience, section numbering follows that contained within the Preferred Options Paper (POP) and Response Form. Please note that not all sections /questions have been commented on within this response.

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

- RSPB NI's response to the DOE's call for evidence on Renewable Energy
- 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.

Sections 1-3: District Profile, Policy Context

Do you have any comments on the opening Sections 1-3 of the Preferred Options Paper that should be taken in to account when preparing the Plan Strategy?

Yes.

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. In this regard, we seek clarification on the current status of the HRA as no timescales have been provided for

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

this assessment. Now is the ideal time to establish what the key sensitivities of the various protected sites (both within and those with linkages outwith the Council area) are to ensure that their needs are reflected in the design of the Plan, and to employ effective avoidance techniques, as opposed to mitigation measures.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (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.

Furthering Sustainable Development

With regard to the functions that the LDP will provide for DCSDC (as outlined at section 1.8 of the POP), and in particular, to 'provide a 15-year plan framework to support the economic and social needs of the District in line with regional strategies and policies, while providing for the delivery of sustainable development', RSPB NI is of the opinion that it does not go far enough in meeting the Council's legislative requirement 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). This aspect will be discussed further throughout this response.

Cross-Border / Trans-boundary Effects on Species and Habitats

While the POP has regard to the cross-boarder/trans-boundary context with regards to settlements and employment for example, it fails however to recognise that species and habitats do not recognise lines or boundaries on maps. In this regard, it would be most beneficial if the next iteration of the LDP could provide details of other designated sites which either abut, or linked (e.g hydrologically) or are in close proximity to DCSDC boundary, as nature (species and habitats) does not have regard to map based boundaries. This aspect will require to have greater emphasis in the next iteration of the LDP process to ensure that those species and habitats are not only protected from inappropriate development but are enhanced for future generations to come. (Sections 2.5 and 2.25-2.30 of the POP).

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Ecosystems Services / Natural Capital

Furthermore, the POP has failed to recognise the ecosystems services or natural capital value 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. These short-comings must be addressed in any future iteration of the LDP.

'Ordinary Land'

At Section 2.30, the POP referred to land outwith designated sites as other 'ordinary land'. While it recognises that it 'is also very important to protect and enhance for its own beauty and bio-diversity', which is welcomed, the term 'ordinary land' however is not considered to be helpful or positive in this context, and could lead to incorrect assumptions about its value for species and habitats. 'Non-designated' or 'other land' may be more appropriate terminology. In this regard, only a very small proportion of our biodiversity is protected through the designated site network, and 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.

Housing Availability

At Section 2.13, it is noted that of the 595 hectares of land zoned in the Derry Area Plan 2011, approximately 391 hectares remains undeveloped (some 6 years beyond the Plan's notional end date). Similarly, at Table 2: Housing Tenure 2011 it is noted that 11.2% (6630 units) of Derry City and Strabane's housing stock is vacant. These factors will have relevance in the developing a sustainable spatial growth strategy for the Council area.

Utilities

Section 2.36 notes that NI Water has 'identified a number of our settlements as having little or no remaining sewerage 'headroom capacity'', however, no further regard is had to this aspect within the POP. This must be examined further in determining environmental capacity within the plan area.

Energy

Section 2.37 advocates that 'the availability of mains gas to the District will also assist in domestic and business expansion in the District's main settlements'. RSPB NI is however of the opinion that the LDP process represents a real opportunity to plan for and facilitate low carbon renewable energy solutions in

a truly sustainable way. To this end, local authorities have a role to play in helping the Government to deliver the low carbon future that is needed to mitigate climate change.

Supplementary Guidance

Further clarification is required at Sections 3.18 -3.19 of the POP with regards to the status of the Supplementary Guidance once the LDP Plan Strategy is adopted. This is compounded by the fact that the list of supplementary guidance at Section 3.20 does not reflect the full suite of guidance documents which is currently utilised in planning development management. A full list of these documents is contained within paragraph 1.14 of the SPPS. This should be clarified by DCSDC in any future iteration the LDP. RSPB NI recommends that all guidance documents should be carried over into the LDP.

LDP links with other Council Plans / Strategies, other Master plans and Guidance Documents

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.

Climate Change – Adaptation and Mitigation

There is no reference to climate change adaptation and mitigation within this Section of the POP (and indeed through out the POP). This is of most concern, and is discussed further below.

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Section 4 : Vision and Objectives

Do you agree with the proposed Vision for the LDP as set out in Section 4.1 of POP?

No.

The Vision fails to demonstrate how economic, social and environmental consideration can be integrated to further sustainable development up to 2032. The requirement to 'further sustainable development' is set out in the Planning Act (NI) 2011, and the Strategic Planning Policy Statement (SPPS). DCSDC has a responsibility to exercise this objective in its plan making function.

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). Within this context, there needs to be an expression of this requirement within the LDP's overarching vision and objectives. 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 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'[2].

Furthermore, there is no reference or acknowledgement of ecosystem services.

Do you agree with the proposed Objectives for the LDP as set out in Section 4.4 of POP?

In general terms, RSPB NI would support the overarching principle and ambition of each Strategic Objective (i.e. the three pillars of sustainability). However, the underlying detail and actions are somewhat lacking in ambition to deliver the required outcomes, and as such RSPB NI could not support the sub-text of each objective as currently proposed.

[2] One Future - Different Path: The UK's Shared Framework for Sustainable Development (2005)

While it is evident that DCSDC has sought to deliver the three pillars of sustainable development as their three key objectives, it has fallen short in seeking to further sustainable development in that there is little in the way of integration between these three objectives in the POP: *'...The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. The aim is to achieve the right development in the right place. The planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society'*[3]

The proposed LDP objectives do not currently achieve the requisite level of integration to further sustainable development as the detail beneath each objective, remains primarily within its own pillar silo. There needs to be a greater recognition of the need to integrate all the objectives to ensure that they are **all** set within environmental limits which have furthering sustainable development at their core. This is not currently the case across objectives sub-text, and as such there is a need to improve the LDP objectives within this context.

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

Similarly, mitigating and adapting to climate change has been omitted from the LDP objectives. Climate Change is one of the most pressing challenges facing our society. In this regard, the SPPS advocates that the planning system should mitigate and adapt to climate change. The LDP should therefore be an opportunity to identify and implement opportunities to build resilience into the built and natural environment and to develop and implement sustainable strategies to explore, address and manage significant flood risk, as stated in para. 3.12 Of the SPPS. However, the POP is silent on such matters.

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.

[3] One Future - Different Path: The UK's Shared Framework for Sustainable Development (2005)

While RSPB NI welcomes Objective VIII within the Environment Objectives, it does not go far enough. It should not just be about protecting the visually pleasing or undeveloped developed areas from inappropriate development, rather it should be about steering development away from sensitive areas (habitats and species), including those areas outwith the protected site network. This may include areas which are limited in terms of their landscape aesthetics, but are areas which are vital to giving nature a home in DCSDC area and beyond.

Section 5: Growth Strategy

Do you agree with the Preferred Options as set out in Section 5.4, and specifically the target levels of a) population growth, b) additional jobs, and c) new homes proposed in the Growth Strategy of the LDP?

No.

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 it 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 does not support the current aspirations for growth as it is unclear from the document that such aspirations will be set within environmental limits (save a comment that 'the LDP Growth Strategy will seek to develop the District sustainably from these baseline levels over the next 15 years' – which is not sufficient demonstration). The overarching objective here should be furthering sustainable development and all else will flow from this objective.

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

The LDP growth strategy must also have cognisance to the importance of ecosystem services within and adjoining the Council area.

Climate change poses the most significant long-term threat to birds. Aviation is the fastest-growing source of greenhouse gases (GHG). Most of the growth in total transport GHG emissions since 1990 is attributable to growth in international air travel. Emissions from international aviation in 2009 were more than double 1990 levels and made up 21% of total transport GHG emissions in 2011. Against this background, the need for aviation travel should be reduced, with greater use made of information technology to minimise demand for travel.

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

Given that Section 2.13 of the POP notes that of the 595 hectares of land zoned in the Derry Area Plan 2011, approximately 391 hectares remains undeveloped (some 6 years beyond the Plan's notional end date), and Table 2: Housing Tenure 2011 notes 6630 units (11.2%) of Derry City and Strabane's housing stock is vacant, it is somewhat difficult to reconcile the sustainable need for the growth/number of new homes with that proposed under Option 2.

In adopting a more restrained growth strategy, DCSDC could apply the same approach to their preferred Option 2 to Option 1 in that '*if its appears that the target levels are being achieved, at the 5 and 10-year*

LDP Review stages, the Council will re-visit the LDP to ensure that the further potential growth in Option 3 (or in this case Option 2), *can be sustainably accommodated'.*

Section 6: Spatial Strategy

Overall Spatial Strategy (Section 6.18 of POP) - do you agree with the Preferred Option? If not, please suggest and justify any alternative options; and,

Settlement hierarchy (Section 6.21 of POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

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 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'[4] 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.

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

The twelve principles of good spatial planning are:

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

Please also refer to the Lawton principles, as noted under the Natural Heritage section of this response towards the end of this document (page 41).

RSPB NI is disappointed that DCSDC has made no reference to the identification of 'Special Countryside Areas'. The identification of such areas at a spatial level across the plan area would have benefits for other land uses, and should include designated and non designated sites, in order that sensitive sites and species are avoided. This is necessary because only a very small proportion of our biodiversity is protected in designated sites, for example areas of lowland grassland, so important for NI's declining

breeding wader population, or the contribution fully intact/functioning blanket bog makes to our greenhouse gas targets, or the ecosystem services it provides in respect of flood management and water quality. As mentioned previously, it is important that areas outside of any area of constraint zoning must not become the 'sink holes' for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process.

Should Special countryside Areas be progressed through the LDP, it will be necessary for the LDP to spell out what Special Countryside Area mean and how they will be managed. They should be areas where the Council can demonstrate how a sustainable economy can be built around nature. Furthermore, these areas will require precise spatial expression. It is recommended that the Special Countryside Areas should include for example, the ASSI/ SPA / Ramsar designations at Lough Neagh and Beg into the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale.

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

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

In this regard, caution should be exercised by DCSDC in its approach to growth within the smaller settlements of the hierarchy, and in the identification of new small settlements in order to comply with the RDS and SPPS. Furthermore, care should be exercised with the proposed amalgamation of any existing settlements, as this would appear to run contrary to current policy, which seeks to protect the setting of each settlement and prevent coalescence.

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

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

It is also worth noting that across the settlement hierarchy, The POP at Section 6.3 states 'there is generally adequate quantum of land within the limits of most settlements to cater for the main development land needs over this LDP period'.

Section 7: Economy

A – Economic Development Land (Section 7.14 of the POP). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options

As noted previously, 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 it 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.

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.

Aside from the reference to the management of mineral resources, there is no reference to or recognition of the environment within this section or the ecosystems services which flow from it.

While RSPB NI welcomes the commitment at Section 7.12 of the POP to place emphasis on sustainability and the exploration of brownfield sites in identifying future economic sites, it is nevertheless unclear where the environment sits within the economic development land allocation options, 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 the various options.

Furthermore, there is no reference to the environmental capacity to absorb further development within the Plan area (capacity studies should be employed to inform), nor is there a commitment to steer development away from sensitive areas (including habitats and species). Such sensitive areas should also include those outwith the protected site network. 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.

The LDP growth strategy must also have cognisance to the importance of ecosystem services within and adjoining the Council area.

Within this context, the Employment Land Evaluation Framework approach as advocated by the RDS should be the basis for any identification of employment land. The initial assessment of the 'fitness for purpose' including the environmental implications of the existing employment land portfolio is particularly important to demonstrating the validly of any unimplemented zonings to be carried over into the new LDP.

It is 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.

Furthermore, 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.

Further clarification is sought on whether DCSDC wishes to explore the concept of Simplified Planning Zones through the LDP process.

RSPB NI recommends that all economic/employment zonings (where there is no extant permissions, 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.

G - Transport (Section 7.49 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

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%[5]. Planning can make a significant contribution to reducing these emissions through decision-making on the location, scale, mix and character of development. In particular, new development should be located/integrated so as to enable and support the use of public transport provision and reduce dependence on the private motor vehicle.

Walking and cycling should be promoted, while targeting new walking and cycling routes for example new river/lough side walks could create a sustainable product for visitors to the Lough Foyle landscape.

[5] Greenhouse gas emissions by Transport Mode, Department for Transport 2008

The protection of disused transport corridors running through DCSDC for future public access should be considered in any future LDP. Promoting active travel is only one of the ways in which greenhouse gas emissions can be reduced. In this regard, the LDP needs to be more cross-cutting and integrated with other sectors of the plan recognising the fact other factors can also contribute to a reduction in greenhouse gases, for example, policy which promotes an integrated transportation system that reduces the need to travel and the use private car, or policy to protect our fully intact/functioning blanket bog which though its carbon storage makes a positive contribution towards meeting our greenhouse gas targets, or recognising the ecosystem services it provides in respect of flood management and water quality.

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.

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.

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

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

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

H – Tourism (Section 7.60 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

Species, habitats, landscapes and green spaces form a network of visitor attractions, which are of great importance to the local economy. The policy framework is currently focused on tourism infrastructure; it also needs to focus on protecting and enhancing what is attracting tourists here in the first instance.

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

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

Issues of potential disturbance to key birds from recreational tourism should also be considered, for example: Lough Foyle SPA/Ramsar/ASSI. In addition we would draw your attention to the need for sustainable management of the River Faughan and Tributaries SAC/ASSI, the River Foyle and Tributaries SAC/ASSI.

RSPB NI manages its nature reserve along the Lough Foyle foreshore and holds a management agreement on the Lough Foyle polders. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

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

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

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

Preferred Option 1 does not sufficiently integrate these requirements.

I – Minerals (Section 7.67 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

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

promoting the use of recycled construction materials. Development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The RSPB is unusual amongst UK NGOs because we engage with individual applications for minerals development across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Between 2012 and 2015, we were the lead partner in the RESTORE project[6] 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

[6] https://wwww.rspb.org.uk/whatwedo/projects/details/354133-restore-restoring-mineral-sites-for-biodiversity-people-and-the-economy-across-northwest-europe

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.

Phasing - it is best to restore in phases as extraction continues. In addition to this, working quarries can host specialist species that utilise this temporary habitat such as sand martins, peregrines many species of invertebrates.

Management – management should be detailed in any restoration plan so operators are aware of what is involved post habitat creation. Many operators have seeded fields with wildflowers, only for these same fields to succeed into fields of unmanaged scrub within 3-5 years.

Natural regeneration – while initially not looking visibly pleasing, natural regeneration is usually the most beneficial form of restoration when land forming is carried out correctly and the right management is in place.

Soil nutrients – many sites believe they are restoring to best practice by retaining and relaying topsoil. However, soil low in nutrients, particularly phosphorus, is more beneficial to habitats rich in biodiversity. Appropriate treatment and improvement of the substrate need only relate to preparing the site with a thin covering of subsoil.

Topography – the more varied the better. Diverse micro topography is important because it creates ecological niches and variable microclimates for different species. The worst case scenario is a typical 45° slope.

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

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

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

Improving habitat instead of' giving back' – we would encourage trying to improve habitats as oppose to restoring land to what it was previously. Areas where semi natural habitats have been

removed for extraction and restored to less favourable habitats such improved grassland should not be considered restoration as it is a net loss for wildlife.

Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from artificial islands for ground nesting birds. Keeping the periphery free of scrub and trees is also desirable as this overshadows many aquatic plants.

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

With regards to peat extraction, RSPB NI recommends that 'planning permission should not be granted for peat extraction from new or extended sites, or renew extant permissions', and would like to draw your attention to the potential for sustainable management of peatland habits in the Sperrins along the border areas Of Eassan Burn, Killeter, Croagh and Moneygal – ASSI and the landscape surrounding these sites. In this regard, it is worth noting that RSPB has a Sustainable Catchment Management Programme (SCaMP) as a model (in the Antrim Hills) to be utilised to demonstrate and support sustainable management in the Sperrins / Derry /Strabane border 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 (CO2) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

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

Any policy wording should provide sufficient protection to the natural environment as required by the RDS, 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 DCSDC 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.

With regards to the identification of Areas of Minerals Constraint, 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. 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.

Other minerals related issues

(i) *Unconventional hydrocarbon extraction*

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

giving nature a home

(ii) *Review of Old Minerals Planning Consents (ROMPS)*

RSPB NI seeks clarification on DCSDC'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.

J - Rural Economy (Section 7.67 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

There is minimal reference to the natural environmental within this section. No mention is made of its complex variety of wildlife and habitats and the ecosystems services it provides. There is limited recognition that the environment, in terms of its natural heritage is one of Northern Ireland's and indeed DCSDC's greatest assets. Greater cognisance should be given to the natural environment and recognition of the fact that those areas particularly sensitive to change should be avoided.

While the SPPS requires LDP's to bring forward a growth strategy for sustainable development in the countryside (SPPS, 6.6.8), without the evidence from the employment land evaluation framework and sequential approach, it would be premature to consider the scale of development required at this time.

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

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.

giving nature a home

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 makes reference to areas that 'will be more sensitive to change' there is no detailed consideration of the capacity of the environment including its complex variety of wildlife and habitats and the ecosystems services it provides, or recognition of the fact that areas particularly sensitive to change should be avoided. Furthermore, it is not just the visually attractive landscapes which require recognition, protection and enhancement in this policy.

In terms of the existing policy PPS4, the POP notes that there has been concern that this policy has been unduly restrictive and has acted contrary to rural enterprise and sustaining vibrant rural areas. As an evidence based approach is used in plan making it would be helpful to review evidence which supports this concern as part of the plan process.

With regards to the Council's preferred Option 2, it is questioned how it furthers sustainable development, and meets the biodiversity duty on public bodies, as contained within 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, when the preferred option scores negatively in terms of biodiversity?

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.

giving nature a home

Section 8: Social Development

A- Strategic Housing Distribution (Section 8.7 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

Please refer to comments above at Section 6 with regards to the Spatial Growth Strategy. Furthermore, it is not clear how Option 3 will be in general conformity with the RDS with regards reflection of the settlement hierarchy. Of the proposed 7,000-12,000 new homes, it should be noted that the POP states that here are currently 6,630 vacant homes in Derry and Strabane (Source: POP Table 2). A more sustainable approach to would be to utilise existing housing stock prior to creating more.

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

Further comment is reserved until further details are known about the distribution allocation for each tier of the settlement hierarchy.

B – Housing Allocation Quantum (Section 8.15 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

No. A robust and sustainable justification for the almost doubling of HGI figures last revised in 2016 (i.e. last year) has not been provided.

It is noted that the POP states 'the current commitment figure is significantly in excess of our allocated HGI figure'. It goes on to state that it has a general supply of zoned and committed land to cover the

plan period, which raises the issue of site density to be established on such zoned sites, which in turn has implications for the take up of zoned land.

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 or which individually and combined could prejudice sustainable forms of development. As mentioned previously land is a finite resource and needs to be used sustainably and responsibly.

Furthermore, the there is no reference to an urban capacity analysis or provision for windfall sites. In order to more accurately calculate urban capacity, such an assessment would be more beneficial in the earlier stages of plan making.

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.

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.

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.

It is unclear how the POP proposes to meet the requirement to maintain a 5 year supply. Further information in this regard will be regard in the next iteration of the LDP.

C - Location and Allocation of Housing Land (Section 8.19 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

No.

As noted above, 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 or which individually and combined could prejudice sustainable forms of development - land is a finite resource and needs to be used sustainably and responsibly.

It is disappointing to read that the Council appears to have almost given up on the site re-evaluation exercise before it has even started the process, on account of the fact that 'the vast majority of such lands does have planning permission'. In the circumstances, in order to provide a truly sustainable approach to development a robust re-evaluation must be undertaken to establish the quantum of lands/housing units which are subject to a time extant planning permission. Where developments have been commenced purely to keep a planning permission live, DCSDC should give consideration to the service of a Completion Notice on the appropriate people (current land owner, current occupier of land, or any one else who would be affected by the Notice), as this is currently possible through Section 64 of the Planning Act (Northern Ireland) 2011.

With regards to extant unimplemented historic land use zoning (i.e. with no extant permission or commenced developments), 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. Historically, the carry over of any unimplemented zonings into a new plan preparation phase was not *fait accompli* – this position should be remain in order to ensure that the new plan truly furthers sustainable patterns of development.

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.

Please note that there appears to be a discrepancy between the narrative for Option 2 at Section 8.26 and the narrative for the same option at Section 8.28. In this regard Option 2 as set out in Section 8.26 states 'retain committed and zoned housing land for residential, re-evaluated un-committed sites...' Section 8.28 states 'retain only committed land, sustainability re-evaluate un-committed zoned or land....'

In this context it could be implied that Option 2 as set out as Section 8.26 seeks the retention of all committed and zoned housing land, while at Section 8.28 the variation in wording here clearly sets out that it is only committed land which is to be retained. For the avoidance of doubt, clarification must be provided in this regard.

While DCSDC advocates the use of the sequential approach to land search and identification of housing sites within 2 of its options, it is not clear from the POP how it intents to implement such an approach in identification of location and allocation of housing land. As noted above, land is a finite resource and the LDP should not be required to burden itself with more housing zonings than it actually required. Using an evidential sequential approach to development, will help produce settlement patterns which further sustainable development, and are set within environmental limits. We recommend that the priorities of Brownfield land, wherever possible, should be further explicitly stated within the LDP, as it plays an important role in delivering sustainable patterns of growth, protecting the natural environment and stimulating urban regeneration. (Such approaches will be consistent with the Housing Evaluation Framework as contained within Table 3.2 of the RDS along with the 60% Brownfield land target set out in the RDS).

It is therefore of great concern that the POP lacks ambition in seeking to achieve this target.

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.

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.

No regard has been made to developing a strategy for sustainable development in the countryside, which the SPPS (para. 6.6.8) requires LDPS to bring forward.

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 be 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 DCSDCs greatest assets.

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.

It is recommended that the LDP policy as a minimum replicates the wording of the SPPS and PPS21, and the addendum to PPS7.

Please also refer to 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.

E – Open Space, Sport and Recreation (Section 8.34 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

No.

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. There is insufficient detail with regards to the Council's proposed evaluation of some open spaces to make meaningful comment at this time.

Please refer to the RSPB's publication 'Wellbeing through Wildlife'[7]. 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.

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

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

Proposals should be required to submit detailed landscape strategy to demonstrate that the open space provision is adequate, well designed and integrated. Also, a requirement to support wildlife should be

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

included within the criteria to be demonstrated, given its acknowledged benefits for our wildlife and our well-being and mental health.

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.

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.

RSPB NI does not accept DCSDC's proposal to only protect suitable and necessary OSR land – this is a significant departure from PPS8 and the SPPS. How will suitable and necessary be defined – both these criteria are subjective and open to interpretation, a more robust and certainty of approach is required to protect all areas of existing open space (as is the current policy position).

Rather than 'deleting' areas of under utilised green space, the LDP should encourage steps to address such issues in order to make a positive contribution to furthering sustainable development.

giving nature a home

F – Community Infrastructure (Section 8.40 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

No.

RSPB NI is of the opinion that all of the proposed Options lack ambition in delivering for the health and wellbeing of the council area's population, and simply state what a plan-led system will do in any event. In the circumstances, the zoning and protection of land from alternative uses is only a small part of what the LDP can achieve. The LDP needs to move away from the 'silo' approach and fully embrace the concept of fully integrating the three pillars of sustainable development.

In this regard, a LDP which facilitates and supports a 'connection with nature' will have a positive contribution in improving health, quality of life and well-being. 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.

Furthermore it is not just about improved or enhanced provision, but also accessibility. There is no point in introducing all these additional measures if they are not readily accessible to the public.

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 DCSDC to the following useful reports:

- Wellbeing through wildlife, RSPB[8]
- Planning for a healthy environment – good practice guidance for green infrastructure and biodiversity Town & Country Planning Association, The Wildlife Trusts, July 2012 Exeter residential design code

A further publication of relevance is UK National Ecosystem Assessment: Technical Report[9], and in particular Chapter 23: Health Values from Ecosystems[10]. In this regard, *'the findings of this chapter suggest that attention could be given to developing the use of green exercise as a therapeutic*

[8] http://www.rspb.org.uk/Images/wellbeing_tcm9-132872.pdf
[9] http://uknea.unep-wcmc.org/LinkClick.aspx?fileticket=m%2BvhAV3c9uk%3D&tabid=82
[10] http://www.cbd.int/financial/values/unitedkingdom-health.pdf

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).

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.

G – Waste (Section 8.45 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

RSPB NI strongly advocates a sustainable approach to waste management, having regard to minimising the amount of waste being sent to land fill, while ensuring that there are no environmental risks

associated with waste management, disposal or treatment. To this end, there is no reason why the adopted existing policy approach cannot accommodate the policy provisions of PPS11 as amended by the SPPS. RSPB NI recommends that DCSDC should apply a precautionary approach to all waste management proposals, similar to that advocated by Antrim and Newtownabbey Council (at page 111 of their POP).

Furthermore any disposal of inert waste for land improvement should be steered away from sensitive sites, where such land improvement may have a detrimental impact on habitats or species.
It is considered that DCSDC should have its own long term strategy for dealing with waste sustainably.

While DCSDCs seeks no public opinion on waste water infrastructure, RSPB NI nevertheless provides the following comments:

Water and Waste Water Infrastructure

Section 2.36 notes that NI Water has 'identified a number of our settlements as having little or no remaining sewerage 'headroom capacity'', however, no further regard is had to this aspect within the POP. The identification of any significant constraints in terms of waste water treatment will require a co-ordinated approach to identifying where the proposed development areas are in relation to the various waste water treatment plants should be adopted. In addition, it should be ascertained whether there are any environmental implications associated with these plants either now or anticipated as the result of any upgrade works either currently or in the future. Waste Water Treatment Works (WWTW) capacity (both now and in the future) should be an important consideration in the identification of future development lands.

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

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Section 9: Environment

General comments

RSPB NI firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing (as set out in Section 9.3), as this could potentially result in environmental trade-offs.

Furthermore, the POP sates that the LDP '...will strive to protect the environment, while at the same time promoting and growing our District'. This is most disappointing in that it does not go far enough to further sustainable development, nor does it integrate the three pillars of sustainable development, and moreover there is an imbalance towards growth. This is not considered to be in general conformity with either the RDS or the SPPS in this regard.

The importance of ecosystem services has not been fully explored within the POP. 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.

A– Natural Environment (Section 9.9 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

RSPB NI is extremely disappointed that Natural Heritage is one of the final matters to be discussed within DCSDC'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.

All natural heritage designations should be listed and have their feature species and habitats listed.

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

With regards to the Options, Option 3 could not happen in reality as other pieces of legislation and environmental assessment (e.g the Habitats and Environmental Impact Assessment Directives), could preclude the 'accommodation of development in all other locations'.

As a minimum it is requested that DCSDC combine Options 1 and 2 to provide a more appropriate level of environmental recognition and protection. The POP provides no indication of how it intends to implement Option 1.

While any form of local biodiversity environmental enhancement is welcomed, DCSDC must adopt a more strategic, bigger approach to protecting and enhancement the environment and cannot rely solely on a piecemeal approach through developers and individual planning permissions. Such an approach would neither absolve DCSDC of its biodiversity duty nor be in general conformity with the RDS or the SPPS.

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.

Should DCSDC identify areas of constraint (notably, most other councils have introduced such a concept at the POP stage), it will be important that areas outside of any area of constraint zoning must not become the 'sink holes' for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision making process.

With regard to wind energy developments, we recommend that such a strategic approach should form part of a NI wide spatial approach to wind energy development – a position which the RSPB has been advocating for some time. Please refer to our response to the DoE's 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 (both responses attached in submission email).

Should DCSDC choose to introduce the concept of, for example Special Countryside Areas, the LDP must clearly spell out what such 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. Furthermore, these areas will require precise spatial expression. It is recommended that Special Countryside Areas should include for example, the ASSI/ SPA / Ramsar designations at Lough Foyle into the wider hinterland to buffer the protected area and provide space for nature to expand at a landscape scale.

A co-ordinated and integrated approach will be required the various councils who international and national environmental designations within, linked to, or adjacent to their boundaries.

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

The SPPS requires local plans to:

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

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

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

While the planning system is an important delivery tool for biodiversity enhancement, its potential is not being realised in current practice. A Defra survey found that the protection of biodiversity through the prevention or mitigation of potential impacts from development was more common than positive measures to enhance biodiversity.[11]

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

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

[11] "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

- 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.

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

Natural Heritage Policy Wording

LDP policies to protect and enhance the natural environment should be an integral part of the overall strategy. At the outset, RSPB NI recommends that any such strategy within the LDP should accurately reflect the Regional Strategic Objectives(RDS, SPPS, PPSs and associated guidance documents), with no weakening or dilution. For example, it should not seek to create 'and/or' scenarios in the LDP Strategy where the Regional Strategic Objectives advocate solely 'and' scenarios, or weaken any of the language, for example change the word 'must' to 'should /will or encourage' – they are all considered to represent a weakening in the policy wording, which must be avoided.

A reference within any proposed strategy should be made with regards to assisting with meeting the various site designations' (from international to local) responsibilities and obligations.

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

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 un 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'.

Potential zonings in the LDP should have full regard to natural heritage, as it constitutes more than cognisance of sensitive landscapes/views.

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

Policy on natural heritage should include restoration and enhancement; in a manner which reflects the Lawton principles[12] (see below).

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

- 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).

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

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

International Designations

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

National Designations

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

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

Local Designations

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

Other Habitats, Species or Features of Natural Heritage Importance

RSPB NI recommends that existing policy from PPS2 in this regard should be adopted in full, as it provides an important 'catch-all' for habitats, specials or features of natural heritage importance which

currently fall outwith designated areas. 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.

Protected Species

RSPB NI advocates that there should be no weakening of the existing policy approach, as contained within 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.

Special Countryside Areas / Other Areas of Constraint

With regards to the use of Special Countryside Areas, or any other areas of potential constraint identified within the LDP, RSPB NI is of the opinion that there is merit in conducting such an exercise at Strategic level across the whole of Northern Ireland in providing a spatial expression for renewable energy production, and in particular wind energy. This should include designated and non designated sites, in order that sensitive sites and species are avoided. Please refer to our response to the DoE's call for evidence on Renewable Energy for further information in this regard. This is included as a separate document in our email submission.

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

DCSDC area has a diverse range of species and habitats worthy of protection and enhancement including bog habits, Foyle mud flats and polders, wetlands and water bodies, woodland, lowland grassland, rivers and streams and quarries.

Other important areas currently include the management of the **Lough Foyle shoreline** to benefit its **SPA/Ramsar/ASSI features**. The area of wet grassland at Donneybrewer, and peatlands of the Sperrins.

This is not intended to be a definitive list of important species and habitats within the Council area, but serves only to illustrate how important this Council area is for biodiversity.

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

B– Landscape Character (Section 9.11 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

RSPB NI welcomes the Development Pressure Analysis proposed in Option 2 in order to identify areas that would be sensitive to development, or at capacity in terms of existing development and its ability to absorb further, and hence where certain types of future development may be restricted.

In this regard, as mentioned in the previous section, such areas of constraint must not be solely concerned with visual aspects of capacity. Capacity should also look at other aspects with regards to species and habitats - 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 wildlife and biodiversity.

In addition to those designated sites within the council area, the Lough Foyle polders (non-designated) is not only important for the Lough Foyle SPA features (whooper swan) and for approximately 5% of the Northern Ireland breeding population of lapwing, but could include opportunity for public access/interpretation/visitor engagement etc– linking across to the natural capital benefits of health and wellbeing, tourism, recreation and water regulation. RSPB NI manages a Nature Reserve along the Lough Foyle foreshore from Longfield Point to Myroe.

Similarly, there exists potential within the peatland habitats in the Sperrins and along the border areas of Essan Burn, Killeter, Croagh and Moneygal, and the landscape surrounding these sites for their sustainable management. As mentioned previously RSPB has a Sustainable Catchment Management Programme (SCaMP) as a model (in the Antrim Hills) to be utilised to demonstrate and support sustainable management in the Sperrins/Derry/Strabane border areas.

C– Coastal Development (Section 9.18 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

It is suggested by defaulting to the Marine Policy Statement and Marine Spatial Plan there is an area of our coast from the high water mark upwards which has been omitted by adopting such an approach. This omission requires to be addressed in any future iteration of the LDP.

Coastal management should also 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.

D – Built Environment / Heritage (Section 9.23 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

None of the options has regard to protecting and enhancing the biodiversity that such 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 below with regards to urban design 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).

giving nature a home

E – Urban design / Places (Section 9.28 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

No.

The State of Nature 2016 report[13] 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.

Against this background, RSPB NI is concerned that no regard has been had to the importance of quality design in delivering and furthering sustainable development, including biodiversity, health and well-being perspectives. This concerns not only the aesthetics of the building/place itself, but also the quality of place from a biodiversity perspective including the avoidance of development that impacts adversely upon natural ecosystems. The POP fails to recognise either implicitly or explicitly that good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3); this is a step backwards in policy formulation for sustainable development and biodiversity. 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. Please also refer to our comments on well-being through wildlife, and to our narrative on the Kingsbrook development in England below.

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.

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

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

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

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

There is currently little 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.

giving nature a home

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 DCSDC'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 DCSDC's attention to the Kingsbrook development in England[14]. 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.

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

- 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.

F– Renewables (Section 9.36 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

While RSPB NI welcomes, DCSDC's preferred option to identify the most sensitive landscape zones remaining for protection, this should however be extended to include species and habitats – not just visual quality.

To this end, the LDP should promote the delivery of a 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.

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

Delivering renewable energy infrastructure at the scale required to reduce our emissions and meet our commitments, whilst remaining sensitive to environmental considerations, is a significant challenge. To achieve this, the planning system in Northern Ireland needs to be more than a consent procedure for development; it should also provide a robust and proactive framework enabling sensitive deployment.
The RSPB is very supportive of wind farm and other renewable energy developments, provided they are sustainable, and not located in areas damaging to wildlife - we have a long track record of working positively with developers to ensure that these proceed in a sustainable way.

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

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 DCSDC 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 which outlines *inter alia* our case for a strategic and spatial approach to wind energy development across the whole of Northern Ireland. Please also refer to the recently published RSPB's 2050 Energy Vision Report[15]. In 2008, the UK Government set a target to achieve an 80% reduction in greenhouse gas emissions (relative to 1990 levels) by 2050.

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

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

The Energy Futures project was established in order to explore these complex issues and better understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details[16].

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

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

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.

Notably DCSDC has stated at Section 9.36 (SIC) of the POP that the closure of the Renewables Obligation Certification (ROC) is likely to have a negative impact on the Renewable Energy Sector in NI,

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

and will bring about an overall reduction in the number of planning applications for Wind Energy Development.

However, review of statistical data from the Department for Infrastructure with regards to the number of single turbine planning applications submitted, is currently showing no evidence of decline.

Year / Council Area	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	Jan/Dec 16
Derry	1	3	1	1	3		5	4	25	19	14	12	14	52
Strabane	1	1	3	1	2	6	8	18	70	64	55	29	22	

While it is appreciated that it will take time for the full effects of the ROC withdrawal to realise, any potential downturn in the number of applications as a direct consequence, should not be justification for DCSDC to adopt a 'do nothing approach'.

G– Flooding (Section 9.41 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

No.

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.

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 floodbanks, to allow the floodplain to function properly, and manage the risk posed downstream. Land that is then transferred into periodical wetlands due to our climate should be treated as an asset, both for the landscape it creates, the additionality it brings to those visiting the area, and the natural filtration of water that happens by allowing water to settle out on these floodplains.

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

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Flood Risk Strategy

DCSDC 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 an 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[17], we would hope that this is reflected in the assessment of plans to extract peat from lowland and raised bogs in Northern Ireland, and that the precautionary approach will be adopted.

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

[17] 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 culver ting 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.

Sustainable Drainage Systems (SuDs)

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

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

H– Environmentally and People –friendly Transport (Section 9.46 of the POP) – do you agree with the Preferred Option? If not, please suggest and justify any alternative options

Yes.

Please refer to our comments above at Section 7 – G – Transport for further comment.

Similar to our response to DCSDC's question on whether more should be sought form developers in terms of biodiversity enhances, DCSDC must adopt a more strategic, bigger approach to developing sustainable transport networks, and cannot rely solely on a piecemeal approach through developers and individual planning permissions. Such an approach would not be in general conformity with the RDS or the SPPS.

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Section 10: Planning Policy Statements

Policy Review (PPSs) - Do you have any comments to make on this Section?

Yes.

The level of detail provided within this section with regards to any proposed changes to policy wording is insufficient to make any meaningful comment/assessment with regards the options chosen for each of the policy areas. As such RSPB NI reserves the right to make further comment on the DCSDC's LDP Approach and Options once further detail is made available.

In addition, please refer to our comments throughout the consultation response with regards to existing policy particularly those relating to Natural Heritage and Flooding, and also to our policy consultation responses, as detailed at the start of this response.

Section 11: Settlements-Place-making and Design Vision

Do you have any comments to make on this Section?

Please refer to our comment above at Section 9 –E – Urban design / Places which are considered to be relevant in this context.

For further information contact:

Michelle Hill MRTPI
Conservation Team Leader (Planning)
RSPB Northern Ireland
E-mail: *michelle.hill@rspb.org.uk* **Telephone: 028 9049 1547**

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

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[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).

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 31-38).

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:

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

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological

sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);

3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-37).

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:

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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 31-37).

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:

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

1. Analyse the ecological risks of all energy technologies that are to be included in the scenario modelling (see steps 2 and 3 for further detail);
2. Where possible, spatially analyse the areas of Northern Ireland where technologies could be deployed taking into account resource opportunity, deployment constraints and ecological sensitivity to produce estimates for capacity that could be achieved practically and with low ecological risk (see maps in our Energy Vision as an example);
3. Where mapping is not appropriate (i.e. for technologies that are not spatially specific or do not require ecological sensitivity mapping, such as rooftop solar), conduct a literature review to estimate the energy generation potential whilst limiting ecological risk;
4. Use these results to inform energy scenario modelling, taking the maximum deployment of technologies that is estimated to be achievable with low ecological risk as a 'cap' to generate scenarios that meet carbon reduction targets sustainably.

Additional details on the RSPB's 2050 Energy Vision can be found under the General Responses section (Q.s 31-37).

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.

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[24] Steward T (2014). *Demand and Decarbonisation in 2050: Themes from Scenarios.* EPG Working Paper 1401. www.projects.exeter.ac.uk/igov/wpcontent/uploads/2014/02/WP-6-Demand-and-Decarbonisation-in-2050.pdf

For example, RSPB NI supports the encouragement of Local Development Plans in Northern Ireland to be more ambitious and to be ideally aiming for delivering zero carbon buildings. In this regard, our general overarching policy ask relating to energy efficiency is that UK Government and devolved administrations should designate energy efficiency as a National Infrastructure Priority and implement ambitious policies to improve energy efficiency and reduce demand, including through robust energy efficiency standards for new buildings.

However, the introduction of a spatial planning approach solely at the Local Development Plan level, in the absence of a bigger picture strategic view at country level brings serious limitations. While it is acknowledged that the Local Plan process can help to identify specific locations for specific renewable energy development, this scale of spatial planning will however not be sufficient to facilitate the delivery of Northern Ireland's renewable energy infrastructure to meet our energy targets.

To be effective, planning of renewable energy deployment needs to consider potential resources, and do so at a larger spatial scale than local authority areas. Crucially, planning renewables at a larger scale can help maximise the renewable energy deployment potential in the area and facilitate more efficient grid planning to ensure the network can better support the future energy system.

Having an overarching strategic spatial strategy for renewable energy deployment in Northern Ireland will assist the LDPs in integrating renewable energy siting into their strategic spatial planning. Mapping exercises like the one undertaken for the RSPB's 2050 Energy Vision help to give an indication of the low-ecological risk areas for potential development which can inform strategic planning. However, thorough environmental assessment of potential site-specific impacts (alone and in combination with other developments) should always be carried out, and relevant stakeholders consulted. LDP's should consider the finer grain data they have available to their teams. With biodiversity in trouble, we cannot afford to allow development to damage our environment (https://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf).[25] Poorly planned energy infrastructure can seriously harm wildlife, adding to existing pressures, including those caused by climate change (Pearce-Higgins J & Green R (2014). Birds and Climate Change: Impacts and Conservation Responses. Cambridge University Press, Cambridge).[26] A power sector which does not take into account impact on biodiversity, and therefore consequently damages the health of the UK's natural capital, would not be an effective or sustainable power sector in the long-term. Development

25 https://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf

26 Pearce-Higgins J & Green R (2014). Birds and Climate Change: Impacts and Conservation Responses. Cambridge University Press, Cambridge.

that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

Please see details below on the mapping methodology that the RSPB has developed to support strategic spatial planning for renewable energy in harmony with nature. **It is emphasised that our maps are not intended for individual site selection and local environmental assessments such as EIA must still be applied and that we recommend areas to carry out their own strategic spatial planning with finer grain data than was available to the RSPB team.** However, the maps do provide a high-level indicative estimate of the capacity of technologies that is likely to be able to be delivered without conflicting with nature conservation, and indicate areas that are more and less likely to be suitable for renewable energy development. The methodology has been peer-reviewed and full information is available here:

http://journals.plos.org/plosone/article?id=info%3Adoi%2F10.1371%2Fjournal.pone.0150956

- Step 1: Map where the energy resource is technically viable (e.g. where there is sufficient average wind speed for wind turbines).
- Step 2: Exclude areas with physical constraints that prevent deployment (e.g. buildings, roads and other infrastructure).
- Step 3: Exclude areas where there are policy constraints to deployment (e.g. heritage designations, Ministry of Defence areas).
- Step 4: Exclude areas of high and medium ecological sensitivity (e.g. designated Natura 2000 sites, SSSIs, ASSIs, ancient woodland habitat).
- Result: indicative area where the technology may be located with low ecological risk, based on current understanding and available data.

33. Do you have any views and/or suggestions on the introduction of a strategic planning policy that requires all new developments to meet a percentage of its energy needs from on-site renewable energy sources?

(•) Yes

( ) No

Comment

RSPB NI supports the introduction of a planning policy that requires all new developments to meet a percentage of its energy needs from on-site renewable energy resources. While we do not have a specific percentage to suggest, it must be high enough to meaningfully contribute to renewable energy and climate change mitigation goals. For the UK to meet its Carbon Budgets both off-site renewable energy generation as well as on-site renewable energy resources within developments will be required.

The Carbon Budget only stands to get tighter in order to align with the Paris Agreement, which enshrines a commitment to pursue efforts to limit global temperature rise to 1.5C rather than the previously agreed 2C. This implies zero carbon emissions by 2050, so carbon reduction work undertaken by Northern Ireland now will set it up to meet future carbon reduction goals https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law[27].

To this end, all new developments in the UK should, in our view, be zero carbon (i.e. a combination of the best energy efficiency measures available and onsite generation) as any development being built now that are not zero carbon will only add to the scale of retrofit problem that will need to be addressed by the 2040s, the time by which the UK will need to achieve net zero emissions in order to play its part in keeping temperature rises to 1.5 degree. Local authorities and their respective Local Development Plans have a role to play in helping the UK to deliver the low carbon future that is needed to mitigate climate change.

34. Do you consider that current strategic planning policy appropriately addresses the terrestrial elements of off-shore marine developments? If not, how could this be improved?

○ Yes

○ No

Comment

There needs to be a greater integration between the terrestrial planning and marine licensing consenting regimes, with respective applications being submitted and assessed simultaneously in order to fully consider any environmental effects. Given that both elements are inextricably linked, *the terrestrial elements of off-shore marine developments should not be permitted where there is no prospect of the marine element securing a marine construction license and* vice versa.

35. Do you consider that there is sufficient connection between Energy Policy and Planning Policy for Renewable Energy? If not, how could this be improved?

○ Yes

◉ No

Comment

[27] https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law

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

Furthermore, the need for a grid network fit for the future has been highlighted above, along with the adoption of an integrated approach for the additional electricity grid network infrastructure to support those areas which have been identified as potential strategic areas for renewable development (as is currently the case in Wales with regards to Strategic Search Areas (SSAs).

36. Is existing Planning Guidance that supports the current policy approach for Renewable Energy development fit for purpose? If not, how could this be improved?

○ Yes

◉ No

Comment

In general terms, there is a need to review the Best Practice Guidance which was published in 2009, not only reflect changes in renewable energy technologies, but also to reflect the conclusions of additional scientifically robust research in the intervening years.

The guidance document, Wind Energy Developments in Northern Ireland's Landscapes while published in 2010, considers cumulative wind energy development in Northern Ireland's distinctive landscapes in 2007, highlighting the landscape issues that need to be carefully considered in the future. In light of the significant increase in wind energy development (both farms and single turbines) since the 2007 assessment, there is now a need to bring this assessment up to date. Furthermore, sensitive areas should also include reference to species and habitats.

In terms of site restoration and decommissioning, East Ayrshire Council (https://www.theguardian.com/environment/2016/mar/14/zero-carbon-emissions-target-enshrined-uk-law)[28] has developed some very useful guidance on financial guarantees. This was based

[28] https://www.east-ayrshire.gov.uk/Resources/PDF/P/Planning-SG-FinancialGuarantees.pdf

on their experience of failure to restore, site abandonment, and lack of financial guarantees in the open cast coal sector which ultimately resulted in significant restoration costs falling to the tax payer or remaining outstanding. Such guidance is considered particularly relevant where there are significant restoration, or decommissioning of ongoing mitigation requirements e.g. habitat restoration commitments, peat restoration etc.

Within this context, Paragraph 1.3.87 of the PPS 18 Best Practice Guidance which states *'developers should demonstrate that funding to implement decommissioning will be available when required' is not sufficiently strong. RSPB NI recommends that regard is made to the East Ayrshire Council guidance on such matters.*

In addition it worth highlighting that Scottish Natural Heritage (SNH) has recognised the importance of statutory guidance to support the assessment of sites, even with the best spatial guidance there will still be a need to consider detailed issues at the site level. In this regard, SNH has produced a wide range of guidance documents, for example impact on birds (http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/)[29] which has helped with the consenting process including complex issues such as cumulative assessment. DfI should similarly have regard to this and other guidance produced by SNH.

An example of Spatial Guidance for wind energy that has been prepared by the Local Authority in Scotland has been produced by South Ayrshire Council (as required by para 161 of SPP).

http://www.south-ayrshire.gov.uk/documents/adopted%20wind%20energy-supplementary%20guidance.pdf

Please also refer to additional guidance provided by RSPB which is linked into Question 10.

With regards to Community Benefits, in our response to Draft PPS 18, the RSPB supported the intention of Planning Service to seek community benefits from wind farm and other large scale renewable energy projects, in an approach very similar to that in Wales (Technical Advice Note 8 Annex B). However, at that time, and still of relevance today, we believe there must be firm guidance from DfI about how these benefits will be sought and delivered, to ensure enduring and sustainable community benefits, equality between schemes and developers, and a clear understanding of the Section 76 (2011 Act) (http://www.legislation.gov.uk/nia/2011/25/section/76)[30] process by both planners and developers.

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[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.

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[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

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[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

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.

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[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*

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[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

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[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.

Michelle Hill (Senior Conservation Officer) and John Martin (Senior Conservation Officer)
RSPB Northern Ireland (02890 491547)
January 2014

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

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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'.

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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:

Michelle Hill MRTPI, *Senior Conservation Officer (Planning)*
RSPB Northern Ireland
Northern Ireland Headquarters
Belvoir Park Forest, Belfast, BT8 7QT

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

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

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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.

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[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:

Michelle Hill MRTPI
Senior Conservation Officer (Planning)
RSPB Northern Ireland

E-mail: michelle.hill@rspb.org.uk ***Telephone: 028 9049 1547***