



Department for

**Infrastructure**

An Roinn

**Bonneagair**

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# **Issues Paper**

## **Review of Strategic Planning Policy on Renewable & Low Carbon Energy**

**Issued: 15 December 2021**

**Respond by: 11 February 2022**

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## Introduction

Following Minister Mallon's announcement on 21 April 2021, the Department for Infrastructure (DfI) has commenced a review of strategic planning policy on renewable and low carbon energy which may result in an amendment to the Strategic Planning Policy Statement (SPPS). The aim of this review is to ensure that strategic planning policy on renewable & low carbon energy development remains fit for purpose and up-to-date to inform decision-making in relation to development proposals for this subject area. It is also intended to inform the local development plan (LDP) process and enable plan-makers to bring forward appropriate local policies, all within the wider contemporary context for energy and the climate emergency.

The responses to this Issues Paper will help inform the way forward for this policy area. This paper is a targeted engagement exercise with key stakeholders and it is the Department's intention to issue a draft revised policy document for full public consultation in 2022.

## How to Respond

You are invited to submit your views in response to this Issues Paper by **5:00pm, Friday 11 February 2022**. Comments after this deadline will not be accepted.

**Please respond using the Response Form attached to this document.**

**Responses should be emailed to the Department at the following address:**

**[SPPSTeam@infrastructure-ni.gov.uk](mailto:SPPSTeam@infrastructure-ni.gov.uk)**

Alternatively, where it is not possible to respond electronically, responses may be posted to the following address:

**SPPS Team**

**Department for Infrastructure**

**Room 1.01, First Floor**

**Clarence Court, 10-18 Adelaide Street**

**Belfast BT2 8GB**

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For further details on confidentiality, the FOIA and the EIR please refer to [www.ico.org.uk](http://www.ico.org.uk).

## BACKGROUND

1. This Issues Paper builds on earlier preparatory work including a [‘Call for Evidence’](#) and [‘Emerging Issues Paper’](#) as well as independent research for this policy area. The consultant’s report will be published with a public consultation draft revised policy document in due course.

### Planning Policy Context

2. The Strategic Planning Policy Statement (SPPS) for Northern Ireland (NI) was published in September 2015, following Executive Committee agreement. The SPPS consolidates some twenty separate policy publications into one document, and sets out strategic subject planning policy for a wide range of planning matters, including renewable energy. It is an important planning policy framework for the reformed two tier planning system. The provisions of the SPPS apply to the whole of Northern Ireland<sup>1</sup>. They must be taken into account in the preparation of local development plans (LDPs) and are material to all decisions on individual planning applications and appeals by planning authorities.
3. The current policy approach in 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.*” (Paragraph 6.218).

### Wider Policy Context

4. The SPPS sets out a wide range of objectives which act to ensure that renewable energy development makes an increased contribution to the overall energy mix in accordance with the Department for Economy’s (DfE) strategic aim for a more

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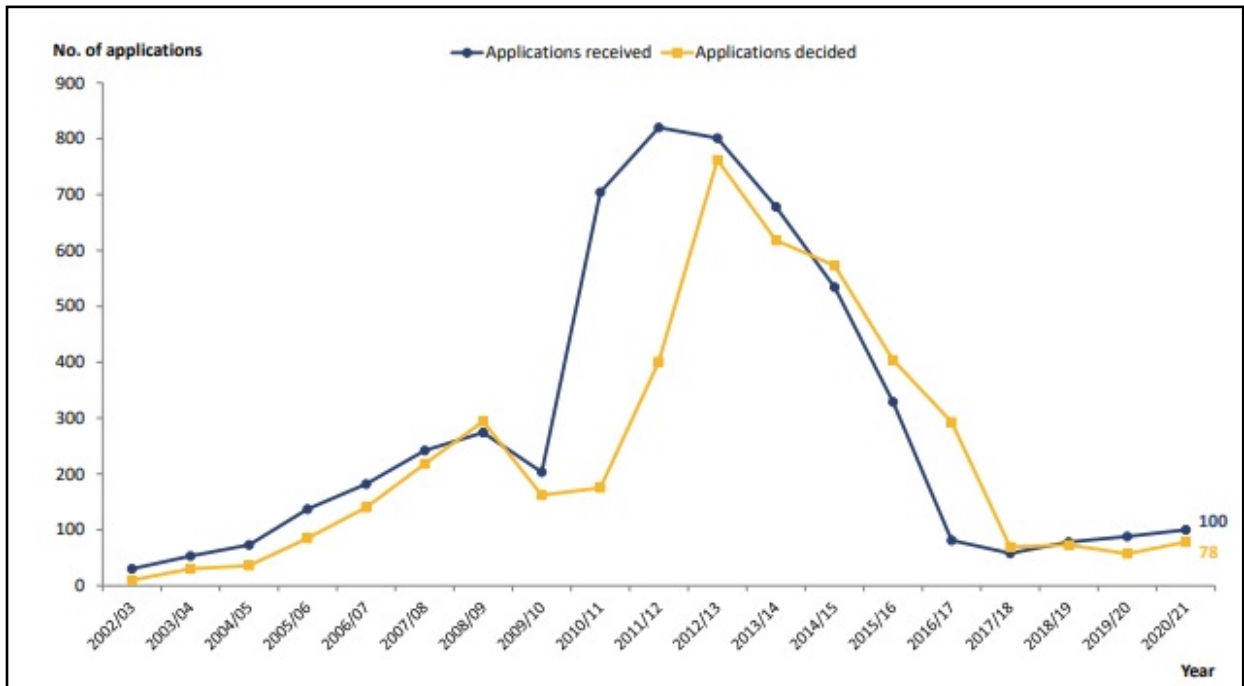
<sup>1</sup> The policy provisions of Planning Policy Statement 18 (PPS 18) ‘Renewable Energy,’ published August 2009, are retained under the transitional arrangements of the SPPS until such times as a Plan Strategy for the whole of the council area has been adopted.

secure and sustainable energy system (as contained within the Strategic Energy Framework 2010 (SEF) for Northern Ireland). The SEF, established a target that NI would achieve 40% of its electricity consumption from renewable sources by 2020. This target has been met with the latest results showing that for the 12 month period April 2020 to March 2021, 46.4% of total electricity consumption in Northern Ireland was generated from renewable sources located in NI. The current planning policy approach to this category of development has played an important role in helping to facilitate the achievement of these objectives.

5. The SEF policy was supported by subsidy. The Northern Ireland Renewables Obligation (NIRO) played a pivotal role in achieving the expansion of renewable energy development and progressing towards achieving established renewable energy targets. The NIRO closed to new large scale onshore wind on 31 March 2016, to new small scale onshore wind on 30 June 2016 and to all other technologies on 31 March 2017, with exceptions to those projects that met the criteria for grace periods.
6. Prior to the closure of the NIRO, it had been the case that renewable energy developments which met the criteria had been issued with Renewables Obligation Certificates (ROCs) based on the technology they were using and the amount of energy they produced. Essentially the closure of NIRO has resulted in the reduction of the number of planning applications for renewable energy development as indicated in Figure 1.



**Figure 1 - Renewable Energy applications, annually, 2002/03 – 2020/21**



Source: Northern Ireland Statistics and Research Agency - Northern Ireland Planning Statistics April 2020 – March 2021

## Emerging Energy Strategy

- DfE is leading in the process of developing the Executive’s new Energy Strategy. A policy options consultation issued on 31 March 2021 for 13 weeks, closing on 2 July of this year<sup>2</sup>. The new Energy Strategy aims to decarbonise the NI energy sector by 2050 and it will consider the existing energy mix, how it will be reshaped, as well as considering energy demand reduction. The policy options proposed that a new renewable electricity target of 70% by 2030 should be set. DfE intend to publish the new Energy Strategy later this year. DfI representatives have engaged and will continue to engage positively with DfE on areas of mutual interest, including the synergies between a new Energy Strategy, strategic planning policy and the planning system generally.

<sup>2</sup> [Consultation on policy options for the new Energy Strategy for Northern Ireland | Department for the Economy \(economy-ni.gov.uk\)](https://www.economy-ni.gov.uk/consultation-on-policy-options-for-the-new-energy-strategy-for-northern-ireland)

## Climate Emergency

8. Minister Mallon MLA is committed to ensuring that her department, and the wider planning system, does everything possible to help address the climate emergency, protect our environment and enable a green recovery from the Covid pandemic. Regional guidance in the Regional Development Strategy 2035 (RDS) and regional planning policy contained in the SPPS, already emphasises how planning authorities should mitigate and adapt to climate change.
9. In recognition of the ongoing climate emergency, Clare Bailey MLA introduced the [Climate Change \(No. 1\) Bill](#) (i.e. the Private Member's Bill) to the NI Assembly on 22 March 2021 and which progressed to second stage on 10 May 2021. The Bill aims to enable the mitigation of the impact of climate change in Northern Ireland; establish a legally binding net-zero carbon target for Northern Ireland; provide for the establishment and powers of the Northern Ireland Climate Commissioner and Northern Ireland Climate Office; guarantee existing environmental and climate protections; and for connected purposes. The Bill will also legislate for a requirement to prepare future action plans and targets for achieving carbon emission reductions.
10. In addition, Edwin Poots MLA, Minister for Agriculture, Environment and Rural Affairs (DAERA), introduced the [Climate Change \(No. 2\) Bill](#) (i.e. the DAERA Bill) to the NI Assembly on 5 July 2021 and has since progressed to second stage on 27 September 2021. The Bill aims to set targets for the years 2050, 2040 and 2030 for the reduction of greenhouse gas emissions; to provide for a system of carbon budgeting; to provide for reporting and statements against those targets and budgets; to confer power to impose climate change reporting duties on public bodies; to provide for reports and advice from the Committee on Climate Change; and for connected purposes.
11. Furthermore, DAERA is currently leading on the Executive's overarching multi-decade Green Growth Strategy and Delivery Framework for Northern Ireland, which is aiming to transform our society towards net zero by 2050, protect and enhance our environment and sustainably grow our economy through improved

efficiency which will in turn help more business become more profitable. Consultation on the draft Green Growth Strategy for Northern Ireland launched on 21 October 2021 and the consultation closes on 21 December 2021. DAERA is also currently bringing forward Northern Ireland's first Environment Strategy, and new strategies on Peatland and Biodiversity.

12. It is also important to note that the Intergovernmental Panel on Climate Change (IPCC) published their [Sixth Assessment Report](#) on the physical science basis of climate change. The report provides an understanding of the current state of the climate, including how it is changing and the role of human influence, the state of knowledge about possible climate futures, climate information relevant to regions and sectors, and limiting human-induced climate change.

## Scope of the Review

13. This review will consider strategic planning policy matters with regards to current and likely future renewable & low carbon energy development and associated infrastructure. It will take account of the Department's previous call for evidence on planning policy for renewable energy, the independent consultants' report that the Department commissioned, as well as wider research and responses to this issues paper. In addition, the review will have regard to wider policy developments referred to above, such as the emerging Energy Strategy.

14. Specific planning matters to be considered for the review include:

- Energy targets & strategic planning policy;
- Locational considerations;
- Siting new wind farms in perpetuity;
- Wind turbines & amenity considerations;
- Decommissioning and site restoration for new development;
- Solar farms and agricultural land;
- Co-locating renewable, low carbon and supporting infrastructure;
- Re-powering existing wind farms; and,
- Emerging technologies & other issues.

15. The review will not consider energy from waste (i.e. incineration, gasification and pyrolysis). Overall policy responsibility for waste rests with DAERA and extant strategic planning policy for waste is provided for separately in the SPPS's subject policy titled 'Waste Management'. Should DAERA bring forward changes to its overall Waste Management Strategy, DfI will consider the relevant implications for the planning system at the appropriate time, including any implications for extant strategic planning policy. DAERA is also responsible for marine planning and marine licencing. As such, any consideration of the extant marine planning policy regarding off-shore renewable energy development is outside the scope of the review. It is, however, worth noting that onshore development, associated with offshore development, will fall to be considered by the terrestrial planning system.
16. Whilst this review is likely to result in amendments to the SPPS, changes to extant planning legislation (including permitted development rights) or regional planning guidance<sup>3</sup> on renewable and low carbon energy are outside the scope of this exercise. It is also important to note that this review of strategic planning policy will not interfere with the environmental legislative requirements that already exist and with which renewable and low carbon energy developments must comply.

## Key Issues

17. Under the two-tier planning system local government has the primary responsibility for local plan-making and for determining the vast majority of planning applications. The Department for Infrastructure is responsible, inter alia, for formulating strategic planning policy and the determination of regionally significant developments. Strategic planning policy contained in the SPPS therefore provides a framework and direction for councils in plan-making (LDPs provide detailed local operational planning policies) and for all planning authorities in decision-taking. Whilst the Department welcomes comments on any aspect of strategic planning policy on

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<sup>3</sup> Guidance contained in Best Practice Guidance to PPS 18 - Renewable Energy will continue to have effect (where relevant) unless and until such guidance is updated, revised or replaced by new Departmental guidance on this planning issue.

renewable & low carbon energy, it is particularly keen to hear views on the following key issues:

### **Key Issue: Energy targets & strategic planning policy**

**Context:** The current policy approach has played an important role in helping to facilitate the achievement of the renewable deployment to date (i.e. 40% of electricity generated from renewable sources by 2020). DfE's Energy Strategy consultation has proposed that a new renewable electricity target of 70% by 2030 should be set. This is within the wider context of consideration of net zero by 2050 and that all electricity in the UK should come from clean sources by 2035. In the context of the climate emergency there is support for increasing renewable and low carbon development to decarbonise our electricity supply. However, it is also recognised that this has to be balanced against any potential unacceptable adverse impacts on the local environment and communities.

**Question 1: How should future strategic planning policy continue to help NI achieve any new targets for increasing energy from renewable and low carbon sources arising from the emerging Energy Strategy and in doing so assist in addressing the climate emergency?**

### **Key Issue: Locational considerations**

**Context:** Strategic planning policy currently provides for a cautious approach in designated landscapes that are of significant value. There have been calls to provide more clarity on where is, and where is not, acceptable for the provision of new and additional development to give certainty to communities, developers, investors and infrastructure providers.

**Question 2: What are your thoughts on introducing new provisions within strategic planning policy to provide for a more strategic spatial approach for the siting of wind and solar farm (or others types of**

renewables) development through identifying suitable and/or unsuitable areas in principle?

**Key Issue: Siting new wind farms in perpetuity**

**Context:** In relation to wind farms, the operating period of a wind farm is generally a matter for the developer, subject to relevant planning controls. Consideration could be given to supporting development on sites/areas in perpetuity. Such an approach has the potential to make the best use of land and wind resource, existing infrastructure, including grid connections. (See also 'Re-powering of existing Wind Farms' below, Question 8).

**Question 3: What are your thoughts on introducing new provisions within strategic planning policy to require new wind farms to be capable of being sited in perpetuity?**

**Key Issue: Wind turbines & amenity considerations**

**Context:** Strategic planning policy currently provides that any development should not result in an unacceptable adverse impact on residential amenity. Issues that have been a focus of concern regarding the current policy approach include noise, shadow flicker and separation distance of wind turbines. Noise is currently assessed in line with ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms'. BEIS is responsible for the good practice guide to ETSU-R-97 and it is also used in England, Scotland and Wales.

**Question 4a: How best should strategic planning policy provide for the consideration of such matters when plan-making and decision-taking?**

**Question 4b: Do you consider strategic planning policy should require a mandatory separation distance for wind energy. If so, what distance and why?**

### **Key Issue: Decommissioning and site restoration for new development**

**Context:** In relation to developments such as wind farms and solar farms strategic planning policy currently requires applicants to provide details on future decommissioning, including proposals for site restoration e.g. timescales, financial bonds etc. In such cases planning conditions, or a legal agreement where appropriate, should be used. The review will consider the appropriateness of this approach for future wind turbine and solar farm development.

**Question 5. What are your thoughts on the best approach to decommissioning and restoration of future wind turbine and solar farm development?**

### **Key Issue: Solar farms and agricultural land**

**Context:** There have been concerns that agricultural land has been lost to solar farms, whilst more sustainable alternative sites may exist, such as previously developed lands.

**Question 6: Do you consider strategic planning policy should prioritise non-agricultural land for renewable energy development, such as solar energy. If so, how and why?**

### **Key Issue: Co-locating renewable, low carbon and supporting infrastructure**

**Context:** There are considered to be a range of potential economic and environmental benefits associated with co-locating renewable, low carbon energy and storage infrastructure together, where appropriate. Such an approach may help exploit the advantages of grouping development in order to maximise energy generation and capture whilst making best use of land and infrastructure. For example, co-locating different technologies such as solar and/or wind farms with battery energy storage systems/facilities.

**Question 7: Should strategic planning policy provide for the appropriate co-location of renewable, low carbon energy and supporting infrastructure? If so, how best might this be achieved and why?**

**Key Issue: Re-powering existing wind farms**

**Context:** There are potential benefits with supporting the repowering of existing wind farm sites which are already in suitable locations. Whilst planning applications would still be required to consider the details of any proposed future new development, the established use of an area of land could be considered in principle to be acceptable for that particular use indefinitely, i.e. in perpetuity.

**Question 8: Should strategic planning policy provide for and/or encourage the re-powering of wind turbines as they come to the end of their consented lifespan and require/allow that all new wind farms should be sited in perpetuity?**

**Key Issue: Emerging technologies & other issues**

**Context:** A challenge for strategic planning policy is to ensure that the planning system can appropriately provide for consideration of the relevant planning matters associated with all renewable and low carbon energy development and supporting infrastructure, including emerging technologies, such as battery energy storage systems, hydrogen energy, geothermal energy/power development etc.

**Question 9a: What do you consider to be the emerging technologies and how best should strategic planning policy provide for their consideration by relevant planning authorities when plan-making and decision-taking?**



**Question 9b: How best should strategic planning policy provide for the consideration of battery energy storage systems by relevant planning authorities when plan-making and decision-taking?**

**Question 9c: What do you consider to be any other issues relevant to renewable and low carbon energy development and how best should strategic planning policy provide for their consideration by relevant planning authorities when plan-making and decision-taking?**

**Please complete your responses on the form provided and supply information or evidence to support your responses.**

## **Next steps**

13. Responses to this Issues Paper should be made on the appropriate form to the Department by **5.00pm, Friday 11 February 2022.**
14. The information gathered as a result of this Issues Paper will be considered by the Department and will help inform the way forward for this policy area.
15. Any recommendations emerging from this review which involve policy changes will require an amendment to the SPPS which will be taken forward in accordance with established policy making best practice. This will include public consultation on any draft policy proposals. It is the Department's intention to issue a draft revised policy document in 2022.