

**Hannah Flynn**

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**From:** Emma Kelly <emma.kelly@turley.co.uk>  
**Sent:** 03 February 2022 13:40  
**To:** Local Development Plan  
**Subject:** DCSDC Plan Strategy Proposed Changes Consultation - ABO Wind NI  
**Attachments:** DCSC dPS Changes - ABO Wind.pdf

Good afternoon

On behalf of our client, ABO Wind NI please find attached representations in response to the consultation on the draft Plan Strategy Proposed Changes.

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

Kind regards

Emma

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Associate Director

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## Derry City & Strabane District Council – Draft Plan Strategy

### Comments on the Proposed Changes on Behalf of ABO Wind NI.

January 2022

#### Introduction

- These comments are submitted on behalf of ABO Wind NI in response to the Council's consultation the Proposed Changes to the draft Plan Strategy (dPS).

#### Comments

- This section outlines our comments on the Proposed Changes to the draft Plan Strategy. This response should be read alongside dPS representation Reference: LDP-PS-REP-53 and subsequent response to the dPS reconsultation which took place in November 2020.

#	dPS page/para	Topic	Summary of Issue	Proposed Change	Response
1	365 para 24.1	Renewable and Low Carbon Energy Development - Context	To emphasise the positive and leading role the District is already in, regarding RE production.	Insert a new sentence at the end of Para 24.1: <i>'Derry City and Strabane District Council has already embraced the potential and opportunities of these renewables resources, having approved many such developments across the District and supporting initiatives on low carbon, renewables innovation and energy efficiency e.g. through the NW Energy Strategy. Therefore, this is already considered to be a low-carbon District, which is at the forefront of Northern Ireland's renewable energy production'.</i>	The proposed new wording relates to the existing context within the District, however the Council will be aware that continued work is required to achieve our energy targets. It is unclear from the proposed wording how the Council will contribute to the new energy target of 70%, set out in the Energy Strategy for Northern Ireland. It is important that the policies contained within Local Plan do not prohibit the delivery of the targets set out in the Energy Strategy. If the plan is unduly restrictive of renewable energy development it could be in conflict with the Energy Strategy and could therefore be unsound. Indeed the Energy Strategy recognised the need for the development of planning policy to continue to meet energy targets. As such the Council should satisfy themselves that the policies contained within the dPS are suitable to address the ambitions of the energy strategy as those policies will be in place for the lifespan of the Strategy. Policies should also be flexible to changes in the future renewable targets as we move towards the target of net zero by 2050.
2	369	RED 1 Renewable and Low Carbon Energy development		Break up policy. See amended ordering and text at Annex 6 of this document. In the first and 2nd lines of the new Policies RED 2, RED 3, RED 4 and RED 5, replace the word 'also' with '(in addition to Policy RED 1)'	The previously drafted policy did separate the specific elements of renewable energy and whilst it does not go to the soundness of the plan, it seem unnecessary to have bespoke individual policies.

3	370	RED 1 – Renewable and Low Carbon Energy development – Criterion vi	To clarify meaning of “occupiable” buildings.	Add footnote: ‘buildings which, with relatively little intervention, could be readily occupied’	This proposed footnote does not provide certainty on the definition of ‘occupiable’ as it is unclear what the term ‘relatively little intervention’ means. As set out in our original representations (Ref. LDP-PS-REP-53), we consider that this wording is still vague and could unduly prohibit wind energy development and therefore would fall against soundness test CE2 and CE3.
4	370	RED 1 – Renewable and Low Carbon Energy development	Amend J&A text to refer to photomontages in accordance with best practice.	Page 370 1st paragraph after criteria ix to read as follows – ‘Where the Council considers it necessary, a noise assessment report, and a landscape and visual impact assessment (including photomontages to aid assessment of visual impact) will be submitted upon request and prepared in accordance with best practice methodology.’	Whilst it is often the case that photomontages are required to aid the assessment of visual impact of wind turbines the Justification and Amplification text should be clear that this will not always require the preparation of fully rendered CGI imagery, particularly where ZTVs and Wireframe images confirm that the development will not be visible or will not have a significant adverse impact.
5	370	Footnote 54	Clarify definition of ‘fall-over distance’ to reflect that in the BPG for PPS 18.	Change footnote 54 (new text underlined): ‘total hub height + turbine blades’ for clarity.	The introduction of a footnote for clarification is welcomed, however the reference to ‘blades’ is alarming and confusing. In practice the height should reflect the hub height plus the length of one blade. As draft this is unclear and would therefore fail against soundness test CE2.
6	371	RED 1 Renewable and Low Carbon Energy development	To include HNV, and be consistent with the same change in several other places in the DPS	On the 4th line of p 371, put criterion iv on a new line and insert the words: ‘... loss of High Nature Value (HNV) Land or Best and Most Versatile agricultural land (BMV)...’	This part of draft Policy RED1 relates to Solar Panels. Loss of land which is of a high nature value would be considered under part b) of this policy which seeks to prevent an unacceptable impact on natural resources and protected areas. That aspect of draft Policy RED1 applies to All renewable and low carbon developments. The inclusion of this wording is not required and is considered unnecessary.
7	372	RED 1 Renewable and Low Carbon Energy development	Add policy text to address visual impact of hydro, for particular emphasis here, in addition to RED 1.	In the hydro section policy box, insert a new criterion iv, ‘Any structures shall have no unacceptable impact on visual amenity or landscape character.’	Again part b) of draft Policy RED1 already seeks to protect visual amenity and landscape character. That part of the policy relates to all renewable and low carbon developments, including hydro. The inclusion of this wording in relation to hydro energy is therefore not required as it would be a duplication
8	372	Para 24.13	To clarify that BESS proposals would be assessed under this policy	After the final sentence of 24.13, insert additional sentence: ‘This also includes energy-related proposals such as Battery Energy Storage Systems (BESS).’	This is a proposal for Battery Storage to be assessed under Policy RED 1. We wish to comment that not all elements of Policy RED1 are relevant to Battery Storage and therefore this should be identified within the policy wording. Furthermore as draft the Policy RED 1 requires that development proposals will be expected to be located at or in close proximity to the source of the resource needed for that technology. In relation to Battery Storage, this is not

<p>always the case and indeed it may be more appropriate for storage to be located near to areas of energy demand.</p>		
<p>9 374 24.20</p>	<p>RED 1 Renewable and Low Carbon Energy development</p>	<p>To reiterate the policy presumption against renewable energy development on active peat in policy RED 1 (and the SPPS).</p>
<p>In Para 24.20, insert in the middle, after "bog burst":</p>	<p>"therefore there is a presumption against development on active peat except for imperative reasons of overriding public interest. Whilst any development is unlikely to be acceptable on active peatland, where development is proposed on any peatland...</p>	<p>This does not accurately reflect the position as set out in SPPS. SPPS does not use the term 'presumption against' in this case. It states: "Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended."</p>
<p>Amend footnote 52 on p 369: "An 'active' bog is one that supports a significant area of vegetation normally forming peat. A few groups of plants – especially Sphagnum bog mosses and cotton grasses dominate. Sphagnum sterilises the bog, preventing organic matter from decaying. Such areas deliver ecosystem services such as carbon storage &amp; sequestration and water supply. 'Active' bogs include those that suffered temporary setbacks such as fire damage or drought, and areas which have been damaged but which are now showing significant signs of recovery, such as eroded bogs in which the gullies are re-vegetating."</p>		<p>It is important that the dPS policy reflects the tone of the SPPS as set out in soundness test C3.</p>

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