MEA-DPS-026

BY EMAIL AND POST

11th December 2019

Our Ref: C04288

GRAVIS PLANNING
BELFAST | DUBLIN

Mid and East Antrim Borough Council
Local Development Plan Team
County Hall
182 Galgorm Road
Ballymena
BT42 1QF

Dear Sir/Madam,

Re: Mid and East Antrim Borough Council Local Development Plan – Response to the Draft Plan Strategy on behalf of EPUKI

This letter is submitted on behalf of our client EPUK Investments (EPUKI), who own Kilroot and Ballylumford Power Stations, and relates to the publication of the Mid and East Antrim Borough Council draft Plan Strategy, which was launched by the Council on Tuesday 17th September 2019. It highlights concerns in relation to the soundness of the draft Plan Strategy and proposes amendments to improve its soundness. We specifically draw your attention to a suggested bespoke additional strategic policy relating to 'Strategic Energy Infrastructure and Development' in order to help contribute towards a more diverse energy mix and provide adequate security of supply.

Development Plan Practice Note 6 sets out 3 main tests of soundness for Local Development Plans, with each test having a number of criteria, as follows:

Procedural Tests

P1 *Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?*

P2 *Has the council prepared its Preferred Options Paper and taken into account any representations made?*

P3 *Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?*

P4 *Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?*

Consistency Tests

C1 *Did the council take account of the Regional Development Strategy?*

C2 *Did the council take account of its Community Plan?*

C3 *Did the council take account of policy and guidance issued by the Department?*

C4 *Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?*

Coherence and Effectiveness Tests

CE1 *The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;*

CE2 *The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;*

CE3 *There are clear mechanisms for implementation and monitoring; and*

CE4 *It is reasonably flexible to enable it to deal with changing circumstances.*

Mid and East Antrim Borough Council Vision

"Mid and East Antrim will be shaped by high quality, sustainable and connected places for people to live, work, enjoy, invest and visit, so as to improve the quality of life for all"

We **support** this vision as it reflects the Council aspirations for the area to have improved job opportunities, house availability and connectivity that meets the needs of the community over the plan period to 2030. The provision of good quality infrastructure is an important part of fostering healthy sustainable communities and delivering successful places. It is important to recognise the Strategic Energy Infrastructure located at Kilroot and Ballylumford as being key infrastructure opportunities going forward. It also sets out that quality of life is also influenced by prosperity of individuals and communities, making the Council area a better place in which to live and work over the plan period.

District Profile

Within the district profile, it is recognised that energy within the Borough is primarily produced by the use of fossil fuels to generate electricity. Northern Ireland has three major electricity generating stations, two of which are located within the Borough. Ballylumford Power Station is located at Islandmagee, whilst Kilroot Power Station is located in Carrickfergus. Both are operated by our client and are strategically important to both the Council area and wider NI. Both sites also provide significant employment opportunities and business rates contributions.

Whilst we **support** the recognition of the importance of both sites for power generation and employment, we believe the draft Plan Strategy should contain specific strategic level policy for both sites given their strategic importance to NI and all island energy markets. Kilroot and Ballylumford

need specific recognition in the LDP to protect the existing developments and facilitate future development which will add to the security of supply and a modern energy mix.

Strategic Objectives

On pages 44-46, the council sets out 25 Plan Strategy Objectives broken up into three broad categories:

- **Economic** – LDP Topic Areas: Sustainable Economic Growth/Transportation, Infrastructure and Connectivity
- **Social** – LDP Topic Area: Building Sustainable Communities
- **Environmental** – LDP Topic Areas: Countryside Strategy, Stewardship of our Built Environment and Creating Places, and Safeguarding our natural environment

We are **generally supportive** of these 25 objectives in principle, specifically those relating to energy generation that aim to facilitate the provision or upgrading of public utilities infrastructure to meet economic and community needs; and those that support the generation of energy, particularly from renewable sources, in a balanced way that takes due account of environmental impacts and on sensitive or vulnerable landscapes. Further discussion on the relevant strategic policies are discussed in detail below.

Spatial Growth Policy

We are **generally supportive** of the Spatial Growth Strategy set out below. Specifically, the criterion to focus on major population growth and economic development in the three major towns of Ballymena, Carrickfergus and Larne, strengthening their roles as the prime locations for business, retail, housing, administration, leisure and cultural facilities within the Borough. Although, we believe that both appropriate conventional and renewable energy should be recognised within the spatial growth strategy given that Mid and East Antrim is the key strategic location in relation to Northern Ireland's existing energy network, this should be promoted further.

SGS1 Spatial Growth Strategy

Table 5.2 Spatial Growth Strategy

	Link to RDS Spatial Framework Guidance (SFG)
Manage growth to secure sustainable patterns of development across Mid and East Antrim.	
Focus major population growth and economic development in the three main towns of Ballymena, Carrickfergus and Larne, strengthening their roles as the prime locations for business, retail, housing, administration, leisure and cultural facilities within the Borough.	SFG1, 4, 5, 10, 11, 12, 15
Facilitate appropriate growth in our small towns to provide opportunities for business, retail, housing and services.	SFG13, 14
Sustain rural communities living in and around villages and small settlements.	
Facilitate sustainable development in the open countryside, balancing the need to protect the environment and rural character while sustaining a strong and vibrant rural community.	

Kilroot and Ballylumford Power Station Sites

In 2019, EPUKI acquired the 708 MW Ballylumford gas-fired power plant, the 701 MW Kilroot coal and oil-fired power plant and the 10 MW Kilroot Energy Storage facility from the AES Corporation. This represents the first EPUKI acquisition within the NI Energy Market.

Kilroot power station is a coal and oil fired power station on the north shore of Belfast Lough at Kilroot near Carrickfergus. The station generates 560 megawatts (MW) of electricity from dual coal and oil fuelled generators, along with approximately 141 megawatts (MW) from four Gas Turbines and 10 MW of battery energy storage from the Kilroot Energy Storage Array. It is the only coal-fired power station operating in Northern Ireland. The power station employs 90 people and supports many more contractors.

Ballylumford power station is a natural-gas-fired power station in County Antrim. The plant is located at the tip of the Islandmagee peninsula, which separates Larne Lough from the Irish Sea. With its main Combined Cycle Gas Turbine plant generating 600 megawatts of electricity, the power station also employs 72 people and supports many more contractors.

Northern Ireland is energy rich, and in the last 15 years has begun to utilise these indigenous energy resources using new and advanced technologies. The power sector in Northern Ireland has subsequently become increasingly decarbonised, facilitated by clear policies driving sustainable development, such as the Strategic Energy Framework 2010-2020, Sustainable Development Strategy and Regional Development Strategy 2035, and supporting policies such as Planning Policy Statement 18 and the Renewables Obligation scheme.

This success has been delivered with significant private investment across Northern Ireland and the growth of a supply chain that services local industry and exports to other markets. Renewable energy and its associated infrastructure are now a major industrial sector, helping to sustain economic growth and employment. Without reliable and affordable energy, economies and communities will cease to function.

Given the above restrictions it is absolutely essential that the policy position needs to be strengthened ensuring the protection of Kilroot and Ballymlumford Power Stations as Strategic Energy Locations to help promote a more diverse energy mix on the above sites in the drive to provide adequate security of supply.

As mentioned, we are supportive of the recognition given within the draft Plan Strategy to Kilroot and Ballylumford Power Stations as key strategic locations in relation to the Northern Ireland energy network, although we would encourage the Council to go one step further and include a specific strategic level policy which recognises the regional importance of both sites and which will ensure their position as important energy generation locations and promote them for future energy generation diversification.

The policy aim should be to provide Northern Ireland with a robust and flexible energy infrastructure that will support economic development, facilitate an increasing level of renewables and provide security of energy supply within the borough and throughout Northern Ireland.

New Policy Heading: Strategic Energy Infrastructure and Development

Suggested Policy Wording:

Mid and East Antrim is a key strategic location in relation to Northern Ireland's energy network given the location of Kilroot and Ballylumford power stations in the Borough.

Development that generates energy from appropriate conventional and renewable resources will be supported in these locations provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

(a) public safety, human health, or residential amenity;

(b) visual amenity and landscape character;

(c) biodiversity, nature conservation or built heritage interests;

(d) local natural resources, such as air quality or water quality; and

(e) public access to the countryside.

Promotion of a more diverse energy mix on the above sites is required to provide adequate security of supply.

Creation of complimentary land uses on site shall be permitted subject to those uses having synergy with existing and proposed energy development.

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

Gas Infrastructure

Having reviewed the draft Plan Strategy, there doesn't appear to be any specific strategic policy relating to gas infrastructure. We consider that a specific policy is needed in line with the guidance, goals and aspirations set out in the Regional Development Strategy, 2010 DETI Document 'Energy a Strategic Framework for Northern Ireland', The NI Economic Strategy (2012) and the draft Programme for Government (2016-2021).

Under RG5, the Regional Development Strategy seeks to deliver a sustainable and secure energy supply. An element of this is to provide new gas infrastructure. It is recognised that new gas infrastructure, including provision of natural gas to new areas of Northern Ireland would enhance diversity of energy supply.

The 2010 DETI publication "Energy a Strategic Framework for Northern Ireland" sets out the direction of travel for energy policy in NI for the 10-year period up to 2020 and has four energy goals, namely building competitive markets; ensuring security of supply; enhancing sustainability; and developing energy infrastructure. The SEF sets out that a number of power stations in NI are already powered by

gas and it's likely that NI will remain largely dependent on gas fired plant for security of supply until at least 2040. The framework accepts that while investment is needed in renewable energy generation, the more conventional means of generating power are also important. With the eventual closure of coal fired power stations in NI post 2020, gas infrastructure represents a cleaner technology (albeit not renewable) and is a lower carbon alternative and ensures security of supply.

The NI Economic Strategy 'Priorities for Sustainable Growth and Prosperity 2012' states that Government will rebalance the NI economy and develop economic infrastructure through the implementation of the Strategic Energy Framework and seeking to overhaul our energy structure to ensure its fit for purpose through to 2050. This includes long term investment in the electricity grid, exploring prospects for further development of the natural gas network and encouraging proposals aimed at increasing the security of energy supply.

Furthermore, the Programme for Government acknowledges the importance of a 'secure, sustainable and cost-efficient energy supply'. The document states that energy is necessary for the effective functioning of modern economies. We are dependent on an abundant and uninterrupted supply of energy for living and working. The energy sector brings employment, investment, infrastructure, technological advances, knowledge and skills, that can be highly beneficial to the wider economy in general. Energy is both a facilitator of, and a contributor to, economic growth. In addition, energy costs are a key factor in the competitiveness of our economy.

With the above in mind, we consider that gas infrastructure should be better presented within the draft Plan Strategy and we suggest the addition of the below strategic policy:

New Policy Heading: Gas Infrastructure

Development relating to the provision of new gas infrastructure as a lower carbon alternative will be supported to ensure security and reliability of future gas supply.

Proposals which explore prospects for further development of the natural gas network and aim to increase the security of energy supply will be encouraged.

Whilst it is important to also support diversification of energy to maintain an energy supply, it is also vital to maintain the conventional means of generating power such as gas for adequate security of supply. As mentioned above an abundant and uninterrupted supply of energy is required for living and working. Therefore, it is essential that the draft Plan Strategy both protects and supports conventional energy whilst promoting a diverse energy mix and increased integration.

Section 9.3 Renewable Energy

It is recognised within the draft Plan Strategy that renewable energy contributes to sustainable development, mitigates against climate change, and improves air quality by reducing greenhouse gas emissions and our dependence on fossil fuels. All this contributes to improving the overall health and well-bring of our society. It also brings about a diverse range of energy generation to help ensure a more secure and sustainable energy system. The Northern Ireland Executive's 2010-20 Strategic Energy Framework target to achieve 40% of electricity consumption from renewable sources by 2020 is close to being met, with the latest figure at 38.6%.

It is stated at paragraph 9.3.2 that *"Mid and East Antrim is a key strategic location in relation to Northern Ireland's energy network given the location of Kilroot and Ballylumford power stations in the Borough. In addition, Mid and East Antrim's wind resource and topography has attracted numerous renewable energy projects, including wind farms and large-scale solar farms across the Borough".*

The draft Plan Strategy introduces Policy RE1 'Renewable Energy Developments' which is set out below:

Policy RE1 Renewable Energy Development

Outside of Special Countryside Areas, a proposal for a renewable energy development together with any associated buildings and infrastructure, will be permitted where it meets the General Policy and accords with other provisions in the LDP. In addition, the proposal must meet all the following criteria:

a) it will not have an unacceptable adverse impact on visual amenity or landscape character;

b) it will not cause significant harm to the safety or amenity of any sensitive receptors[43] (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light;

c) it will not unacceptably restrict public access to the countryside, or recreational/tourist use of the area;

d) no part of it will have an unacceptable impact on roads, rail or aviation safety;

e) it will not have an unacceptable adverse impact on nature conversation and biodiversity;

f) it avoids active peatland, unless it is demonstrated there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended;

g) it will not have an unacceptable adverse impact on air quality, water quality and quantity; and

h) it will not prejudice the operational effectiveness of existing or approved energy infrastructure.

A cautious approach for renewable energy development proposals will apply within areas of the countryside that are valued for their distinctive landscape and environmental qualities. Certain types of renewable energy development proposals will also be restricted within the Areas of Constraint on High Structures (see Countryside Strategy strategic spatial proposals and policies and Safeguarding our Natural Environment policies).

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.

Where any proposal is likely to result in unavoidable damage during its installation, operation or decommissioning, then the applicant must 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. Applicants will also be required to ensure that upon decommissioning, all above-ground redundant structures, plant, buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. These matters will need to be agreed with Council before planning permission is granted and appropriate conditions applied to any approval.

A proposal for the re-use, refurbishment or repowering of an existing renewable energy development in order to extend its lifespan will be considered favourably subject to meeting the criteria within this policy.

Wind Energy Development

In addition to the above, a wind energy development proposal must also meet all the following criteria:

i) the development proposal has taken into consideration the cumulative impact of existing wind turbines, including extant permissions and undetermined applications;

j) the development will not create a significant risk of landslide or bog burst;

k) no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems; and

l) a separation distance of 10 times rotor diameter to any occupied, temporarily unoccupied or approved dwelling outside the applicant's control can be achieved. A minimum distance of not less than 500m will generally apply to wind farms[44], with single turbines assessed on a case by case basis.

Ground Mounted Solar Photovoltaic Installations

A solar development proposal will be permitted provided it meets both the Renewable Energy Development criteria and the General Policy. Large scale solar farms will not be permitted within the Antrim Coast and Glens AONB or Areas of Constraint on High Structures designated in the LDP.

We are **generally supportive** of the above policy as all renewables proposals should demonstrate the environmental, economic and social benefits (including the amount of energy to be produced and the contribution to meeting Northern Ireland's renewable energy targets) as well as how any environmental or social impacts have been minimised or mitigated against through the siting, scale, design and layout of the development. However, we believe there should be 'significant' weighting given to those environmental, economic and social benefits.

We believe the above policy should also encourage the use of renewable fuels to allow for more sustainable power generation that will make a positive contribution towards the UK Government's climate change commitments. We believe flexibility should be retained within this policy to allow it to remain relevant to future renewable energy development and keep pace with this rapidly developing sector.

This is in line with the Regional Development Strategy which emphasises the need to increase the contribution that renewable energy can make to the overall energy mix. 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 SPPS also includes three regional strategic objectives in relation to renewable energy (paragraph 6.219) and states that LDPs should set out policies and proposals that support a diverse range of renewable energy development.

Soundness Test

- Policy RE1 is not sound as it is does not take account of the renewable energy objectives within the RDS (Test CE1) nor the Programme for Government (Test CE4).

Remedy

- Revise the wording of RE1 so that the weighting afforded to environmental, economic and social benefits are 'significant' rather than 'appropriate'.
- The policy should also encourage the use of renewable fuels to allow for more sustainable power generation that will make a positive contribution towards the UK Government's climate change commitments.

Section 9.6 Waste Management – Policy WMT1 Environmental Impact of a Waste Management Facility

Policy WMT1 discusses the environmental impact of a waste management facility and is set out below. The promoting of development of waste management and recycling facilities in appropriate locations; ensuring any detrimental effects are avoided or minimised; and securing appropriate restoration and after-use of waste management sites are all regional strategic objectives of the SPPS.

Policy WMT1 Environmental Impact of a Waste Management Facility

A proposal for a new or expanded waste management facility will be permitted where there is no unacceptable adverse impact on the environment. Where there is adverse impact(s), a proposal can only be approved if it can be demonstrated, to the satisfaction of the Council, that the impact can be effectively mitigated through appropriate measures.

Planning permission will be granted where it can be demonstrated that the proposal meets the General Policy and accords with other provisions of the LDP. In addition, applicants will be required to demonstrate that all of the following criteria relating specifically to waste management development are met:

a) the visual impact of the proposal, including the final landform of landfilling or land raising operations, is acceptable in the landscape and will not have an unacceptable visual impact on seascape or any area designated for its landscape quality;

b) wherever practicable, the waste management facility is located in reasonable proximity to where the waste arises;

c) wherever practicable, the use of alternative transport modes for the movement of waste materials, in particular, rail and water, has been considered;

d) the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental pollution risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures; and

e) in the case of waste disposal operations, the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

We are **supportive** of the above policy as it is important to facilitate the development of new waste management facilities in appropriate locations, to minimise the environmental impact of waste management facilities; control development in proximity to existing waste management or WwTW facilities; and to facilitate proposals intended to improve land quality. We would encourage the above policy to promote waste management facilities with renewable credentials.

Policy WMT2 Waste Collection and Treatment Facilities

Policy WMT2 discusses waste collection and treatment facilities.

Policy WMT2 Waste Collection and Treatment Facilities

A proposal for the development of a waste collection or treatment facility will be permitted where it meets the General Policy and accords with other provisions of the LDP. In addition, the applicant will be required to demonstrate that there is an identified need[50] for the facility and that one or more of the following locational criteria are met:

a) is located within an industrial or port area of a character appropriate to the development;

b) is suitably located within an active or worked out hard rock quarry;

c) is on, or adjacent to, the site of an existing or former waste management facility including a landfill site;

d) brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings;

e) in the case of a civic amenity facility, is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or

f) is suitably located in a rural area and involves the reuse of existing buildings or is on land within or adjacent to existing non-residential building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact.

In addition, the following operational criteria must also be met:

i. in the case of a regional scale waste facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;

ii. proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;

iii. the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;

iv. proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and

v. it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WMT1 Environmental Impact of a Waste Management Facility).

We are **supportive** of the above policy as proposals for waste collection or treatment facilities should be provided in appropriate locations as well as other criteria covering access and transport modes, suitability of buildings and facilities, energy recovery, and environmental impact.

We look forward to receiving an acknowledgement of receipt of this submission and engaging further with the Council as the LDP progresses.

Yours sincerely,

[redacted]

Lisa Shannon
Gravis Planning