

Public Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
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**Belfast
City Council**

13th April, 2016

MEETING OF PLANNING COMMITTEE – PUBLICATION OF ‘REPORTS TO FOLLOW’

Dear Alderman/Councillor,

The above-named Committee will meet in the Banqueting Hall - City Hall on Tuesday, 19th April, 2016 at 5.00 pm, for the transaction of the business noted below ('Reports to Follow' Items).

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

- (d) Consultation - Strategic Planning Policy 'Development in the Countryside' (Pages 1 - 26)
- (e) Consultation - Strategic Planning Policy 'Renewable Energy' (Pages 27 - 46)
- (f) Consultation - 'Permitted Development Rights for Mineral Exploration' (Pages 47 - 68)



Subject:	Responses to Department of Environment's 'Call for Evidence' for Strategic Planning Policy on Development in the Countryside
Date:	19 th April 2016
Reporting Officer:	Keith Sutherland (ext 3576)
Contact Officer:	Dermot O'Kane (ext 2293)

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<i>Please see Note 1 in Part 3</i>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>If 'No' please see Note 2 in Part 3</i>	

1.0	Purpose of Report or Summary of main Issues
1.1	The Minister of the Environment committed to undertake a review of regional strategic planning policy for development in the countryside following the publication of Strategic Planning Statement (SPPS) 'Planning for Sustainable Development' in its final form in 2015. Members will be aware the SPPS consolidated some twenty separate policy publications into one document, setting out strategic planning policy in relation to a wide range of subject policies, including regional policy for Development in the Countryside. A copy of the SPPS Subject Policy 'Development in the Countryside' is attached at Appendix 3.
1.2	The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the Regional Development Strategy 2035.
1.3	The current strategic policy approach is to cluster, consolidate and group new

	development with existing established buildings and promote the re-use of previously used buildings. The SPPS identifies a range of development types (both residential and non-residential) which in principle are considered to be acceptable in the countryside and provides that other types of development will be considered as part of the development plan process in line with the other policies set out within the SPPS.
1.4	The purpose of the report is to make members aware of the Calls for Evidence for Development of the Countryside and seek approval for the draft response outlined in paragraphs 3.2 and detailed in appendix 1.

2.0	Recommendations
2.1	Members are asked to consider and, if appropriate agree the draft response to the Call for Evidence: Development in the Countryside outlined in paragraph 3.2 and detailed in appendix 1.
3.0	Main report
3.1	The Council welcomes the opportunity to respond to a ‘Call for Evidence’ for Development of the Countryside (see appendix 2). The ‘Call for Evidence’ process will improve the DoE’s understanding of the operation and impact of the existing strategic policy and provide up-to-date evidence on the social, environmental and economic impacts of development in the countryside. The DoE is particularly keen on views on how strategic planning policy should assist with achieving sustainable development to support vibrant rural communities, without compromising our natural and built environment, and other assets of acknowledged importance.
3.2	<p>Key Issues</p> <p>The Council supports the broad aims of the SPPS with regard to Development in the Countryside to ‘manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities.’ The following are the key issues from the draft Council response to DoE’s Call for Evidence – Development in the Countryside in Appendix 1. It is recommended that Council:</p> <ul style="list-style-type: none"> • Supports the intention to maintain sustainable rural communities. • Recognises the value of Northern Ireland’s unique natural resource, its diverse ecosystems and biodiversity and the need to retain its sensitive landscape character of our rural resource for future generations. • Recommends a more proactive approach to managing land for development and

to ensure planning policies are put in place to accommodate selective, modest growth based on rural settlements.

- Welcomes further detail on Special Countryside Areas i.e. how to define, manage and monitor the designation as well as its proposed implications to the planning system. As part of this work, the DoE should clarify:
 - If there scope to control pressures of urban sprawl and less sustainable development in rural areas immediately adjacent to towns and cities under the Special Countryside Areas;
 - if additional protection could be afforded to Areas of Outstanding Natural Beauty (AONB) and the wider countryside
- Supports the protection of our natural and built environment and recognises that in formulation of the LDP all Council's are responsible for the protection of the wider environment as a sustainable asset for all future generations.
- Supports the precautionary principle as vital in plan making in particular when outlining proposed land use zonings, locations for development and settlement limits where it must take full account for implications on natural heritage features and landscape character. Through effective planning practices, the potential for adverse environmental impact can be minimised and enhancement features secured.
- Recognises the function of rural areas to the local and regional economy in providing services to the wider catchment population. Agriculture, farm diversification and forestry will continue to be important defining elements of rural life. Prime quality agricultural land should continue to be protected and should not be eroded in a piecemeal way but only used to meet strategic development objectives. The term 'active farm' should be defined in the SPPS along with additional guidance on farm diversification, agriculture and forestry development.
- Support design standards compliance with published guidance/advice using sustainable materials, where appropriate, and energy efficiency. Criteria should be consistently applied through planning policy and development management, consider sustainability along with greater weight should be attached to the provisions of the 'Building on Tradition' rural design guide.
- Across most rural areas innovative and flexible approaches should only be considered to deliver affordable houses in suitable numbers, with the focus on existing settlements rather than new clusters in the open countryside.
- Request clarification on monitoring arrangements to ensure any criteria to facilitate dwellings outside existing settlements seeks to achieve a suitable

	<p>balance rather than follow a trend that has resulted in high levels of approvals for single dwellings in the countryside.</p> <ul style="list-style-type: none"> • Seeks assurances effects on natural and built heritage are considered and the suite of environmental protections in the countryside should be closely monitored to mitigate loss of our assets, natural habitats, ecosystems, biodiversity and indeed the amenity value and character of our unique rural countryside environments.
3.3	<p><u>Finance and Resource Implications</u></p> <p>There is no resource implications associated with this report.</p>
3.4	<p><u>Asset and Other Implications</u></p> <p>The evidence received by DoE following the ‘Calls for Evidence’ may have implications on the policy making process of the LDP.</p>
3.5	<p><u>Equality or Good Relations Implications</u></p> <p>There are no relevant equality and good relations implications attached to this report.</p>
4.0	<p>Appendices – Documents Attached</p>
4.1	<p>Appendix 1: Proposed draft response to DoE on Calls for Evidence: Development in the Countryside</p>
4.2	<p>Appendix 2: DoE Call for Evidence: Development in the Countryside</p>
4.3	<p>Appendix 3: SPPS Subject Policy ‘Development in the Countryside’</p>

Appendix 1: Belfast City Council draft response to Call for Evidence: Strategic Planning Policy for Development in the Countryside

The Council welcome the opportunity to comment on the strategic planning policy for development in the countryside; and how strategic planning policy should assist with achieving sustainable development to support a vibrant rural community, without compromising our natural and built environment, and other assets of acknowledged importance.

The Council would support in principle the intention is to have sustainable rural communities, ranging from small towns and villages. There is an appreciable goal of sustainably maintaining the viability of existing communities, services, infrastructure and bring new life to many places which have been in decline.

It should be recognised that Northern Ireland's rural area is a unique resource with significant long term potential as places to live and work. Its diverse ecosystems and biodiversity propound the need to retain the sensitive landscape character of our rural resource for future generations.

Whilst future lifestyle changes and technological development may increase the potential for living and working in rural areas, however, this needs to be carefully and sustainably managed and to consider the longer term potential impacts of incremental development

The DoE should ensure that all planning authorities are sensitive to the demand for new types of development in rural areas and adopt a proactive approach to addressing the management of development. The new LDP will be responsible for protecting the environment as a sustainable asset for future generations and the precautionary principle is vital when plan making in particular when outlining proposed land use policy and settlement limits. The DoE should ensure full account is taken of the implications for natural heritage features and landscape character. Only through careful planning practices can the potential for environmental adversity be minimised and enhancement features secured.

The Council considers the planning system should assist in ensuring a sustainable rural economy, with a stable population by adopting a more welcoming approach to sustainable development in rural areas including the further refinement of the approach to diversification. The aim should not be to see small settlements increase in size to the extent that they lose their identity, nor to suburbanise the countryside and erode the high quality of its environment. Rather, it is critical that planning policies are put in place to accommodate selective, modest and sustainable growth. Most development should be foreseen, agreed and programmed to reflect the local circumstances, in

the context of the need to address sustainability and these protections of the countryside environment.

The DoE should be clear on the role of planning in advancing the vision through which to enable and support opportunities for development in sustainable locations wherever appropriate e.g. where infrastructure capacity and good access exist, or can be provided at reasonable cost, or to meet justifiable social and economic objectives. Rural and urban areas are recognised as interdependent e.g. rural areas depend on urban areas for a range of services and jobs while providing quality recreational and leisure experiences for the urban population. Appropriate rural diversification should be embraced to support businesses, land managers and farmers expand or start new enterprises in appropriate circumstances and at an appropriate scale. Any new development must be carefully planned if the character and quality of the countryside is not to be undermined and substantially eroded.

In the more accessible and densely populated rural areas most new development will continue to be in, or adjacent to, existing settlements. The SPPS states

*“Some areas of the countryside exhibit exceptional landscapes...wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Where appropriate, these areas should be designated as **Special Countryside Areas** in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development.”*

The would welcome further guidance on Special Countryside Areas i.e. how to define/designate, manage and monitor the designation as well as its proposed implications for the planning system. It should be clarified if there is proposed to be scope for their use to control pressures of urban sprawl in rural areas immediately adjacent to towns and cities. In addition, further clarity is sought in relation to whether if additional protection could be afforded to Areas of Outstanding Natural Beauty (AONB).

The DoE should be aware that there is considerable evidence of urban sprawl happening around the Belfast urban area. The Council would seek assurances that any proposals to release land for development should be part of a longer term strategic settlement policy and set out in development plans.

The natural and historic environment also has to be protected through development plans and identify opportunities, appropriate in scale, kind and location. In the more densely populated areas

there may be potential to accommodate small-scale housing development and businesses may be able to diversify further into new activities as part of a broader strategy that provides the context for any growth.

The DoE should ensure the protection of our natural and built environment by recognising the LDP will be the vehicle to protect the environment as a sustainable asset for future generations.

Recognition of the precautionary principle should be vital when plan making in particular when outlining proposed land uses, locations for development and settlement limits all of which must take full account of the policy implications on natural heritage features and landscape character. In accordance with the Regional Development Strategy (RDS) 2035, careful planning practices should, through the DoE, ensure the potential for environmental adversity can be minimised and enhancement secured.

The key aim of rural policy should be to improve the quality of new developments irrespective of size, both within settlements and elsewhere in the countryside.

The DoE should seek to consider an approach that ensures small towns are sustainable and able to maintain their function in the local/regional economy. They have a key role in providing services to the wider catchment population. Agriculture (and forestry) will continue to be important defining elements of rural life as part of the settlement hierarchy. Prime quality agricultural land should continue to be protected and should not be eroded in a piecemeal way but only used to meet strategic development objectives. The term 'active farm' should be defined in the SPPS along with additional clear guidance on farm diversification, agriculture, forestry development, and monitoring of such proposals.

The DoE need to consider the scope for enabling planning policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements as a means of supporting their sustainability and potential. Any proposals for more housing developments of this nature should be expressed in development plans in the context of broader policy objectives and sustainability. In many rural areas there may be small sites which cease to be required for their original purpose where conversion to residential use would bring about a net environmental benefit.

Development plans should allocate sufficient land to meet housing requirements including affordable housing and identify where innovative and flexible approaches may be required to deliver affordable houses in suitable numbers, with the focus on existing settlements rather than new clusters in the open countryside.

The monitoring of development will be critical and the DoE should consider the approach to this through development plans. The amount and location of housing that can be developed in rural areas is determined by a number of factors. These include: proximity to services e.g. schools, shops (ideally within walking or cycling distance); ease of access (from an existing road and footpath and to a rail station or bus route); drainage and sewerage capacity (e.g. from combined septic tanks or potential link to public systems). Fit in the landscape and design will also be important planning considerations. The impact of badly designed and sited houses is often particularly important in rural areas because of their visibility over large distances. Design standards should comply with published advice, use sustainable materials where appropriate and be energy efficient. These criteria should be monitored consistently applied in planning policy and development control with greater weight should be attached to the provisions of the 'Building on Tradition' rural design guide.

Belfast City Council seeks assurances that clarification on monitoring arrangements to ensure the criteria to allow dwellings outside existing settlements is robust and it has addressed the trend for high levels of approvals for single dwellings in the countryside. The effects of natural and built heritage including the suite of environmental protections in the countryside should be closely monitored to mitigate loss of our natural habitats, ecosystems, biodiversity and indeed the amenity value and character of our unique rural countryside.

Appendix 2: DoE Call for Evidence: Development in the Countryside (See below)

Appendix 3: SPPS Subject Policy ‘Development in the Countryside’

Development in the Countryside

The countryside is recognised as one of our greatest assets, with its highly valued landscapes, an outstanding coastline, a complex variety of wildlife, rich built and cultural heritage, for the ecosystem services it provides, and for its sense of place and history. In addition to its role and function as a recreational and tourist asset the countryside also supports our important agricultural industry, offers potential opportunities for sustainable growth in new sectors, and is home to a considerable rural population. For the purpose of this document the countryside is defined as land lying outside of settlement limits as identified in Local Development Plans (LDPs).

To maintain and enhance the attractiveness of the countryside as a place to invest, live and work, the countryside requires a sustainable approach to new development, consistent with the Regional Development Strategy 2035 (RDS).

The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.

Government policy also recognises that there are wide variations across Northern Ireland in terms of the economic, social and environmental characteristics of rural areas. Policy approaches to new development should therefore reflect differences within the region, be sensitive to local needs and be sensitive to environmental issues including the ability of settlements and landscapes to absorb development. This may involve recognising areas that are particularly sensitive to change and areas which have lower sensitivities and thus provide opportunities to accommodate sustainable development. It is also important to take into account the role and function of rural settlements and accessibility to existing services and infrastructure. Such approaches should also reflect and complement the SPPS.

The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

Regional Strategic Objectives

The policy objectives for development in the countryside are to:

- manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community;
- conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- facilitate development which contributes to a sustainable rural economy; and
- promote high standards in the design, siting and landscaping of development.

Planning and other environmental policies must therefore play their part in facilitating sustainable development in the countryside but not at the expense of the region’s rich natural assets and not at the expense of the natural and built environment.

Regional Strategic Policy

In preparing LDPs councils shall bring forward a strategy for sustainable development in the countryside, together with appropriate policies and proposals that must reflect the aims, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

The policy approach must be to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. This sustainable approach facilitates essential new development, which can benefit from the utilisation of existing services such as access and drainage, whilst simultaneously mitigating the potential adverse impacts upon rural amenity and scenic landscapes arising from the cumulative effect of one-off, sporadic development upon rural amenity and landscape character.

All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

Development in the countryside must not mar the distinction between a settlement and the surrounding countryside, or result in urban sprawl.

The policy approach for development in the countryside will also reflect and complement the overall approach to housing growth across a plan area.

The following strategic policy for residential and non-residential development in the countryside should also be taken into account in the preparation of LDPs and determination of planning applications.

Residential Development

- **New dwellings in existing clusters:** provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;
- **Replacement dwellings:** provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;
- **Dwellings on farms:** provision should be made for a dwelling house on an active²⁶ and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years;
- **Dwellings for non-agricultural business enterprises:** provision should be made for a new dwelling in connection with an established non-agricultural business enterprise. A site

specific need must exist that makes it essential for an employee of the business to live at the site of their work;

- **Infill/ribbon development:** provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development;
- **The conversion and re-use of existing buildings for residential use:** provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy;
- **A dwelling where there are personal and domestic circumstances:** provision should be made for a dwelling to meet the long terms needs of a person where there are compelling and site specific reasons related to the person's personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case;
- **A temporary caravan:** provision should be made for a residential caravan or mobile home for a temporary period in exceptional circumstances. These may include the provision of temporary residential accommodation pending the development of a permanent dwelling, or where there are compelling and site specific reasons related to personal or domestic circumstances; and,
- **Social and affordable housing development:** where a need has been identified by the Northern Ireland Housing Executive, or the relevant housing authority, plan policies should support the development of a small group of dwellings adjacent to or near a small settlement. The appropriate number of social/affordable dwellings permissible will depend upon the identified need and the requirement to ensure the development is sited and designed to integrate sympathetically with its surroundings.

Non-residential Development

- **Farm diversification:** provision should be made for a farm diversification scheme where the farm business is currently active and established (for a minimum 6 years) and, the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaptation of existing buildings, with new buildings only being acceptable in exceptional circumstances;
- **Agriculture and forestry development:** provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances; and,
- **The conversion and re-use of existing buildings for non-residential use:** provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure

its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

Other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS.

Some areas of the countryside exhibit exceptional landscapes, such as mountains, stretches of the coast or Lough shores, and certain views or vistas, where in the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Where appropriate there areas should be designated Special Countryside Areas in LDP's and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development. Local policies may also be brought forward to maintain the landscape quality and character of Areas of High Science Value.

Implementation

The LDP process will play an important role for councils in identifying key features and assets of the countryside and balancing the needs of rural areas and communities with the protection of the environment. This should include an environmental assets appraisal and landscape assessment which will provide the evidence base for the purposes of bringing forward an appropriate policy approach to development in the countryside. This should take into account Landscape Character Assessments.

In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.²⁷

Supplementary planning guidance contained within 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside' must be taken into account in assessing all development proposals in the countryside

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Call for Evidence: Strategic planning policy for Development in the Countryside

Launch date: 7 March 2016

Respond by: 6 May 2016

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Introduction

The Department of the Environment (DoE) will be undertaking a review of strategic planning policy for development in the countryside as set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS). This Call for Evidence will help to inform the scope of this review.

How to Respond

You are invited to submit your views in response to this Call for Evidence **by 6 May 2016**. Comments after this deadline will not be accepted.

All responses must be marked 'Development in the Countryside' and should be emailed to the Department at the following address:

sppsteam@doeni.gov.uk

Please note that your response may be made public by DoE. For example, information people provide in response to this call for evidence, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

Background

1. DoE published the SPPS 'Planning for Sustainable Development' in September 2015. The SPPS consolidates some twenty separate policy publications into one document, setting out strategic planning policy in relation to a wide range of subject policies, including regional policy for Development in the Countryside. A copy of the SPPS Subject Policy 'Development in the Countryside' is attached at Annex A.

2. The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the Regional Development Strategy 2035. The policy objectives are to:
 - manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community;
 - conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
 - facilitate development which contributes to a sustainable rural economy; and
 - promote high standards in the design, siting and landscaping of development.

3. The current strategic policy approach is to cluster, consolidate and group new development with existing established buildings and promote the re-use of previously used buildings. The SPPS identifies a range of development types (both residential and non-residential) which in principle are considered to be acceptable in the countryside and provides that other types of development will be considered as part of the development plan process in line with the other policies set out within the SPPS.

Why undertake a review?

4. During the consultation on the SPPS, DoE received a significant number of representations on planning policy for development in the countryside. Taking into account issues raised through the consultation on the SPPS and other representations from the public and elected representatives, the Minister of the Environment, Mark H Durkan, committed to undertake a review of regional strategic planning policy for development in the countryside following publication of the SPPS in final form.

Purpose and scope

5. This Call for Evidence is part of the process of gathering the necessary information to inform the subsequent review of strategic planning policy. The evidence received will improve DoE's understanding of the operation and impact of the existing strategic policy and provide up-to-date evidence on the social, environmental and economic impacts of development in the countryside.
6. It should be noted that this Call for Evidence relates to the regional strategic policy for development in the countryside rather than local policy which will be brought forward through Local Development Plan (LDP) policies. Councils are responsible for preparing their LDP and in doing so they must take account of the strategic policy set out in the SPPS.
7. Whilst DoE welcomes comments on all aspects of strategic planning policy for development in the countryside (and any other information and evidence that may assist in the forthcoming review) it is particularly keen to hear views on the following key question.
 - 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?

Next steps

8. The information gathered as a result of the Call for Evidence will be considered by DoE and will help inform the upcoming review of strategic planning policy for development in the countryside.

9. Depending, in part, upon the evidence received, the scope of the review will be refined to focus on the key issues where further research should be undertaken. Any necessary revisions to strategic planning policy will follow the normal policy development process. This will entail preparation of a consultation draft policy document which would be subject to full public consultation.

DoE Planning Policy Division
Causeway Exchange
1-7 Bedford Street
Town Parks
BELFAST
BT2 7EG.

Annex A

Development in the Countryside

- 6.61** The countryside is recognised as one of our greatest assets, with its highly valued landscapes, an outstanding coastline, a complex variety of wildlife, rich built and cultural heritage, for the ecosystem services it provides, and for its sense of place and history. In addition to its role and function as a recreational and tourist asset the countryside also supports our important agricultural industry, offers potential opportunities for sustainable growth in new sectors, and is home to a considerable rural population. For the purpose of this document the countryside is defined as land lying outside of settlement limits as identified in Local Development Plans (LDPs).
- 6.62** To maintain and enhance the attractiveness of the countryside as a place to invest, live and work, the countryside requires a sustainable approach to new development, consistent with the Regional Development Strategy 2035 (RDS).
- 6.63** The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.
- 6.64** Government policy also recognises that there are wide variations across Northern Ireland in terms of the economic, social and environmental characteristics of rural areas. Policy approaches to new development should therefore reflect differences within the region, be sensitive to local needs and be sensitive to environmental issues including the ability of settlements and landscapes to absorb development. This may involve recognising areas that are particularly sensitive to change and areas which have lower sensitivities and thus provide opportunities to accommodate sustainable development. It is also important to take into account the role and function of rural settlements and accessibility to existing services and infrastructure. Such approaches should also reflect and complement the SPPS.
- 6.65** The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

Regional Strategic Objectives

- 6.66** The policy objectives for development in the countryside are to:
- manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community;
 - conserve the landscape and natural resources of the rural area and to protect

- it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- facilitate development which contributes to a sustainable rural economy; and
- promote high standards in the design, siting and landscaping of development.

6.67 Planning and other environmental policies must therefore play their part in facilitating sustainable development in the countryside but not at the expense of the region's rich natural assets and not at the expense of the natural and built environment.

Regional Strategic Policy

6.68 In preparing LDPs councils shall bring forward a strategy for sustainable development in the countryside, together with appropriate policies and proposals that must reflect the aims, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

6.69 The policy approach must be to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. This sustainable approach facilitates essential new development, which can benefit from the utilisation of existing services such as access and drainage, whilst simultaneously mitigating the potential adverse impacts upon rural amenity and scenic landscapes arising from the cumulative effect of one-off, sporadic development upon rural amenity and landscape character.

6.70 All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

6.71 Development in the countryside must not mar the distinction between a settlement and the surrounding countryside, or result in urban sprawl.

6.72 The policy approach for development in the countryside will also reflect and complement the overall approach to housing growth across a plan area.

6.73 The following strategic policy for residential and non-residential development in the countryside should also be taken into account in the preparation of LDPs and determination of planning applications.

Residential Development

- **New dwellings in existing clusters:** provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

- **Replacement dwellings:** provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;
- **Dwellings on farms:** provision should be made for a dwelling house on an active²⁶ and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years;
- **Dwellings for non-agricultural business enterprises:** provision should be made for a new dwelling in connection with an established non-agricultural business enterprise. A site specific need must exist that makes it essential for an employee of the business to live at the site of their work;
- **Infill/ribbon development:** provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development;
- **The conversion and re-use of existing buildings for residential use:** provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy;
- **A dwelling where there are personal and domestic circumstances:** provision should be made for a dwelling to meet the long terms needs of a

²⁶ For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013

person where there are compelling and site specific reasons related to the person's personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case;

- **A temporary caravan:** provision should be made for a residential caravan or mobile home for a temporary period in exceptional circumstances. These may include the provision of temporary residential accommodation pending the development of a permanent dwelling, or where there are compelling and site specific reasons related to personal or domestic circumstances; and,
- **Social and affordable housing development:** where a need has been identified by the Northern Ireland Housing Executive, or the relevant housing authority, plan policies should support the development of a small group of dwellings adjacent to or near a small settlement. The appropriate number of social/affordable dwellings permissible will depend upon the identified need and the requirement to ensure the development is sited and designed to integrate sympathetically with its surroundings.

Non-residential Development

- **Farm diversification:** provision should be made for a farm diversification scheme where the farm business is currently active and established (for a minimum 6 years) and, the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaptation of existing buildings, with new buildings only being acceptable in exceptional circumstances;
- **Agriculture and forestry development:** provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances; and,
- **The conversion and re-use of existing buildings for non-residential use:** provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

6.74 Other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS.

6.75 Some areas of the countryside exhibit exceptional landscapes, such as mountains, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Where

appropriate these areas should be designated as **Special Countryside Areas** in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development. Local policies may also be brought forward to maintain the landscape quality and character of Areas of High Scenic Value.

Implementation

- 6.76** The LDP process will play an important role for councils in identifying key features and assets of the countryside and balancing the needs of rural areas and communities with the protection of the environment. This should include an environmental assets appraisal and landscape assessment which will provide the evidence base for the purposes of bringing forward an appropriate policy approach to development in the countryside. This should take into account Landscape Character Assessments.
- 6.77** In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.²⁷
- 6.78** Supplementary planning guidance contained within 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside' must be taken into account in assessing all development proposals in the countryside.

²⁷ Development Control Advice Note 15 'Vehicular Access Standards' (Second Edition) August 1999

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Subject:	Responses to Department of Environment's 'Call for Evidence' for Strategic Planning Policy on Renewable Energy Development
Date:	19 th April 2016
Reporting Officer:	Keith Sutherland (ext 3576)
Contact Officer:	Dermot O'Kane (ext 2293)

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>Please see Note 1 in Part 3</i>		
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If 'No' please see Note 2 in Part 3</i>		

1.0	Purpose of Report or Summary of main Issues
1.1	The Minister of the Environment committed to undertake a review of regional strategic planning policy for renewable energy following the publication of Strategic Planning Statement (SPPS) 'Planning for Sustainable Development' in its final form in 2015. Members will be aware the SPPS consolidated some twenty separate policy publications into one document, setting out strategic planning policy in relation to a wide range of subject policies, including regional policy for Renewable Energy Development. A copy of the SPPS Subject Policy 'Renewable Energy' is attached in Appendix 3.
1.2	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: <ul style="list-style-type: none"> • ensure that the environmental, landscape, visual and amenity - impacts

	<p>associated with or arising from renewable energy development are adequately addressed;</p> <ul style="list-style-type: none"> • ensure adequate protection of the Region’s built and 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.
1.3	Depending, in part, upon the evidence received following the ‘Calls for Evidence’, the scope of the forthcoming reviews will be refined to focus on the key matters that need to be addressed. The subsequent reviews will be the subject of Strategic Environmental Assessment (SEA).
1.4	The purpose of the report is to update and make members aware of the Calls for Evidence for Renewable Energy Development and seek members approval on the proposed draft response set out in paragraph 3.5 and appendix 1

2.0	Recommendations
2.1	Members are asked to consider and, if appropriate agree the proposed draft response to the Call for Evidence: Renewable Energy set out in appendix 1.
3.0	Main report
3.1	<p><u>Key Issues</u></p> <p>The Department of Environment (DoE) issued a formal ‘Call for Evidence’ for Renewable Energy Development (see appendix 2). The ‘Call for Evidence’ process seeks to gather the necessary information from interested parties and their views or concerns as part of a review of strategic planning policy which will influence future Local Development Plan (LDP) policies. The DoE through the review is calling greater understanding of the operation and impact of the existing strategic policy and evidence on the social, environmental and economic impacts of developments. The DoE is particularly keen on views in relation to how strategic planning policy can assist in 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).</p>
3.2	The Council welcomes the broad aim of the SPPS for sustainable development across Northern Ireland. Within this context, the key issues are set out in the draft Council response to DoE’s Call for Evidence: Renewable Energy appendix 1. In summary, it is

	<p>proposed Council:</p> <ul style="list-style-type: none"> • Supports the increase of the use and supply of renewable energy and their contribution towards sustainable development without overriding environmental assets of acknowledged importance. • Takes into account the potential and cumulative impacts of siting and scale of renewable energy technologies on the local environment with particular regard to wind turbines and large scale solar farms. • Identifies Landscape Character Areas through Landscape Character Assessments to assess likely impacts of proposals and identify areas suitable for renewable energy technologies to assist managing development. • Introduces a requirement for community benefits for significant renewable energy proposals through contributions, contracts and/or employment. • Affords protection to sensitive landscapes such as Areas of Outstanding Natural Beauty and wider settings.
3.3	<p><u>Finance and Resource Implications</u></p> <p>There is no resource implications associated with this report.</p>
3.4	<p><u>Asset and Other Implications</u></p> <p>The evidence received by DoE following the Calls for Evidence may have implications on the policy making process of the LDP.</p>
3.5	<p><u>Equality or Good Relations Implications</u></p> <p>There are no relevant equality and good relations implications attached to this report.</p>
4.0	<p>Appendices – Documents Attached</p>
4.1	Appendix 1: Proposed Draft Response to DoE on Calls for Evidence: Renewable Energy
4.2	Appendix 2: DoE Call for Evidence: Renewable Energy Development
4.3	Appendix 3: SPPS Current Policy ‘Renewable Energy Development’

Appendix 1: Proposed Draft Response to DoE on Calls for Evidence: Renewable Energy

The Council welcome the opportunity to comment on all aspects of strategic planning policy for Renewable Energy; and 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)?

Strategic Planning policy is important to support increase in the use and supply of green energy, and ensuring that the need for renewable energy does not automatically overrides environmental protections and the planning concerns of local communities.

In considering Strategic Planning Policy for Renewable Energies, the Council's view is that the following are key areas of consideration:

- the range of technologies that could be accommodated and the policies needed to encourage their development in the right places;
- the costs of many renewable energy technologies are falling, potentially increasing their attractiveness and the number of proposals;
- different technologies have different impacts and the impacts can vary by place;
- we have statutory commitments to cut greenhouse gases and meet increased energy demand from renewable sources. Planning policy should therefore be designed to maximise renewable and low carbon energy development.

In considering locations, the Council or local planning authorities will seek to ensure account is taken of the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts and the views of local people.

The DoE should be clear that when identifying suitable areas through LDP or other processes, it is important to set out the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory work underpinning the identified areas. In considering impacts of some types of technologies, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location.

The Strategic guidance should ensure through the LDP process suitable areas for renewable energy are identified to give greater certainty as to where such development areas could be permitted. Under the approach, where councils have identified suitable areas for large scale development, they may not have to give permission outside those areas for speculative applications involving the same type of development where they judge the impact to be acceptable.

The Council will seek to introduce clear policy criteria related to the potential impact or proposals for mitigation. The criteria published by the Department in Strategic Planning Policy Statement provides a useful starting point for this policy development. These could provide a context to consider the impacts particular technologies can give rise to and how these should be addressed.

In developing local policy for inclusion in LDPs, it is important for regional guidance to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections;
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- proposals in Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Strategic Planning Policy should not introduce unreasonable or inflexible rules on buffer zones or separation distances that could be more effectively considered at LDP level. Distance is a consideration, but so is the local context including factors such as topography, the local environment and proximity to existing land uses.

The Renewable Energy industry has grown significantly over the past decade bringing local investment to many communities. The potential benefits for local communities can be monetary and/or non-monetary. The current guidance is limited in relation to community benefit. The Council would welcome the introduction of further guidance of the strategic level, in relation to:

- a requirement for community benefits for significant renewable energy proposals through contributions, contracts and/or employment
- the approach and policy on good practice principles for community benefits from onshore and off shore renewable energy developments.

Appendix 2: DoE Call for Evidence: Renewable Energy Development (See below)

Appendix 3: SPPS Current Policy 'Renewable Energy Development'

Renewable Energy

Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and is a significant provider of jobs and investment across the region.

Making appropriate use of renewable energy sources is supported by wider government policy, including the Regional Development Strategy 2035 (RDS) which emphasises the need to increase the contribution that renewable energy can make to overall energy mix. This commitment is affirmed by the Department of Enterprise, Trade and Investment's (DETI) strategic aim for a more secure and sustainable energy system, as contained within the Strategic Energy Framework for Northern Ireland 2010.

Renewable energy reduces our dependence on imported fossil fuels and brings diversity and security of supply to our energy infrastructure. It also helps Northern Ireland achieve its targets for reducing carbon emissions⁵⁰ and reduces environmental damage such as that caused by acid rain. Renewable energy technologies support the wider Northern Ireland economy and also offer new opportunities for additional investment and employment, as well as benefitting our health and well being, and our quality of life.

The main sources of renewable energy are wind, sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops such as for use in an Anaerobic Digester).

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.

Regional Strategic Objectives

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.

Renewable energy development proposals in the marine environment are managed under a separate consenting regime within the framework of the UK Marine Policy Statement. It is important for both terrestrial and marine environments to work together.

Regional Strategic Policy

Councils should set out policies and proposals in their Local Development Plans (LDPs) that support a diverse range of renewable energy development, including the integration of micro-generation and passive solar design. LDPs must take into account the above-mentioned aim and regional strategic objectives, local circumstances, and the wider environmental, economic and social benefits of renewable energy development. Moratoria on applications for renewable energy development whilst LDPs are being prepared or updated are not appropriate.

Particular care should be taken when considering the potential impact of all renewable proposals on the landscape. For example, some landscapes may be able to accommodate wind farms⁵¹ or solar farms more easily than others, on account of their topography, landform and ability to limit visibility.

A cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets.

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.

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

Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. 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.

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.

Implementation

In decision-taking, the planning authority must carefully consider all development proposals for renewable energy development, including proposals which include micro-generation, and passive building design measures. Consideration of all renewable energy proposals will take account of their contribution to the wider environmental benefits arising from a clean, secure energy supply; reductions in greenhouse gases and other polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources.

The factors to be considered on a case by case basis will depend on the scale of the development and its local context. In addition to those factors set out at paragraph 6.228 proposals will also be assessed in accordance with normal planning criteria, including such

considerations as: access arrangements, road safety, good design, noise and shadow flicker; separation distance; cumulative impact; communications interference; and, the inter-relationship between these considerations.

It will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.

Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, developers will be required to indicate how such damage will be minimised and mitigated, including details of any compensatory measures, such as a habitat management plan or the creation of a new habitat. These matters will be agreed before planning permission is granted.

Some proposals for renewable energy development may require a connection to the National Grid. The grant of planning permission does not guarantee grid connection. Connection to the grid falls within the remit of Northern Ireland Electricity (NIE) and therefore liaison with NIE at an early stage of any renewable development but particularly a wind turbine / farm development is considered to be paramount in relation to the viability of such a scheme.

In relation to developments such as 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. 8

The supplementary planning guidance '**Wind Energy Development in Northern Ireland's Landscapes**' and other relevant practice notes should be taken into account in assessing all wind turbine proposals.

Call for Evidence: Strategic planning policy for Renewable Energy development

Launch date: 7 March 2016

Respond by: 6 May 2016

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Introduction

The Department of the Environment (DoE) will be undertaking a review of strategic planning policy for onshore renewable energy development as set out within the Strategic Planning Policy Statement for Northern Ireland (SPPS). This Call for Evidence will help inform the scope of this review.

How to Respond

You are invited to submit your views in response to this Call for Evidence **by 5.00pm on 6 May 2016**. Comments after this deadline will not be accepted.

All responses must be marked 'Renewable Energy' and should be emailed to the Department at the following address:

sppsteam@doeni.gov.uk

Please note that your response may be made public by DoE. For example, information people provide in response to this call for evidence, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

Background

1. DoE published the SPPS 'Planning for Sustainable Development' in September 2015. The SPPS consolidates some twenty separate policy publications into one document, setting out strategic planning policy in relation to a wide range of subject policies, including regional policy for Renewable Energy development. A copy of the SPPS Subject Policy 'Renewable Energy' is attached at Annex A.

2. 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.

3. 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 and 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.

Why undertake a review?

4. During the consultation on the SPPS, DoE received a significant number of representations on renewable energy planning policy. Taking into account issues raised through the consultation, other representations from the public and elected representatives and as a result of the Environment Committee's Wind Energy Inquiry, the Minister for the Environment, Mark H Durkan, committed to undertake a review of the regional strategic planning policy for renewable energy following publication of the SPPS in final form.

Purpose and scope

5. This Call for Evidence is part of the process of gathering the necessary information to inform the subsequent review of strategic planning policy. The evidence received will improve DoE's understanding of the operation and impact of the existing strategic policy and provide up-to-date evidence on the social, environmental and economic impacts of renewable energy development.
6. It should be noted that this Call for Evidence relates to the regional strategic policy for renewable energy rather than local policy which will be brought forward through Local Development Plan (LDP) policies. Councils are responsible for preparing their LDP and in doing so they must take account of the strategic policy set out in the SPPS.
7. Whilst DoE welcomes comments on all aspects of strategic planning policy for renewable energy (and any other information and evidence that may assist in the forthcoming review) it is particularly keen to hear views on the following key questions.
 - 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?

- 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)?

Next steps

8. The information gathered as a result of this Call for Evidence will be considered by DoE and will help inform the upcoming review of strategic planning policy for renewable energy.
9. Depending, in part, upon the evidence received, the scope of the review will be refined to focus on the key issues where further research should be undertaken. Any necessary revisions to strategic planning policy will follow the normal policy development process. This will entail preparation of a consultation draft policy proposal which would be subject to full public consultation.

DoE Planning Policy Division
Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

Annex A

Renewable Energy

- 6.214** Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and is a significant provider of jobs and investment across the region.
- 6.215** Making appropriate use of renewable energy sources is supported by wider government policy, including the Regional Development Strategy 2035 (RDS) which emphasises the need to increase the contribution that renewable energy can make to overall energy mix. This commitment is affirmed by the Department of Enterprise, Trade and Investment's (DETI) strategic aim for a more secure and sustainable energy system, as contained within the Strategic Energy Framework for Northern Ireland 2010.
- 6.216** Renewable energy reduces our dependence on imported fossil fuels and brings diversity and security of supply to our energy infrastructure. It also helps Northern Ireland achieve its targets for reducing carbon emissions⁵⁰ and reduces environmental damage such as that caused by acid rain. Renewable energy technologies support the wider Northern Ireland economy and also offer new opportunities for additional investment and employment, as well as benefitting our health and well being, and our quality of life.
- 6.217** The main sources of renewable energy are wind, sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops such as for use in an Anaerobic Digester).
- 6.218** The aim of the SPSS 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.

Regional Strategic Objectives

- 6.219** 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

⁵⁰ The PfG contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025.

- 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.

6.220 Renewable energy development proposals in the marine environment are managed under a separate consenting regime within the framework of the UK Marine Policy Statement. It is important for both terrestrial and marine environments to work together.

Regional Strategic Policy

6.221 Councils should set out policies and proposals in their Local Development Plans (LDPs) that support a diverse range of renewable energy development, including the integration of micro-generation and passive solar design. LDPs must take into account the above-mentioned aim and regional strategic objectives, local circumstances, and the wider environmental, economic and social benefits of renewable energy development. Moratoria on applications for renewable energy development whilst LDPs are being prepared or updated are not appropriate.

6.222 Particular care should be taken when considering the potential impact of all renewable proposals on the landscape. For example, some landscapes may be able to accommodate wind farms⁵¹ or solar farms more easily than others, on account of their topography, landform and ability to limit visibility.

6.223 A cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets.

6.224 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.

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

6.226 Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding

⁵¹ Defined as development comprising more than 2 turbines.

public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended.

- 6.227** For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.

Implementation

- 6.228** In decision-taking, the planning authority must carefully consider all development proposals for renewable energy development, including proposals which include micro-generation, and passive building design measures. Consideration of all renewable energy proposals will take account of their contribution to the wider environmental benefits arising from a clean, secure energy supply; reductions in greenhouse gases and other polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources.
- 6.229** The factors to be considered on a case by case basis will depend on the scale of the development and its local context. In addition to those factors set out at paragraph 6.228 proposals will also be assessed in accordance with normal planning criteria, including such considerations as: access arrangements, road safety, good design, noise and shadow flicker; separation distance; cumulative impact; communications interference; and, the inter-relationship between these considerations.
- 6.230** It will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.
- 6.231** Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, developers will be required to indicate how such damage will be minimised and mitigated, including details of any compensatory measures, such as a habitat management plan or the creation of a new habitat. These matters will be agreed before planning permission is granted.
- 6.232** Some proposals for renewable energy development may require a connection to the National Grid. The grant of planning permission does not guarantee grid connection. Connection to the grid falls within the remit of Northern Ireland Electricity (NIE) and therefore liaison with NIE at an early stage of any renewable development but particularly a wind turbine / farm development is considered to be paramount in relation to the viability of such a scheme.
- 6.233** In relation to developments such as 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.

6.234 The supplementary planning guidance '*Wind Energy Development in Northern Ireland's Landscapes*' and other relevant practice notes should be



Subject:	Responses to Department of Environment's 'Call for Evidence' for Permitted Development Rights for Mineral Exploration
Date:	19 th April 2016
Reporting Officer:	Keith Sutherland (ext 3576)
Contact Officer:	Dermot O'Kane (ext 2293)

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<i>Please see Note 1 in Part 3</i>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>If 'No' please see Note 2 in Part 3</i>	

1.0	Purpose of Report or Summary of main Issues
1.1	This report seeks to provide the background on the Call for Evidence on Permitted Development Rights for Mineral Exploration and seek members' approval for a Council response.
1.2	The Department of the Environment (DOE) has issued a 'Call for Evidence' to inform the future approach to Permitted Development Rights for Mineral Exploration as set out in Part 16 of the schedule to the Planning (General Development Order) Northern Ireland (2015).
1.3	The 'Call for Evidence' is to support the forthcoming review of the existing provisions on permitted development rights for mineral exploration and the balance between operational activity and environmental protection.
1.4	The closing date for submission is the 13 th May 2016. The proposed draft response is attached in Appendix A for consideration.

2.0	Recommendations
2.1	Members are asked to: <ul style="list-style-type: none"> • Consider the draft document, 'Draft Council response to DoE's Call for Evidence: Permitted Development Rights of Minerals Exploration' and if appropriate approve its submission to the DoE as the Council's response to the Call for Evidence. (See Appendix A)
3.0	Main report

<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p>	<p><u>Key Issues</u> The aim of the call for evidence is part of a process of gathering the necessary information to inform the subsequent review of permitted development rights for mineral exploration. It is in response to concerns raised from an elected member and seeks to gather information on the operation and impact of the permitted development rights which currently exist alongside up-to- date evidence on the social, environmental and economic impacts of exploratory development for minerals going forward.</p> <p>Members may recall that there was a Notice of Motion on permitted development to conduct exploratory petroleum drilling at Woodburn Reservoir in Carrickfergus at the September Council meeting. Council agreed to write to the Minister of Enterprise, Trade and Investment, the Minister of the Environment and Mid and East Antrim Council to review the decision to grant permitted development for exploratory drilling in Woodburn Forest and for the Minister of Environment to amend the law to ensure petroleum exploration required planning consent. (See Appendix B)</p> <p>The response from DETI confirmed that whilst significant environmental information was provided by InfraStrata Plc as part of the license process a formal SEA was not deemed necessary at the time of issuing PL1/10 to the company. (See Appendix B).</p> <p>The Minister of Environment subsequently launched the ‘Call for Evidence’ on the review of Permitted Development Rights for Mineral Exploration to provide the opportunity to express views on the operation of the planning processes. (See Appendix C) The evidence will inform the Department’s understanding of the operation and impact of the existing permitted development rights set out in Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015 and provide the opportunity for the Council to provide views on whether the existing development rights for onshore oil and gas exploration needs to be modified or changed.</p> <p>The recommended response is set out in Appendix A. In summary, the key recommendations are that, if Permitted Development is to be retained, there needs to be clear guidance in relation to the notification process and information requirements to enable planning authorities to effectively consider proposals.</p> <p><u>Finance and Resource Implications</u> There is no resource implications associated with this report.</p> <p><u>Asset and Other Implications</u></p> <p><u>Equality or Good Relations Implications</u> There are no relevant equality and good relations implications attached to this report.</p>
<p>4.0</p>	<p>Appendices – Documents Attached Appendix A: Response to Call for Evidence: Permitted Development Right for Mineral Exploration Appendix B: Correspondence with Mr JBell, Minister of Enterprise, Trade and Investment regarding Petroleum Exploration at Woodburn Forest Appendix C: Call for Evidence: Permitted Development Rights for Mineral Exploration DOE</p>

Appendix A: Draft Council response to the “Call for Evidence: Permitted Development Rights for Minerals Exploration”



Belfast City Council

MINERAL EXPLORATION

Draft response to Call for Evidence: Permitted Development Rights for Mineral Exploration

1 Background

In recent years there has been an increasing interest in mineral resources in NI. There is renewed interest in mineral prospecting, and new prospecting permits for precious and base metals and therefore there is a need to for a balanced approach to the exploration of mineral exploration.

The council recognises the need for appropriate balance in the protection of the environment, amenity and public safety and also the need to reduce the regulatory burden on the minerals and extractive industries.

Belfast City Council welcomes the review and the opportunity to comment and give evidence. The Council recognises that whilst minerals development can deliver significant economic benefits there is also a number of potential challenges arising from this type of development which should be considered through the planning system.

It should be recognised that the role of Planning is key in facilitating a sustainable approach to minerals development.

The Council fully supports the objective and need to undertake a review of permitted development rights for mineral exploration, and the need to bring forward detailed operational guidance policies within which will provide better clarity and certainty for all users of the reformed planning system.

2 Legislation Governing Mineral Permitted Development

The current Planning (General Permitted Development) Order Northern Ireland) 2015 (GPDO) sets out what type of development can be undertaken without requiring a planning application. Permitted development in relation to ‘mineral exploration’ and ‘development ancillary to mining operations’ are both dealt with in parts 16 and Part 17 of the General Permitted Development Order respectively.

The Council considers that the objective of a planning authority should be to ensure that the need for specific minerals development proposals to be assessed against the need to safeguard the local environments. The considerations should seek to minimise the impact on local communities, landscape quality, built and natural heritage, and the water environment whilst ensuring restoration, after exploration has ceased.

The Council recognises that as the local Planning Authority it has the opportunity to remove permitted development rights under Regulation 7 of the Permitted Development Order 2015. However, whilst Regulation 7 empowers the Council to issue a direction to remove the permitted development rights and require formal consideration of the proposal through an application, there is limited guidance on this process or the application of the provisions within the regulations. This concern regarding the absence of guidance is compounded by the fact that the power can only be exercised within 21 days receipt of the notification.

3 Requirements of Part 16 Mineral Exploration

Further explanation is set out in the following paragraphs on Mineral exploration for this purpose is granted permission by virtue of Class A of Part 16 to the schedule to the GPDO. The regulation sets out the following limited guidance:

The developer wishing to carry out mineral exploration must notify the planning authority of proposed works and the legislation specifies the limitations in what can be considered to be permitted:

- *The development must be for the purpose of mineral exploration*
- *Development shall not exceed 4 months duration*
- *Development consisting of (a) Drilling a borehole, (b) Carrying out a seismic survey, (c) Making other excavations*

In addition proposals cannot be considered as permitted where:

a- the developer has not previously notified the council in writing giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescale;

b- any operation is within an area of special scientific interest or site of archaeological interest;

c- any explosive charge of more than 1 kilogram is used;

d- any structure assembled or provided would exceed 3 metres in height where such structure would be within 3 kilometres of an airport.

In order to carry out these assessments effectively the Planning Authority would require significant detail to make a determination which in the context of the limited notice period could be very challenging.

4 Other Consents

The Council recognises that other consents may be required and these are undertaken separately by Statutory Bodies under their own legislation such as Regulations on the following:

- *Discharge consents under the terms of The Water (NI) Order 1999, administered by NIEA Water Management Unit;*
- *Pollution Control Permits (PPC), administered by NIEA Industrial Pollution and Radiochemical Inspectorate (IPRI);*
- *Quarry Regulations, administered by the Health and Safety Executive NI (HSENI);*
- *Minerals licensing administered by DETINI*

Minerals and petroleum prospecting in Northern Ireland is permitted in accordance with specific legislation, policies and statutory rules and is the responsibility of the Department of Enterprise, Trade and Investments. Any person who wants to explore for, drill for or extract oil or gas in Northern Ireland must hold a Petroleum Licence granted by the Department of Enterprise, Trade and Investment (DETI) under the Petroleum (Production) Act (Northern Ireland) 1964.

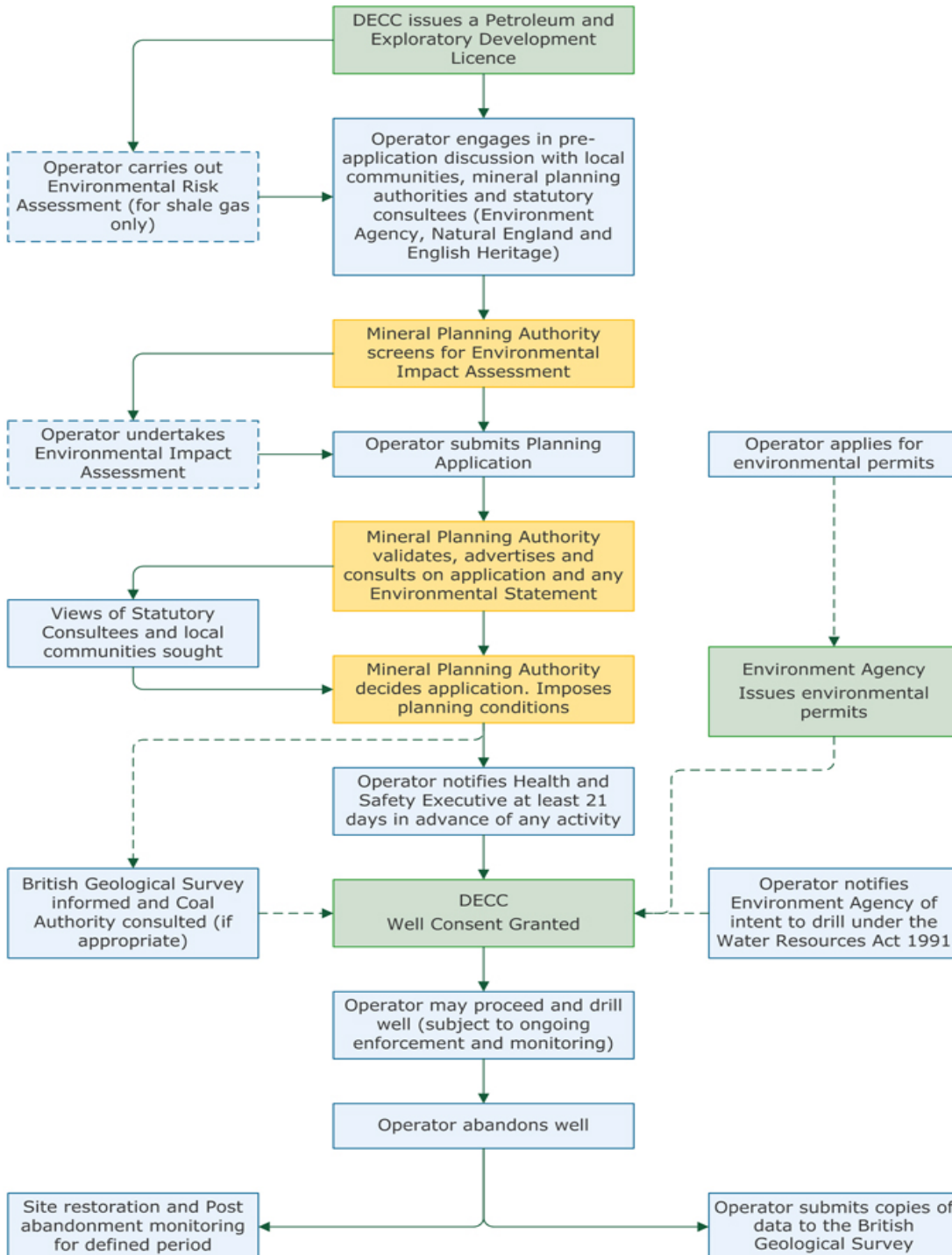
The application and licensing process is underpinned by regulations which, among other things, set out the arrangements for making and determining applications, permissible terms and conditions for granting a Petroleum Licence and the model clauses which may be incorporated in a Petroleum Licence.

The Council considers that, if permitted development is retained, it should be a prerequisite that other consents are in place prior to the Planning Authority having to make a determination as to whether or not works are permitted development.

5 Recommendations

- a. If permitted development rights are retained consideration should be given to a longer notice period than 21 days to allow Councils to assess them properly.
- b. As the onus is on the Planning Authority to make this determination it needs to be clear that there must be sufficient information available to make the determination. The assessment could be complex and there is limited guidance on how this notification is managed and operated. Guidance could help ensure the Planning Authority can make a determination as to whether or not it falls within the scope of the legislation.
- c. Guidance should outline how other statutory bodies are involved in the process of mineral exploration and address the relationship between the licensing regimes and planning controls.
- d. Council would suggest that guidance to outlining the process including schematics such as a flowchart is developed for guidance (similar to that used by Planning Authorities in England and Wales see below) to provide some clarity for all stakeholders in the processes.

Example: the flowchart below illustrates the process for used by Planning Authorities in England and Wales.



Example from Planning Portal: <http://planningguidance.communities.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/annex-b-outline-of-process-for-drilling-an-exploratory-well/>

Appendix B: Correspondence with Mr Jonathon Bell, Minister of Enterprise, Trade and Investment regarding Petroleum Exploration at Woodburn Forest.

Appendix C: Call for Evidence: Permitted Development Rights for Mineral Exploration (DOE)

Chief Executive's Department



file:
**Belfast
City Council**

Your reference

Our reference SW/np

Date 9 September 2015



COPY

Mr Jonathan Bell
Minister for Enterprise, Trade and Investment
Netherleigh House
Massey Avenue
BELFAST BT4 3XX

Dear Minister Bell

PETROLEUM EXPLORATION AT WOODBURN FOREST

I wish to advise you that the Council, at its monthly meeting on 1st September, passed the following notice of motion:

"This Council notes that Woodburn Reservoir in Carrickfergus provides water to a significant part of the City and expresses concern that Infastrata have been permitted development to conduct exploratory petroleum drilling at this location using harmful chemicals; it notes that the current law governing permitted development in Northern Ireland is less robust than in England, where petroleum exploration requires planning permission and notes further that 75% of fossil fuel reserves must be left in the ground to prevent dangerous climate change and does not regard this process as in line with the legal requirement of the DOE in Article 1 of the 2011 Planning Act to further sustainable development.

This Council therefore expresses concern that no Strategic Environmental Assessment was ever conducted by the Department of Enterprise, Trade and Investment ahead of the adoption of a petroleum exploration plan or the issuing of the East Antrim Petroleum Exploration Licence.

Accordingly, the Council calls upon the Minister for Enterprise, Trade and Investment, the Minister for the Environment and Mid and East Antrim Council to urgently review the decision to grant permitted development for exploratory drilling in Woodburn Forest with a view to reversing that permission and for the Minister for the Environment to amend the law so that petroleum exploration always requires full planning permission."

Whilst appreciating that matters relating to mineral development, including oil and gas, fall within the remit of district councils under the Planning Act 2011, there exists scope for government departments to call in "regionally significant developments". Given the concerns outlined regarding the fact that the Woodburn Reservoir supplies water to a significant part of Belfast; perhaps you might consider the decision of Mid and East Antrim within a regional context and, perhaps, agree that your Department could re-examine that decision through the call-in mechanism.

Belfast City Council, Chief Executive's Department,
City Hall, Belfast BT1 5GS
Tel: 028 9027 0202, Textphone: 028 9027 0405, Fax: 028 9027 0232
Email: wylies@belfastcity.gov.uk

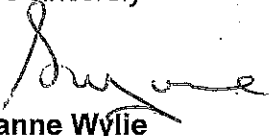
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**INVESTORS
IN PEOPLE**

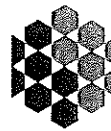
I would be grateful if you could consider the issues raised and advise me in due course so as I update the Council in this matter.

Yours sincerely


Suzanne Wylie
Chief Executive

Letter issued by post
22 September 2015 NP

From the Office of the Minister



Department of
**Enterprise, Trade
and Investment**

www.detini.gov.uk

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BT4 2JP

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Fax: 028 90 529545

Text Relay: 18001 028-9052-9452

E Mail: private.office@detini.gov.uk

Your Ref: SW/np

Our Ref: DETI COR 1219/2015

Ms Suzanne Wylie
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 5GS

St
5 November 2015

Dear Suzanne,

PETROLEUM EXPLORATION AT WOODBURN FOREST

Thank you for your letter of 9 September in relation to concerns about the proposed drilling by InfraStrata Plc in Woodburn Forest, Carrickfergus, under Petroleum Licence PL1/10. I apologise for the delay in responding.

The concerns raised in your letter are issues regulated by a number of organisations and I note that your letter has also been sent to the Minister for the Environment and to Mid and East Antrim Council.

I am therefore responding regarding the issue directly concerning the Department of Enterprise, Trade and Investment (DETI); namely the matter of no Strategic Environmental Assessment (SEA) having been carried out by DETI.

The EU SEA Directive (2001/42/EC) applies to plans and programmes whose first formal preparatory act was on or after 21 July 2004. The current petroleum legislation in Northern Ireland specifies an "open door" system whereby companies can apply for any unlicensed area of Northern Ireland at any time. As such the petroleum licensing regime for Northern Ireland has remained essentially the same since the late 1980s and predates the SEA Directive. Accordingly a SEA was not deemed necessary by DETI at the time of issuing PL1/10 to InfraStrata Plc.

I trust you will find the above helpful.

Yours sincerely

Jonathan F. Bell

JONATHAN BELL MLA

Minister of Enterprise, Trade and Investment

11.11.15

Copied to:

Siobhan Toland

Stephen McCrory

Barry Flynn

Chief Executive's Office		
Date	6.11.15	
Seen by CX		
Referred to		
ACX	Corp Comms	Dem Serv
GR	SPP	Bus Supp.
Dev	F&R	H&ES
P&L	P&P	Other
Ref	SW 16/11	

Call for Evidence:

Permitted Development Rights for Mineral Exploration

Launch date: 14 March 2016

Respond by: 13 May 2016

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Introduction

The Department of the Environment will be undertaking a review of permitted development rights for mineral exploration as set out in Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. This Call for Evidence will help inform the scope of this review.

How to Respond

You are invited to submit your views in response to this Call for Evidence **by 5.00pm on 13 May 2016**. Comments after this deadline will not be accepted.

All responses must be marked 'Mineral Exploration' and should be emailed to the Department at the following address:

ppdlegteam@doeni.gov.uk

Please note that your response may be made public by the Department. For example, information people provide in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

Background

1. In Northern Ireland, the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) sets out what type of development can be undertaken without requiring a planning application. These are referred to as permitted development rights and often relate to minor development that is non-contentious and has minimal impact to amenity and the environment. A summary of the permitted development rights set out in the GPDO in relation to Mineral Exploration is included in Annex A.
2. Mineral exploration for all purposes is granted permission by virtue of Class A of Part 16 to the Schedule to the GPDO (see Annex B). It consists of development on any land **for a period not exceeding four months** of the drilling of boreholes, the carrying out of seismic surveys, or the making of other excavations for the purpose of mineral exploration.
3. It also includes for the purpose of mineral exploration the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations. There is a requirement to pre-notify the relevant district council of the proposed exploration and the council may, should it wish, issue a direction restricting permitted development rights (known as an Article 7 direction) thus requiring the submission of an application for planning permission.
4. Minerals are an important natural resource and their exploitation makes an essential contribution to Northern Ireland's prosperity and well-being. The minerals extraction industry provides employment, often in rural areas, and produces a wide range of products for a variety of purposes in construction, agriculture and industry. The Department wishes to facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment.

5. It should not be presumed that successful future exploration will guarantee planning permission to exploit any proven reserves. Future extraction proposals must to be subject to the full rigours of the planning process and consideration of the environmental effects of specific proposals as well as all other material planning considerations.

Why undertake a review?

6. Permitted development rights for mineral exploration have remained constant for over 2 decades. The existing provisions were designed to deal with onshore oil and gas exploration involving the conventional techniques that were used at that time. The industry has progressed since then with modern exploration and excavation techniques. In addition, the recent emergence of unconventional hydrocarbon extraction techniques means this is a timely opportunity for the views of all stakeholders to be considered.
7. The Minister for the Environment, Mark H Durkan, is aware of the concerns raised by members of the public and colleagues in the Assembly on the potential environmental impacts of exploratory drilling and wishes to provide an opportunity for all interested parties to express their views on key matters that they consider pertinent. The Minister wishes to ensure an appropriate balance between the regulatory burden on the minerals and extractive industries and protecting the environment, amenity and public safety.

Purpose and scope

8. This Call for Evidence is part of the process of gathering the necessary information to inform the subsequent review of permitted development rights for mineral exploration. It is intended to provide further information on the operation and impact of the permitted development rights which currently exist and provide up-to-date evidence on the social, environmental and economic impacts of exploratory development for minerals going forward.

9. Whilst the Department welcomes comments on all aspects of permitted development rights for mineral exploration (and any other information and evidence that may assist in the forthcoming review) it is particularly keen to hear views on the following key question.

- **Do you believe that the existing provisions on permitted development rights for mineral exploration (as set out in Annex A and B) provide a suitable balance between supporting operational business activity and environmental protection?**

If not, please provide information to support your answer.

Next steps

10. Responses to this Call for Evidence should be made to the Department by 5:00 p.m. on Friday 13 May 2016.
11. The information gathered as a result of this Call for Evidence will be considered by the Department and will help inform the future approach to permitted development rights for mineral exploration.
12. Any necessary revisions to permitted development rights under the GPDO would follow the normal policy development process including public consultation on any draft proposals and the normal process of Assembly scrutiny.

DoE Planning Policy Division
Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

Annex A - Permitted development rights for Minerals Exploration

Background - Minerals Development and PDRs for minerals exploration in Northern Ireland

1. Class A of Part 16 of the Schedule to the GPDO provides permitted development for mineral exploration consisting of development on any land **for a period not exceeding four months** of the drilling of boreholes, the carrying out of seismic surveys, or the making of other excavations for the purpose of minerals exploration. It also includes for that purpose the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.
2. Apart from the four month limit there are also specific exclusions that prevent the exercise of the permitted development where:-
 - a. It is within an area of special scientific interest or site of archaeological interest
 - b. Any explosive charge of more than 1 kilogram is used, or
 - c. Any structure assembled or provided would exceed 3 metres in height where such a structure would be within 3 kilometres of an airport.
3. Development permitted by this Class is also subject to a number of conditions to protect trees, to deal with excavated material, and to ensure that the land is adequately restored (including sealing boreholes and having excavations filled).
4. **Importantly the developer must also notify the district council in writing** giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescales. This allows the

district council, should it wish, to make a direction within 21 days of receipt of the notification that the permitted development right should not apply and that the development should not be carried out unless permission for it is granted on a planning application.

5. Such a direction can be issued for a number of reasons including:-
 - a. That the development is to be carried out on land which is within or affects a sensitive area such as a conservation area, a National Park, a nature reserve , an AONB, an ASSI or a site of archaeological interest;
 - b. That the development either taken by itself or in conjunction with other development would cause serious detriment to the amenity of an area in which it is to be carried out or would adversely affect the setting of a listed building;
 - c. That the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
 - d. That the development would endanger aircraft using a nearby airport.

6. Permitted development rights are automatically excluded if the proposed works constitute EIA development and all permitted development rights are subject to the relevant provisions of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995.

Annex B - Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015

PART 16

MINERAL EXPLORATION

Class A

Permitted development A.

Development on any land during a period not exceeding 4 months consisting of—

- (a) **the drilling of boreholes;**
- (b) **the carrying out of seismic surveys; or**
- (c) **the making of other excavations;**

for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.

Development not permitted

A.1

Development is not permitted by Class A if—

- (a) the developer has not previously notified the council in writing giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescale;
- (b) any operation is within an area of special scientific interest or site of archaeological interest;
- (c) any explosive charge of more than 1 kilogram is used;
- (d) any structure assembled or provided would exceed 3 metres in height where such structure would be within 3 kilometres of an airport.

Conditions

A.2

Development is permitted by Class A subject to the following conditions—

- (a) the development shall be carried out in accordance with the details contained in the developer's written notification to the council referred to in paragraph A.1(a), unless the council otherwise agrees in writing;
- (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the council so agrees in writing;
- (c) before any excavation (other than a borehole) is made, any topsoil and any subsoil shall be separately removed from the land to be

excavated and stored separately from other excavated material and from each other;

- (d) within a period of 28 days from the cessation of operations unless the council, in a particular case, agrees otherwise in writing—
 - (i) any borehole shall be adequately sealed;
 - (ii) any excavation shall be filled from material from the site;
 - (iii) any structure permitted by Class A and any waste material arising from development permitted by Class A shall be removed from the land;
 - (iv) the surface of the land on which any operations have been carried out shall be levelled and any topsoil replaced as the uppermost layer; and
 - (v) the land shall, so far as is practicable, be restored to its condition before the development took place.

Interpretation of Part 16 A.3

For the purposes of Part 16—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“structure” means a building, plant or machinery or other structure.