

## **Belfast City Council response to DfI's revised regional strategic planning policy on Renewable and Low Carbon energy**

Where possible, your comments should include supporting evidence. Please note that all comments should relate to planning policy matters only.

**Q1: Do you agree, that overall, the revised policy will help to ensure that the planning system can play its part in supporting wider efforts of government in addressing climate change and decarbonising the energy sector? If not, please explain how the draft policy can be improved.**

The Council welcomes the Department's recognition that the SPPS needs to be reviewed in order to provide a fit-for-purpose and up-to-date strategic planning context for LDP preparation and decision-making processes in relation to renewable and low carbon energy development. This is all the more important given the wider contemporary context for energy and climate change with the associated ambitious target of 80% of electricity consumption to come from renewable sources by 2030 (Climate Change Act (Northern Ireland) 2022).

The Council generally agrees that the proposed revised policy can contribute, at least in part, to ensuring that the planning system supports efforts to achieve this target as well as other decarbonising objectives. The Council broadly supports the shift in emphasis from "facilitating the siting of renewable energy generating facilities" to seeking "to maximise sustainable renewable and low carbon energy from a wide range of technologies, at various scales" with the proviso remaining that this should be "in appropriate locations within the built and natural environment, without compromising other environmental assets of acknowledged importance". The Council is keen that this balanced, cautious approach remains in place and this is reflected in the policy approach set out in the [Belfast LDP Plan Strategy 2035](#) which was adopted on 2<sup>nd</sup> May 2023.

Belfast City Council (BCC) can see there is benefit in seeking to ensure, subject to timing, that up-to-date regional strategic planning policy informs the preparation of other relevant plans and strategies being taken forward by the Council. For example, work is ongoing to develop a Belfast Local Area Energy Plan which amongst other things will assess the energy requirements and capacity of the city and consider the potential for various renewable and decarbonisation projects including solar photovoltaics, district heating and electric vehicles. This project is programmed to complete in December 2023. The Council is also in the process of producing a Decarbonisation Plan for the Queens Island area through Innovation City Belfast which will look to provide a range of recommendations for energy infrastructure in this area of the city. Retrofitting is a further area the Council is looking to foster and has established a Belfast Retrofit Delivery Hub, a multi-agency partnership which is working to develop a retrofit programme for the city.

The Council would have concerns with some of the wording used in the proposed policy text. For example, in the first sentence of paragraph 1.8:

- 1.8 In the context of the aim and objectives above, planning authorities must positively facilitate Northern Ireland's full potential for renewable and low carbon energy development (electricity and heat). .....

The proposed mandatory duty on a council to "positively facilitate" Northern Ireland's full potential for renewable and low carbon energy development is an onerous requirement particularly as there appears to be limited detail in terms of the parameters to be applied. Without clarification as to what "positively

facilitate” actually means and what it would entail for a council, the vagueness of this phrase could easily become subject to litigation in order to secure legal interpretation.

The Council also considers that some of the terminology used within the proposed policy text could be interpreted as giving greater priority to certain aims and objectives over other planning considerations. The phrase “full account” is used twice in the proposed revision in paragraphs 1.6 and 1.14:

- 1.6 ..... Full account should be taken of the target to generate 80% of electricity consumption from renewable sources by 2030, as well as prevailing environmental legislation and relevant strategies which will support Northern Ireland’s Climate Action Plan.
  
- 1.14 In plan-making and decision-taking, planning authorities must take full account of the above-mentioned aim and targets, the regional strategic objectives and policy provisions, local circumstances, and the wider environmental, economic, and social benefits of renewable and low carbon energy development to local communities and to everyone in Northern Ireland.

BCC would suggest dropping the word ‘full’ from paragraph 1.6 and changing “take full account of” to “take into consideration” in paragraph 1.14

Similarly, the Council is concerned about the use of the phrase “must support emerging technologies” in paragraph 1.24:

- 1.24 Planning authorities must support emerging technologies which will assist with maximising renewable energy potential such as green hydrogen production facilities, and battery energy storage systems that help with maximising efforts to decarbonise energy use by gaining full benefit from renewable sources. ....

Again the Council considers this to be a rather vague phrase which would be open to subjective interpretation and potentially lead to difficulty for councils because of the imperative duty conferred. By their very nature emerging technologies are relatively unknown and untested in comparison to established renewable energy technology and a requirement to support them could potentially have unintended negative consequences. BCC would recommend wording that is less prescriptive such as “Where possible, planning authorities should actively support proposals for emerging technologies ....” or “Subject to other planning considerations, planning authorities should support emerging technologies ....”.

The Council is also concerned with the requirement to bring forward spatial policies in their LDP which identify the most appropriate areas for renewable energy development that is set out in paragraph 1.9. This issue is addressed in our answer to Question 2.

**Q2: Do you agree that the new provisions for a spatial approach through LDPs will assist in providing certainty and clarity to planning authorities, communities and developers alike by providing a presumption in favour of development in areas identified in LDPs? If not, please explain how the draft policy can be improved.**

The Council is not convinced that the proposed approach which would make it mandatory for a council to bring forward spatial policies through their LDP which identify the most appropriate areas for renewable energy development in which there will be a presumption in favour of renewable energy development will actually result in providing greater certainty and clarity to planning authorities, communities and developers.

Within the Belfast City Council area there is limited land area where no operational planning policies apply and as such, in the absence of any indication as to what would constitute an 'area most appropriate for renewable energy development', the Council considers that it would be more prudent to maintain an approach which balances all the relevant social, economic and environmental objectives of sustainable development in the assessment and determination of a planning application as set out in paragraph 3.4 of the current SPPS.

The application of planning judgement with regard to the relevance and weight of material, planning-related considerations on a case-by-case basis is the approach reiterated in the Belfast LDP Plan Strategy. The Plan Strategy sets out a series of topic-based operational policies which form the basis for making decisions on planning applications, and unless otherwise stated, all criteria used in each policy will apply to relevant proposals and should be considered holistically with each application being treated on its own merits. This approach provides sufficient flexibility particularly as new options may emerge which have different requirements to existing technologies.

Within the proposed revised policy there are numerous considerations which need to be taken into account when determining an application for a renewable or low carbon energy development including the following:

- Paragraph 1.6 refers to the aim of the SPPS with regard to renewable and low carbon energy developments and makes mention that environmental assets of acknowledged importance shouldn't be compromised;
- Paragraph 1.7 addresses the regional strategic objectives of the policy which includes the need to ensure adequate protection of the region's built, natural and cultural heritage features;
- Paragraph 1.12 sets out a range of planning considerations such as public safety, human health, visual amenity and landscape character, biodiversity, nature conservation and built heritage interests where proposed development should not result in an unacceptable adverse impact which cannot otherwise be mitigated;
- Paragraph 1.13 clearly states that for all proposals, the factors to be considered on a case-by-case basis will depend on the type and scale of the development and its local context.

It is the view of the Council that these considerations provide a clear basis as to why a requirement to identify "most appropriate areas" for renewable energy development would be of limited value or benefit. However, it may be that the proposed approach is potentially feasible in other council areas and as such it might be acceptable to amend paragraph 1.9 in a way whereby the requirement for LDPs to identify the "most appropriate areas" only comes into effect if the assessment of the council area indicates that suitable areas where there would be a presumption in favour of renewable energy development exist at that time. It may also be worth clearly stating that there is no guarantee that planning permission for renewable energy development within a "most appropriate area" will be granted.

If the Department is intent on pursuing this proposed approach the Council would consider that these “most appropriate areas” should initially be the subject of consideration by the Department at the regional level in order to ensure a strategic approach and to allow for consideration of potential cross and trans-boundary issues. Using the [Regional Development Strategy](#) (RDS) as the starting point would seem more logical and allow for the delivery of a more cohesive and coherent strategic methodology that could address the broader aspirations in the context of the related regional objectives. This would also avoid any confusion or inconsistency as to which types and scale of on-shore renewable energy generation would necessitate the identification of these areas alongside the capacity for other forms of provision related to the existing and any proposed infrastructure. The policy as drafted is not clear in this regard.

This would also provide the opportunity to review the strategic policy direction set out in the RDS with regard to renewable and low carbon energy in the current, wider legislative and policy context including the [Climate Change Act \(Northern Ireland\) 2022](#), DfE’s [Energy Strategy – The Path to Net Zero Energy](#) and SONI’s [Shaping Our Electricity Future Roadmap](#). Alternatively, it may prove more effective for the Department to deliver on a forward-looking Infrastructure Plan that would provide a spatial dimension to prioritisation in terms of appropriate locations that would support or utilise existing or planned infrastructure which links energy generation and storage to consumption.

Furthermore, the Council would consider that achieving real and meaningful progress in the Department’s Planning Improvement Programme and the speedier determination of planning applications, in particular major applications, would be of greater benefit to applicants in the delivery of renewable energy development than the identification of the “most appropriate areas”.

**Q3: Do you agree with the draft revised policy approach to provide a presumption in favour of re-powering, extending and expanding solar and wind farm developments, where appropriate? If not, please explain how the draft policy can be improved.**

The Council broadly welcomes the inclusion of this particular proposed policy approach and would be supportive of a presumption in favour of re-powering and extending the life of solar and wind farms developments where appropriate. Such an approach has the potential to make the best use of land and wind/solar resource as well as the existing infrastructure including grid connections and should serve to provide operators greater certainty that, subject to the contemporary planning policy context, the use of a site as a wind or solar farm could continue.

However, this approach should not negate or remove the need for an applicant to satisfactorily address site decommissioning and restoration where appropriate. The submission of a decommissioning and restoration plan would still be required as part of an application given that the scenario may arise where the use of a site is no longer required, for whatever reason, for the generation of renewable energy. This would avoid the unnecessary and undesirable blighting of land. The Council considers that the issue of decommissioning and restoration is appropriately addressed in paragraph 1.28 of the proposed revised policy.

It is not clear from paragraph 1.19 of the proposed revised policy what 'expand' means in relation to existing solar and wind farms. Does this relate to increasing the number of turbines or panels within an existing site or perhaps this refers to the inclusion of different types of renewable energy technology or storage?

It is not clear from paragraph 1.19 of the proposed revised policy as to why it is only areas identified as appropriate for wind farms that are expected to be suitable for use in perpetuity and not areas identified as appropriate for solar farms as well, or other renewable types for that matter.

**Q4: Do you consider that the draft revised policy provides an appropriate regional strategic planning policy framework for plan-making and decision-taking for all forms of renewable and low carbon energy development? If not, please explain how the draft policy can be improved.**

Other than the points raised in the responses to Questions 1-3 the Council considers that the draft revised policy provides a largely suitable regional strategic planning policy framework for plan-making and decision-taking in relation to renewable and low carbon energy development. The Council would reiterate its suggestion that the Regional Development Strategy should have a supporting role in the delivery of a cohesive and coherent spatial approach to renewable and low carbon energy development which considers the implications of the wider issues of regional infrastructure, projected demand and growth.

It is perhaps understandable that with wind being by far the predominant source of renewable energy generation within Northern Ireland (85.3% for the year ending December 2022 (DfE, Electricity Consumption and Renewable Generation in NI, [Issue 26](#))) that wind energy development receives the most attention from a policy perspective. This is also perhaps a reflection on the types of renewable energy developments that have been the most prominent to date. Whilst there is comparatively little on other technologies such as geothermal and hydroelectric the policy approach appears to be sufficiently flexible to allow planning authorities the scope to positively support the various forms of renewable energy development, including emerging technologies, whilst taking account of other relevant, planning-related, material considerations.

The issue of grid connection is highlighted in paragraph 1.27 and rightly emphasises the importance of liaising with Northern Ireland Electricity at an early stage of development. There would perhaps be some benefit in bringing together issues relating to storage, including Battery Energy Storage Systems, and grid connections into a single paragraph, possibly expanding on paragraph 1.20 along with the consideration of this as a spatial dimension of potential policy.

In addressing the comparative lack of detail for certain technologies the Council would see significant benefit in the Department updating and expanding on, where appropriate, the retained supplementary planning guidance [Best Practice Guidance to PPS 18 'Renewable Energy'](#) from 2009. This updated regional guidance could provide a useful source of information to planning authorities, developers and communities in relation to a wide range of renewable energy technologies, associated planning issues and other authorisations or consents.

The Council would also consider it beneficial if the policy provided a reminder and/or clarification of the Department's role in determining those renewable and low carbon energy applications which would constitute 'Regionally Significant Development'. The schedule to [The Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#) indicates that the Major Development Threshold in relation to Energy Infrastructure and the construction of an electricity generating station is where its capacity is, or exceeds 30 megawatts. These developments of regional significance fall under the Department's jurisdiction as prescribed in section 26(1) of the [Planning Act \(Northern Ireland\) 2011](#).