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Submitted to Review of The Planning (Development Management) Regulations (Northern Ireland) 2015
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Introduction

1 Are you responding as an individual or an organisation?

Organisation

Please provide your organisation's name::
Royal Town Planning Institute

Section 2: Review of regulations 2 and 3, and the Schedule (Major Development Thresholds)

Class 2 Energy Infrastructure

2 Do you consider that the current sub-classes and associated definitions within the class of Energy Infrastructure remain relevant, and encompass emerging technologies and future development trends?

No

If no, please provide information on suggested changes to the sub-classes and their descriptions, including where relevant potential technologies, proposed thresholds / appropriate measurements to identify these as major and regionally significant development.:

The current sub-classes and associated definitions within the class of Energy Infrastructure do not encompass emerging technologies and development trends and need to be updated and clarified to reflect this. Meeting Northern Ireland's ambitious 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets necessitates a significant amount of new energy infrastructure, both large, regionally significant developments and small-scale developments. This includes the infrastructure needed to convert primary sources of energy (e.g. wind) into energy carriers (e.g. electricity or hydrogen), and to store and transport primary fuels and energy carriers into and around the country. Technological advances mean the current classes, sub-classes and definitions would benefit from an update. We need to dramatically increase the volume of energy supplied from low carbon sources. Whilst it is not the role of the planning system to deliver specific amounts of infrastructure, having clear planning policy and development management thresholds relating to energy infrastructure will help steer development that is appropriate and necessary to deliver our energy objectives. The RTPi commends the Department for Infrastructure in its initiative in 2022 to make it easier for householders and businesses to install renewable technologies through permitted development rights. This is a positive step on the path towards making our energy supply more secure and less carbon-intensive and micro-renewables such as Air Source, Water Source or Ground Source Heat Pumps have an important role to play. In addition to maximising/promoting renewable and low carbon energy generation at all scales, and minimising the carbon impact of other energy generation, the planning system should: - facilitate the integration of sustainable building design principles in new development; - promote location of new developments to allow for efficient use of resources; and - optimise energy storage and the integrated planning of infrastructure investment so that grid capacity is available where renewable energy opportunities are, and energy demand is highest.

Class 2 Energy Infrastructure

3 Do you consider that the current MW thresholds for electricity generating development should be revised?

Yes

If yes, please outline suggestions for change and explain your reasoning. :

Current thresholds need to be updated to reflect changes in emerging energy technologies. For instance, for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011, the Major Development threshold for the construction of an electricity generating station is where its capacity is or exceeds 30 megawatts. The threshold for all onshore development associated with the construction of an offshore electricity generating station is where there is a capacity which is or exceeds 30 megawatts. By comparison, the Overarching National Policy Statement for Energy (EN-1), which came into force in January 2024, defines Major Development as onshore generating stations (but not onshore wind or electricity storage, except hydroelectric storage) generating more than 50 megawatts (MW) in England and 350MW in Wales. EN-1 also includes as Major Development offshore generating stations generating more than 100MW offshore in territorial waters adjacent to England and within the English part of the Renewable Energy Zone, and those generating more than 350MW in territorial waters adjacent to Wales and the Welsh part of the Renewable Energy Zone.

Class 2 Energy Infrastructure

4 Do you consider that separate thresholds for wind energy and electricity generation stations would be beneficial?

Yes

If yes, please provide suggestions on thresholds and the appropriate measurements to identify major and regionally significant development and explain your reasoning.:

Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). The role of wind energy generation is particularly important in Northern Ireland. Specific considerations are required for wind energy permissions, particularly the siting of wind turbines. There needs to be control through the Development Management system regarding the cumulative impact of numerous installations in any particular area, especially with regard to visual impact, noise impact and impact on wildlife. Also, maintenance is essential to keep turbine noise at agreed levels.

In terms of thresholds, Northern Ireland could follow the trajectory of the Overarching National Policy Statement for Energy (EN-1), which came into force in England and Wales in January 2024. EN-1 defines applications for offshore wind above 100MW in England, or 350MW in Wales, as being nationally significant. Applications for onshore wind turbines are considered by the relevant local planning authority in England and Wales.

Community schemes should be encouraged through the planning system, wherever possible, to reduce the amount of hardware required and its appropriate setting within a locality. Until Local Development Plans are adopted, strategic planning policy would benefit from identifying broad areas which have the capacity to site wind and solar generation. The policy could also set out criteria against which proposals could be assessed. Individual sites should then be assessed on their own merit and factors such as environmental impact and community views be assessed through the planning system. Again, environmental expertise is required at local and central government levels to deliver effective and timely environmental impact assessments, mitigation and monitoring.

We need a place-based approach to renewable energy generation and provision, with strategic direction to unlock potential conflicts in land use planning. Local Development Plans are a significant opportunity to provide an integrated place-based approach to delivering low carbon energy supplies where the demand and opportunities are. More effective cross scale working between DAERA, DfI and Local Councils is needed to deliver local plans and policies that will support the transition to greener energy sources. This is essential to underpin the Development Management system.

Class 2 Energy Infrastructure

5 Do you consider it beneficial to adapt the sub-class of Storage to encompass emerging clean energy solutions and storage options which are likely to come forward in support of a decarbonised energy sector?

Yes

If yes, please provide suggestions on potential options, proposed thresholds and the appropriate measurements to identify major and regionally significant development. If no, please explain your reasoning.:

Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Many of the storage facilities currently being deployed provide storage over a period of hours but cannot cost effectively cover prolonged periods of low output from wind, for instance. There are a range of storage technologies that may be able to provide storage over longer periods of low wind output (e.g. days, weeks or months) but many of these technologies are not yet available at scale or have an upper limit on deployment due to geographical constraints. Whilst it is not the role of the planning system to deliver specific amounts of infrastructure, having clear planning policy and development management thresholds relating to Storage will help steer development that is appropriate and necessary to deliver our energy objectives.

Interestingly, the Infrastructure Planning (Electricity Storage Facilities) Order 2020 removed all forms of electricity storage, other than pumped hydroelectric storage, from the definition of nationally significant energy generating stations in England and Wales under the Planning Act 2008. Applications for adding electricity storage to an existing generation station which has consent under the NSIP regime or under section 36 of the Electricity Act 1989 may also be consented outside of the Planning Act 2008 process. Therefore many applications in England and Wales relating to energy storage are not defined as nationally significant and can be determined by the relevant local planning authority.

6 For those energy technologies and systems which have multifunctional roles, please state below how these should be categorised within Energy Infrastructure and provide thresholds and appropriate measurements to identify major and regionally significant development.

Comment box:

No specific comment. However, any changes should avoid trying to be too prescriptive or precise because of the rate of technological change.

Class 2 Energy Infrastructure

7 Do you consider that the current descriptions, thresholds and measurements for the sub-classes of Extraction and Pipelines, remain relevant and encompass emerging technologies and future development trends?

No

If no, please provide suggestions for change, proposed thresholds and the appropriate measurements to identify major and regionally significant development.:

Current descriptions and thresholds for Extraction only cover 'unconventional hydrocarbons', petroleum and natural gas. Therefore the descriptions need to be widened and clarified to include other power plants such as geothermal, which are not typical 'extraction' as such, but do draw fluids from underground reservoirs to the surface to produce steam.

Consideration also needs to be given to Interconnectors in the definitions. Interconnection across national borders has an essential role in delivering a secure, low carbon electricity system, providing access to a diverse pool of generation, and enabling the import and export of electricity. Interconnectors provide the system with additional flexibility, reducing the curtailment of renewable energy, and can also provide a range of ancillary services, such as voltage and black start services. In considering applications, applicants are expected to consider foreseeable future demand when considering the location and route of their investments. This may involve consenting offshore platforms, converter stations or substations which facilitate future coordination.

Class 7 Retailing, Community, Recreation & Culture

8 Do you consider that the current definition of Class 7 and the corresponding thresholds and criterion for major development are appropriate and relevant?

Yes

If no, please suggest changes and explain your reasoning. :

Although town centre retail development is unlikely to raise any in principle policy concerns, town and city centres are often densely built with a mix of uses, so a new building or large extension does have the potential to impact on surrounding occupiers. The PACC process is important in these circumstances, so retaining town centre retail exceeding 1000sqm within the major definition is considered beneficial, certainly until LDPs are adopted.

Conversely, out of centre retail is likely to have fewer neighbour impacts but far more significant policy impacts, for example, harm to existing town centres, which should be the focus of retail activity. Out of centre retail should therefore also remain within the major definition.

9 Do you believe there is merit in amending this Class to relate solely to proposals for retail development (Part A, Use Classes Order), with a threshold of 1000 sqm or more of gross floor space outside the town centre? In this scenario, proposals for the development of community, recreation and cultural uses would be considered under the Class 'All other development'.

No

Please explain your reasoning.:

The town centre first approach should apply to many development types – office/commercial and leisure too, not just retail. There will be some developments that have to be out of town due to land availability (e.g. sports stadium) or suitability (e.g. distribution warehouse).

Class 9: All Other Development

10 Do you consider that the potential changes to Class 9, including the approach to mixed class development, will create a consistent, clear and robust approach to establishing major development?

Yes

If no, please explain your reasoning.:

Other comments

11 Do you have comments on any other aspect of regulations 2 and 3, and the Schedule (classes of development and corresponding thresholds or criterion)?

Yes

If yes, please provide any comments and/or suggestions for change and explain your reasoning.:

Planning plays an essential role in the climate action and sustainability conversation, with its ability to integrate energy, transport and land use planning, encourage sustainable travel, develop the best local solutions to low carbon energy, deliver well located and energy efficient housing, guide investment in integrated blue and green infrastructure and coordinate strategic resilience to the impacts of climate change. It is critically important that the planning service is suitably resourced and planners receive the appropriate training and empowerment to make holistic decisions. Decision-making on planning issues should be made within the planning system as often as possible. RTPI NI believes that there is under resourcing and underfunding of the planning service which often results in planning staff being unable to meet the current demands placed upon them. The area of Planning Enforcement is under particular pressure. The system must have the resources it requires.

In addition, RTPI NI would encourage the government to pursue a place-based and ecosystems-based approach, rather than a sectoral one, where policies relating to climate action and adaptation are integrated into land use policies and development decisions, and behaviour change of all individuals in society towards sustainable choices is encouraged through the creation of a built environment that encourages low carbon lifestyles. This can bring positive and lasting change, be more reliable longer term, and provide multiple co-benefits to society such as improved health and wellbeing, more secure supply chains, creation of sustainable green jobs, and a reduction in NI's reliance on fossil fuels. Planning and sustainability colleagues need to work together in local authorities to develop strategies and action plans which prioritise a place-based approach.

A 'whole systems' approach promotes an understanding of the interactions between different parts of the system, and how these can combine to affect the desired outcome. A place-based systems approach would align local plans with the national sustainability agenda, create mechanisms which enable planning across boundaries, level up by addressing regional disparities in productivity and access to social infrastructure, provide technical and financial support to planners in local authorities to address internal barriers to delivery, and harness the power of data sharing to promote access to information about the planning process such as platforms for digital collaboration and engagement.

Section 3: Potential Changes to regulation 5 Pre-application Community Consultation

12 Please indicate your preferred option and explain your reasoning below.

Option 2

Q12 - comments:

The characteristics of good quality pre-application community consultation are that: (a) It is well advertised, accessible, and prompt; (b) Prospective applicants receive clear advice for them to act on to ensure sustainable development; and (c) Consultation operates in a way that makes the most efficient and effective use of local authority resources. RTPI NI understands that Option 2, with the option to conduct a consultation event either online or in person, can give the opportunity for more people to participate, particularly younger people, and can make better use of local authority time and resources. However, access to and the use of technology is not always possible, so Option 2 also enables in person events in those cases so as to guard against digital exclusion.

A standard approach will not achieve optimum engagement and the PACC approach should be capable of being adapted to the characteristics of the local community. Flexibility, which is provided by Option 2, is required around methods used in order to optimise pre-application community consultation.

13 Do you consider there to be an alternative option for incorporating online / digital engagement into the PACC process, which may be more beneficial?

No

If yes, please outline this option and explain your reasoning. :

The pace of technological change is so fast that it is often best to leave room for flexibility, and not be too prescriptive.

It is worth mentioning that the potential to improve 'frontend' input before final designs for a development are submitted might help to reduce concerns and objections, thereby speeding up the planning process.

Section 4: Potential Changes to regulation 7 Pre-Determination Hearings

14 Do you agree with the proposal to make Pre-Determination Hearings discretionary for councils?

Yes

If no, please explain your reasoning.:

If PDHs were discretionary, this could help to speed up certain planning applications, however, it is worth mentioning that significant delays to the planning process (particularly for more complex applications) are due to the insufficient resourcing of planners (and statutory consultees), rather than due to the existence of PDHs. Meaningful reform to the efficiencies of the planning system will only occur if/when the under-resourcing of local authority planners is addressed.