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WEDG Review Submissions,
Planning Policy and Legislation Section,
Department of Housing, Planning and Local Government,
Custom House,
Dublin 1,
D01 W6X0

19th February 2020

Re: Public Consultation on the revised Wind Energy Development Guidelines

Dear Sir /Madam,

Thank you for inviting the Department of Agriculture, Environment and Rural Affairs (DAERA) Northern Ireland to comment during the consultation period for the revised Wind Energy Development Guidelines.

DAERA has considered the consultation document and the department's opinion is set out below.

Marine Plan Comments

It is acknowledged that the Draft Revised Wind Energy Development Guidelines are intended to offer advice to planning authorities in relation to terrestrial wind energy developments through the development plan process and in the determination of applications for planning permission. Such decisions about land based developments, have the potential for significant impact on the marine environment, including in a transboundary capacity.

It is not clear how the likely significant effects on the marine environment have been considered in the accompanying SEA Environmental Report. Direct reference to the marine aspect, is limited to consideration under the Landscape component and referring only to the '*occurrence of adverse visual impacts in marine and island areas where there may be limited assimilative capacity*'. This approach does not include wider considerations of potential impacts from noise or shadow flicker, for example, from land based wind energy developments, on aspects of the marine environment. It is therefore suggested that likely significant effects on the, Biodiversity, Flora and Fauna; Water and Landscape environmental components should also be considered. Direct references to such marine considerations, should also be included in Table 5.1 Strategic Environmental Objectives and Table 8.3 Evaluation of the Guidelines. For example, the potential impact of noise from a land based wind energy development on marine species could be considered under the Biodiversity, Flora and Fauna component, in Table 8.3.

Similarly, it is not clear if the potential impact on seascape has been considered in the SEA Report. The concept of seascape is included in the draft Guidelines, as part of the technical appendices. Seascape is an important issue with respect to the marine environment and it is suggested that it should form part of the considerations under the Landscape environmental component.

Seascape is also of particular importance in relation to transboundary considerations for land based wind energy developments, especially with regard to marine impacts on the shared waters of Carlingford Lough and Lough Foyle.



It is noted that the purpose of the 'Statement on Transboundary Effects' document is to provide a clear understanding of the potential for transboundary environmental effects to occur in Northern Ireland as a result of the implementation of the draft Guidelines. It is also noted that it has been determined that significant residual adverse environmental effects will not occur in either Ireland or Northern Ireland. However, it is not recorded, whether or not transboundary effects, with respect to the marine environment, have been considered across all topic areas, in the SEA Report. It is suggested that marine considerations are strengthened throughout, including specific reference to the marine transboundary aspects, where relevant. For example, in Table 5.1, the Strategic Environmental Objectives for the Landscape and Biodiversity, Flora and Fauna environmental components could explicitly refer to 'seascape' and 'marine sites and species'. In addition, these components could also include a reference to transboundary considerations and the UK Marine Policy Statement would be useful in this regard.

It is acknowledged that the UK Marine Policy Statement, the UK Marine and Coastal Access Act 2009 and the Marine (Northern Ireland) Act 2013 have been included in the, Relationship with Legislation, Plans and Programmes Table at Appendix 1. It would also be useful to include the draft Marine Plan for Northern Ireland, 2018, in this context.

Marine Conservation Comments

Consideration must be given to the potential impacts of wind energy development on the marine environment.

Key policy considerations include the UK Marine Policy Statement and the Draft Northern Ireland Marine Plan.

Where a development could potentially have an impact on the marine environment in Northern Ireland Territorial waters (out to 12 nautical miles), DAERA Marine and Fisheries Division should be consulted.

Where percussive piling is required, consideration must be given to the impact of noise on marine mammals in Northern Ireland Territorial Waters. Public authorities and applicants should refer to JNCC guidance - <http://data.jncc.gov.uk/data/31662b6a-19ed-4918-9fab-8fbcff752046/JNCC-CNCB-Piling-protocol-August2010-Web.pdf> when considering construction methods within 100 metres of the Northern Ireland coastline.

Natural Environment Division (NED) Comments

NED has considered the consultation document and is of the opinion that significant environmental effects will not occur on the natural environment within Northern Ireland as a result of the implementation of these guidelines, and welcomes the consideration of potential transboundary impacts on biodiversity and landscape.

We would point out on in section 4.7.2.1 page 24 reference is made to WFD Monitoring Programmes being undertaken in Northern Ireland by the Department of the Environment's Northern Ireland Environment Agency. The Northern Ireland Environment Agency continues to exist however the Department of the Environment no longer exists and has been replaced by the Department of Agriculture, Environment and Rural Affairs (DAERA).

The Department for Communities: Historic Environment Division (HED) Comments

HED maintain a Service Level Agreement with DAERA in relation to Strategic Environmental Assessment, whereby we provide authoritative advice in relation to cultural heritage, including architectural and archaeological heritage matters.

HED advise that we welcome and commend the recognition in the draft revised guidelines of Northern Ireland's historic environment and heritage assets, and the use of our inventories as part of the evidence base. We welcome the consideration of issues around transboundary impacts



such as cross border inter visibility and inter relationships of heritage assets, and visual amenity. The consideration afforded to these issues in the draft guidelines and assessments should reduce the potential for residual adverse effects in relation to the historic environment.

Yours faithfully

[Redacted Signature]

NIEA, DAERA

