Sch 2 Annex 6

Note - This Annex sets out changes to Renewable Energy Policies RED 1 – 5 and J&A

Re- ordering of Policy RED 1 (blue-highlighted moved to J&A)

RED 1 All Renewable and Low Carbon Energy Development – General Criteria
This policy applies to all renewable and low carbon energy development proposals. In the first instance, proposals for renewable energy must accord with the Chapter 21 designations / species / habitats, as well as Policy NE 1 and the relevant LDP landscape designations and their policies (Refer also to Chapter 6 Spatial Strategy and Chapter 21 Natural Environment): - Wind Energy Capacity Area (WECA) - Special Countryside Area (SCA) - Area of High Landscape Importance (AHLI) - Area of Outstanding Natural Beauty (AONB) Subsequent to meeting the above, development proposals that generate 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: a) public safety, human health, or residential amenity; b) visual amenity, landscape character and designated / protected areas; c) biodiversity, natural and / or historic assets; d) local natural resources, such as air quality or water quality or quantity; e) public access to the countryside; or f) flood risk. ~~Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), unless it can be demonstrated that the benefits of the proposed siting of the scheme outweigh the need for an at-source location e.g. where it is close to the identified end-user.~~ (Move to J&A by rewording paragraph 24.16 –inserted and clarified by DfI) Where any project is likely to result in unavoidable damage to the site/ area during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted. Applications for renewable energy development will be required to demonstrate that the development has taken into consideration the cumulative impact of existing renewable energy development, those which have permissions and those that are currently the subject of valid but undetermined applications. Sufficient detail shall be provided, i.e. adequate to allow assessment of the overall impact, of all consequent electricity infrastructure (power lines, sub-stations, cabinets, batteries, etc.) required to service the development. This shall be provided at the outset of the submission of any planning application for renewable and low carbon energy development so that the overall impact of the project can be fully

assessed. Refer also to Policy UT 1, which seeks to protect the District's landscape, both urban and rural, from the potential of visual intrusion associated with electricity infrastructure.

The wider environmental, economic and social benefits of all proposals for renewable energy and low carbon projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

~~The potential for significant adverse impacts from renewable and low carbon energy development proposals on designated sites across the district, including Special Countryside Areas (SCA), Areas of High Landscape Importance (AHLIs) and Areas of Outstanding Natural Beauty (AONB) will be an important consideration as will the impact of proposals on designated natural and historic assets.~~ (Moved to J&A by rewording paragraph 24.17)

Any renewable or low carbon energy development on active peatland52 will not be permitted unless there are imperative reasons of overriding public interest53.

~~All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the 'LDP's Landscape & Seascape Character Area Review' and 'Wind Energy Development in Northern Ireland's Landscapes' and have regard to the publication 'Best Practice Guidance to Planning Policy Statement 18 Renewable Energy' and SPG to PPS 18 Renewable Energy - Anaerobic Digestion, as far as relevant to the proposal, and other relevant SPG documents as may be provided or updated.~~
~~Renewable energy development proposals require particular scrutiny through Environmental Impact Assessment (EIA) and Habitats Regulations Assessment where applicable.~~ (Move to J&A by rewording paragraph 24.18, inserted and clarified by DfI)

Depending on the specific type / technology being considered, a maximum time limit will normally be conditioned for its removal / site restoration. In relation to all such developments particularly wind farms and solar farms, applicants will be required to provide details on future decommissioning, including proposals for site restoration. In such cases, planning conditions (or a legal agreement, where appropriate) should be used and the arrangements for financial restoration bonds or other financial provision will be made, before planning permission is granted.

RED 2 Wind Energy Development

Proposals for wind energy development, including proposals for repowering of existing developments, will (in addition to Policy RED 1) be required to meet all of the following criteria:

i. the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
ii. it is demonstrated that development will not create a significant risk of landslide or bog burst; nor will it exacerbate any existing surface water flooding;

iii. no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
iv. no part of the development will have an unacceptable impact on roads, rail or aviation safety.
v. turbines proximate to any public road, public right of way or railway line are set back a minimum distance of the fall-over distance [Footnote 54] plus 10% from the edge of same.
vi. turbines proximate to any occupied or occupiable (insert footnote: '*buildings which, with relatively little intervention, could be readily occupied'.)* buildings are set back a minimum distance of the fall-over distance plus 10% from the curtilage of same;
vii. the development will not cause significant harm to the safety or amenity of any sensitive receptors55 (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light;
viii. above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. A time limit condition of 30 years will normally be attached; and
ix. the development will not harm groundwater flow paths or aquifers.

For wind farms and single wind turbines, a separation distance of 10 times rotor diameter to occupiable property will generally apply. For wind farms, the separation distance should be a minimum of 500m. 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 (DfI insert footnote below -RA170).

Within designated Wind Energy Capacity Areas (WECAs), any further wind energy development proposals, including re-powering, will need to be very carefully considered so that they do not unacceptably intensify existing adverse landscape impacts in these areas.

Footnote (instead of EVB 24): Scottish Natural Heritage (2017) Visual Representation of Wind Farms: Good Practice Guidance (version 2.2) and Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals (17/9/19)

RED 3 Solar Farms

Proposals for solar farms will (in addition to Policy RED 1) be required to meet all of the following specific criteria:

i. there shall not be unacceptably adverse impacts of glint and glare, for public safety especially of drivers and for visual amenity;
ii. there shall not be unacceptably adverse visual impacts or undue prominence within the landscape;
iii. it is demonstrated that the associated means of enclosure and other ancillary structures and/or works integrate sufficiently;

iv. there shall not be unacceptable loss of High Nature Value (HNV) land or Best and Most Versatile agricultural land (BMV);
v. above-ground redundant plant, buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. A time limit condition of 30 years will normally be attached.

The 'LDP Landscape Character Area Review' will be taken into account in assessing all solar farm energy proposals, as Supplementary Planning Guidance (SPG).

RED 4 Anaerobic Digesters (AD)

Proposals for anaerobic digesters will (in addition to Policy RED 1) be required to meet all of the following specific criteria:
i. feedstock for the AD must be specified, including any waste products. Full 'waste codes' must be specified and agreed;
ii. details of the source of all feedstock and transportation requirements and routes (in line with the proximity principle) must be provided;
iii. details of appropriate arrangements must be provided for the storage, transport and end use of all digestate / waste outputs of the AD process, taking account of the 'proximity principle', likely transportation requirements, safety, amenity, environmental and visual impact;
iv. appropriate provision for the pollution / spillage potential, bunding and other mitigation measures must be specified;
v. public safety considerations must be adequately addressed;
vi. relationship to other licensing regimes must be taken into account;
vii. acceptable arrangements for access, turning and parking arrangements for vehicles, on and accessing the site must be demonstrated;
viii. it will not result in damaging impacts on human health, as well as sensitive habitats, wider biodiversity and ecosystem resilience, through increased ammonia emissions;
Waste products are often used in or result from AD operations. Therefore, all such proposals shall also be assessed against Policy WP 1 in the Waste Planning Chapter.

RED 5 Hydro-electric Schemes

Hydro-electric Schemes will (in addition to Policy RED 1) be required to demonstrate all of the following specific criteria:
i. the potential loss of water flow due to extraction / diversion, especially during various times of the year is adequately addressed;
ii. there is no unacceptable adverse impact on fish, water birds and other water dependent Wildlife;
iii. there is no unacceptable adverse impact on water quality as a result of the development; and
iv. any structures shall have no unacceptable adverse impact on visual amenity or landscape character.

52An 'active' bog as one that supports a significant area of vegetation, which is normally forming peat. A few groups of plants – especially Sphagnum bog mosses and cotton grasses dominate this vegetation. Sphagnum effectively sterilises the bog, preventing organic matter deposited there from decaying. Such areas deliver ecosystem services such as carbon storage & 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
53 As defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended
54 Fall over distance is hub height plus the length of one blade.

Justification and Amplification (Inserted by DfI)

24.13 This policy relates to all renewable and low carbon energy developments including but not limited to that generated by wind, solar, tidal, biomass, hydroelectric, geothermal and anaerobic energy generation. It applies to proposals for new sites, extensions to existing sites or changes to apparatus, including their 're-powering', densification or otherwise upgrading. This policy relates to the totality of each renewable and/or low carbon energy project including: the generation site itself, the access arrangements, impacts on the surrounding area and any ancillary buildings or infrastructure. Full details of proposed ancillary development will be required to be submitted at the outset for comprehensive assessment purposes. Further guidance on the general principles criteria is provided in Chapter 7 - General Development Principles and Policies. As technologies are continually being researched and developed, proposals utilising other renewable technologies or which are not presently viable, will also be assessed against the requirements of Policy RED 1.

24.14 Northern Ireland has significant renewable and low carbon energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, including providing employment and investment. Although development proposals for wind energy have dominated 'renewables', a diversity of technologies is required for a sustainable energy mix, such as solar, tidal, biomass, hydroelectric, geothermal and anaerobic energy generation. It is also important to have a fit-forpurpose electricity transmission grid to enable future large scale and local level grid connections to ensure energy is supplied as efficiently as possible. For the 12 month period January 2018 to December 2018, 83.1% of renewable electricity generation within NI was generated by wind, whilst biomass, biogas and solar PV continue to show a steady increase over the past few years.

24.15 Increased development of renewable and low carbon energy resources is vital to facilitating the delivery of international and national commitments on both greenhouse gas emissions and renewable and low carbon energy, which will also assist in greater diversity and security of energy supply. The Council will therefore support renewable and low carbon energy proposals unless they would have unacceptable adverse impacts which are not outweighed by the local and wider

environmental, economic and social benefits of the development. Some of the more common potential adverse impacts are listed below but this list is by no means exhaustive:

• noise pollution during the construction phase for all types and when operational for certain technologies such as wind turbines;

• erosion of landscape character and / or loss of visual amenity;

• damage to the carbon sequestration function of peatland / forested areas;

• pollution of watercourses through unsuitable measures for managing run off and/or effluent leading to harm or destruction of biodiversity, including riverine ecology – particularly in relation to anaerobic digesters and from land spreading of digestate;

• increased associated vehicular traffic and thus increased air pollution etc. – particularly in relation to transporting waste to and from anaerobic digesters;

• changes to flows of watercourses through abstraction;

• disruption of bird flight paths.

Development proposals will be required therefore to demonstrate any environmental, economic and social benefits, as well as how any adverse impacts have been mitigated through careful consideration of location, scale, design and other measures.

24.16 Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology (the proximity principle), unless it can be demonstrated that the benefits of the proposed siting of the scheme outweigh the need for an at-source location e.g. where it is close to the identified end-user. In all cases, careful consideration will be given to the scale, siting, design and layout of the proposal. The significance of environmental effects may depend on the type and scale of the renewable or low carbon energy development and the sensitivity of the location. As the sensitivity of location between and within different designated areas can vary, each proposal will be assessed against the specific reason for designation, taking into account uniqueness, beauty, character of landscape, habitat and species, physiographic, geological, value as a carbon sink, heritage and cultural features. Policy relating to these matters is set out in the Natural Environment and Historic Environment Chapters of the LDP.

24.17 The potential for significant adverse impacts from renewable and low carbon energy development proposals on designated sites across the district, including Special Countryside Areas (SCA), Areas of High Landscape Importance (AHLIs) and Areas of Outstanding Natural Beauty (AONB) will be an important consideration as will the impact of proposals on designated natural and historic assets. A cautious approach for renewable and low carbon energy development proposals will apply within our AONB and its wider setting, the designated landscapes which are of significant value and the setting of Derry and Strabane. In more sensitive landscapes, it may be difficult to accommodate proposals including wind turbines, without detriment to the District's natural and cultural assets. There has been a period of intensive renewable and low carbon energy development in this District,

adjacent Council Districts and cross-boundary areas, especially in relation to wind. Therefore, in relation to locations which are considered to be approaching 'saturation point', especially from wind or solar energy development, considerable scrutiny will apply to future applications. The situation in such areas shall be continue to be monitored and subject to appropriate LDP review as necessary (see designation and policy for Wind Energy Capacity Areas, WECAs, in Chapter 2: Spatial Strategy and 21: Natural Environment, as well as in Appendix 1, Map 2).

24.18 All proposals involving the production of renewable and low carbon energy (including repowering of existing wind farm development) must have regard to the 'LDP's Landscape & Seascape Character Area Review' and 'Wind Energy Development in Northern Ireland's Landscapes' and have regard to the publication 'Best Practice Guidance to Planning Policy Statement 18 Renewable Energy' and SPG to PPS 18 Renewable Energy - Anaerobic Digestion, as far as relevant to the proposal, and other relevant SPG documents as may be provided or updated. Renewable energy development proposals require particular scrutiny through Environmental Impact Assessment (EIA) and Habitats Regulations Assessment where applicable. Where a renewable or low carbon energy development is likely to have an adverse impact on the natural heritage or nature conservation interests, but this impact has been assessed by the Council to not be significant, developers will be required to bring forward mitigation measures, and where appropriate the scope for compensatory measures may be considered, in accordance with the mitigation hierarchy, see Natural Environment chapter. **(inserted by DfI to pull through PC 221 of schedule 1B)** For wind farm development, it is likely that the duration of the planning permission will be linked to the expected operational life of the turbines. Proposals may be submitted to extend the life of the project by re- equipping or replacing the original turbines. While there are advantages in utilising established sites, such cases will be determined on their individual merit and in the light of the then-prevailing policy and other relevant considerations. **(inserted by DfI to pull through RA179 into J&A as opposed to EVB24)**

24.19 Active peatland, comprising blanket and raised bog, i.e. peatland on which peat is currently forming and accumulating, is identified as a priority habitat for Europe in Annex 1 of the EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora (the 'Habitats Directive').

24.20 The cutting and drainage associated with the development of, in particular, wind turbines and their associated infrastructure / access arrangements, has the potential to severely impact on the hydrology of a large area of active bog. In addition, development in peatland involves a risk of a mass of peat or bog movement, resulting in landslide or bog burst. Where development is proposed on peatland, the onus will be on the developer to provide comprehensive information identifying existing, potential and construction induced peat landslide hazards, increased likelihood of localised surface water flooding and / or reduction of the peatland's ability to act as a carbon sink.

24.21 Where complete avoidance of risk is not possible the proposed design should be modified to incorporate engineering options for mitigation of risk. Development consent may be declined due to the level of hazard identified or where engineering

solutions have the potential to significantly increase the level of disturbance or drying out of the peat and release of carbon.

24.22 Where the hydrology of other peatland sites has been negatively impacted upon through previous interventions, measures may be taken to restore such areas to active peatland. 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.

24.23 A renewable energy developer may wish to provide community benefits in support of a community affected by the installation of a renewable and/or low carbon energy project. Community benefits are entirely voluntary and are not a material consideration in the assessment of a planning application, in accordance with para. 5.71 of the SPPS. They can include the creation of local jobs and training opportunities, energy efficiency measures that help to address fuel poverty, payments to the affected community and contributions in kind to local assets and facilities; this list is not exhaustive. Further detail on community benefits and developer contributions (through a section 76 agreement) is in Chapter 34 – Developer Contributions and Community Benefits.

24.24 In accordance with the requirements of the SPPS, the LDP Local Policies Plan (LPP) will identify the detailed boundaries of WECAs, AHLIs, AONBs and SCAs.

Monitoring and Review

24.25 Following adoption of the LDP, the Council will monitor the quantity, nature and location of renewable energy development with extant permissions or which have been implemented. Following which, an assessment can be made as to whether the LDP policies are effective in achieving the relevant LDP objectives or whether any constraining designations are required. Where necessary, adjustments can then be made at the LDP 5-yearly review and / or the LDP replacement.