



Northern Ireland
Assembly

**COMMITTEE FOR
ENTERPRISE, TRADE AND
INVESTMENT**

**OFFICIAL REPORT
(Hansard)**

**Renewable Energy Inquiry:
Department of the Environment**

11 November 2010

NORTHERN IRELAND ASSEMBLY

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ENTERPRISE, TRADE AND
INVESTMENT**

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Members present for all or part of the proceedings:

Mr Alban Maginness (Chairperson)
Mr Paul Frew
Mr Paul Givan
Mr William Irwin
Ms Jennifer McCann
Dr Alasdair McDonnell
Mrs Claire McGill

Witnesses:

| | | |
|---------------------|---|-------------------------------|
| Mr Tom Clarke |) | |
| Mr Brendan Forde |) | Department of the Environment |
| Mr Stephen Hamilton |) | |

The Chairperson (Mr A Maginness):

I now move to the briefing and welcome officials from the Department of the Environment (DOE). With us today are Mr Tom Clarke, Mr Stephen Hamilton and Mr Brendan Forde. Gentlemen, you are very welcome indeed. Do you want to kick off with a short introduction and then we will ask questions?

Mr Tom Clarke (Department of the Environment):

We are in your hands. We are here to provide information and assistance to your Committee. I suggest that we run through a quick briefing. It will include planning and policy issues and take about 10 minutes. My colleague Brendan will deal with climate change issues and then it will be over to you to ask us about whatever aspects you wish.

The Chairperson:

That is fine.

Mr Tom Clarke:

If I overrun, you can tell me to speed up.

The Chairperson:

I will tell you to stop; I am sure that you will obey me. *[Laughter.]* That is a helpful way to proceed.

Mr Tom Clarke:

It is understood that the Committee would like DOE to provide oral evidence on the role of planning as part of the investigation into the barriers that may inhibit the development of renewable energy production in Northern Ireland. In response, we propose to provide the Committee with an overview of DOE's role in the facilitation of renewable energy projects; a brief description of the planning policy context; a summary of the range of projects that the Planning Service is dealing with; and a commentary on a number of the key issues that appear to be most relevant to the Committee's investigation.

DOE is aware of government renewable energy policy, which is set out in the strategic energy framework (SEF). That policy document sets out government's aim for 40% of Northern Ireland's energy use to be from renewable sources by 2020. As the planning authority for Northern Ireland, DOE recognises that it has a key role to play in the delivery of that target.

DOE seeks to contribute to land-based activities in three main ways: the publication and promotion of clear policy guidance that will assist the renewable energy industry in planning its investment programmes; the processing of planning applications for individual renewable energy projects in a consistent and timely manner; and the monitoring of regulations and the amending of

those as necessary. With regard to offshore energy, we are getting into the whole area of marine planning. We will introduce a new system for managing a wide range of activities that take place in the seas around Northern Ireland. That will contribute to a framework of consistent decision-making that is based on sound evidence and involves all sectors.

I mentioned policy guidance as an area in which we feel we have a contribution to make. Planning Policy Statement 18 (PPS 18) provides the policy framework for renewable energy projects. PPS 18 was published in August 2009 and was accompanied by a good practice guide that provides background information on the various renewable energy technologies that may come forward in Northern Ireland. It is designed to contribute to the development and management process. PPS 18 states that the Department will support renewable energy proposals unless those would have unacceptable adverse impacts that are not outweighed by the local environmental, economic or social benefits of the development.

PPS 18 supersedes the policy contained in the planning strategy for rural Northern Ireland. It was published in 1993 and contained a general policy presumption against wind farm development on designated landscapes. Supplementary planning guidance (SPG) to guide developers on the siting and design of wind-energy development on Northern Ireland landscapes was published in August 2010. It will support PPS 18 and the complementary best practice guide.

As regards the processing of applications, the Planning Service has dealt with renewable energy projects for a number of years. Our experience is best described by referring to the following categories of renewable energy development: energy from waste applications; wind farm applications; and smaller-scale renewable energy applications.

In respect of energy from waste applications, a total of 32 proposals have been processed and approved to date. The majority of those — 23 — were determined in less than 12 months. A small number of those applications took longer than 12 months to process due to the complexity of the proposal and the significant number of objections. At present, seven energy from waste proposals are under consideration at Planning Service headquarters. The power output from the approved schemes is approximately 62.45 MW.

Although I am aware that the Committee is not specifically examining the area of wind farm

applications, I feel that it is appropriate to provide the wider context of renewable energy projects that are being processed in the planning system. To date, planning permission has been granted for a total of 41 wind farms with a potential projected output of 634 MW. That is equivalent to 19.5% of Northern Ireland's electricity use, and, as the target is 40%, that means that almost half of that target is already approved. In addition, the headquarters team is dealing with a further 43 applications that have the potential to generate a further 700 MW of power, representing a further 19.4%. So, if we add the number of approved applications to the number of applications in the system at present, we get a figure of almost 39%, which is very close to the target.

Smaller-scale renewable projects are dealt with in divisional offices, and those projects involve single wind turbines, active solar power panels, photovoltaic cells, small hydro schemes and cooling and heating power plants.

Another area in which we are involved is the monitoring and amending of regulations. The Department recently undertook a series of public consultations on proposals for new permitted development rights, which would mean that certain types of minor development would not require planning permission. The consultations included small-scale renewable energy development. In other words, we are looking at making some of the smaller-scale renewable energy projects permitted development.

I will outline some of the issues that have arisen during our time spent focusing on renewable energy. One is uncertainty around policy guidance. PPS 18, which deals with renewable energy, has been published for over a year now, and we feel that it does a lot to plug the gap. Because it is accompanied by a best practice guide, it provides advice on the various forms of renewable energy technologies that may come forward. The guidance informs the reader about where each technology works best and provides information on planning requirements and other authorisations and consents that each technology may require. In addition, there is supplementary planning guidance that guides developers on the siting and design of wind energy developments on Northern Ireland landscapes, and it will support the other two documents. Therefore, as far as policy guidance is concerned, we feel that up-to-date and relevant policies are now available.

Another big area that is frequently a problem for us and that is reported in the press is delay in the planning system. It is acknowledged that the length of time taken to process planning applications for renewable energy projects needs to be shortened. Nobody is saying that we can

continue with long delays. While the Planning Service is taking steps to improve the situation, there is a need for all parties in the process to review their role and performance. Improvements have been made in the length of time it takes to process wind farm applications. Analysis of other renewable energy applications shows that delay can often be attributed to one of the following factors: complexity of the proposal and the additional information needed under environmental regulations; the speed of consultation response from a wide range of agencies; delays on the part of the applicant or the agent who has submitted the application; the poor quality of the initial submission; and the significant number of third-party objections in some cases.

We have introduced a number of measures to improve the speed of consultation response from Departments and agencies. There has been a recent review of the service level agreements (SLAs) between Planning Service and, for example, the Northern Ireland Environment Agency (NIEA), Roads Service, the Rivers Agency and Northern Ireland Water, and work is ongoing to review the SLA with the Department of Agriculture and Rural Development (DARD). So, we are taking all the measures that we can internally to improve communication between various Departments.

Another issue that has been raised is inconsistency of approach. We feel that, because we have specialist teams at headquarters, we have gone a long way towards eliminating any potential for inconsistency.

The final issue is staff awareness. We have information on renewable energy on our staff intranet and on our public website, and we issue guidance to staff frequently when new issues arise.

I will now hand over to Mr Forde, who will deal with climate change.

The Chairperson:

Thank you, Mr Clarke. That was very succinct.

Mr Brendan Forde (Department of the Environment):

Thank you for giving me the opportunity to speak about the Environment Committee's inquiry. We have been asked to provide an update on it, and the Committee has given its permission for us

to do so. We were to brief it about a month ago, but, due to pressures of other business, that briefing has been postponed until January.

I will give a quick recap of the inquiry. It was initiated by the Environment Committee in January 2009, and the report was published in late November 2009. There was an Assembly debate in December, a couple of weeks after the publication of the report. Our Minister responded officially in writing to the Committee in May, and that response took on board the comments on the issues that fall to different Departments. There has been some exchange with the Committee since then.

Broadly speaking, more than 80% of the 52 recommendations have been accepted and have either been implemented or are in the process of being implemented. The most significant thing to bring to your attention is the fact that our Minister, Mr Poots, now chairs a cross-departmental working group on greenhouse gas emissions. The purpose of the group is to develop an action plan to account for the Programme for Government target, which is to have a 25% reduction in greenhouse gas emissions by 2025 against 1990 levels. The Minister chaired the first meeting of the group in August. Since then, officials have been in bilateral discussions with each of the Departments in order to develop the action plan. The next meeting of the group is 15 December, when we hope to have a draft plan for agreement, and that will fulfil the obligations as regards accountability for whether we achieve the target.

In parallel with that, we have a greenhouse gas projection tool that our statisticians have responsibility and accountability for. We are mapping together policies from the perspective of greenhouse gas impact and economic impact and then comparing the combined policies and considering what they might look like against the 25% target. I am not in a position to tell you today what the projections show at the minute, because work is ongoing. We would probably need to run that past our Minister first. However, I can tell you that we are pretty confident that the target for 2025 is well within reach.

I should also highlight the fact that there are specific policies in different Departments. Members will not be unfamiliar with the strategic energy framework, which has significant targets for renewables and is part of the reason we are here today. Progress is already being made on the sustainable development strategy and the implementation plan, for which a recent consultation has just closed. The Department for Regional Development (DRD) is putting

forward its draft regional development strategy proposals to the Executive, so that should be emerging soon. There is a range of policies that we are combining for all Departments.

Once the action plan on greenhouse gas emissions is agreed, we will bring it to the Executive. They will decide how it is progressed. No doubt that will also assist in preparations for the next Programme for Government, during which we will consider whether the current target is appropriate for the future.

The Chairperson:

Thank you, Mr Forde. Mr Hamilton, if you want to come in due course, do so.

Mr Stephen Hamilton (Department of the Environment):

I will, hopefully, come in on any specific issues that you wish to raise on the presentation.

The Chairperson:

Thank you very much.

People who are involved in the renewable energy sector have an issue with the time it takes to get from conception to submitting an application for whatever it may be and having that application processed. It is not entirely the fault of the DOE and the Planning Service or, sometimes, NIE, when it comes to linkage and so on. During its inquiry, complaints have been made to the Committee that the length of time taken to consider an application is too long. You quoted figures on energy from waste and said that most of those applications were processed within 12 months. Do you have an average timescale for other types of applications, for example, applications for wind farms?

Mr Tom Clarke:

We did a calculation that showed that, at one stage, the average time was in excess of that, at around two years.

The Chairperson:

For wind farm applications?

Mr Tom Clarke:

Yes. The processing of those applications was not much different from the processing on the mainland. They are complex, but we want to improve on our timescales. In response to those sorts of figures, we put extra resources into the wind farm team at headquarters. That has resulted in an improvement, but it will take time to work its way through.

We also encourage the industry, because this area is new to all of us. Although the industry is grappling with the technology and relies on planning agents to get through the planning process, the planning agents themselves are in a new situation. There is a huge education process to go through from our point of view and that of the agents. We encourage them, almost at the embryonic stage of a proposal, to talk to us. We have a process called pre-application discussion (PAD), in which we engage with them to try to scope the sort of information that is required to accompany the application to allow it to be processed quickly.

One of the big delays is caused by the fact that when an application comes in, an environmental statement is inevitably required to be submitted with it. That environmental statement is controlled by European regulations, and, if it is found to be deficient, we have to go through a process to get new information in, and all of that has to be advertised and consulted on again. An examination of the delays in a number of our bigger projects will show that, quite often, we have gone back a second and a third time for more information. Each time we go back, there is a cycle that has to be initiated, and it takes a number of months to complete it. Our goal, which is in everyone's interests, is to get discussions under way early and get clarification on all the surveys that are needed and all the environmental information that is needed to accompany the proposal. Then, hopefully, we can get the application through in one cut as opposed to two or three bites at the information cherry. That is in everyone's interests, and, therefore, we have been in discussions with the agents, who may not have a lot of experience of these things, to try to improve the submissions that come in. There is general agreement that we need to do these things more quickly.

The Chairperson:

Yes. Would you say that two years is too long?

Mr Tom Clarke:

I think that that is too long. That was the average time for processing applications for wind farms

at that time. Some other types of application are easier to get through. Local politicians will know better than I do, but the other dimension is that, quite often, those proposals are not that popular, and we get a lot of objections to them. Again, we have to be seen to be treating those objections seriously and examining them thoroughly, which, in itself, can be time-consuming.

The Chairperson:

Having been a local councillor, I understand the strength of local objections to any sort of development, if it proves to be contentious. You are working to reduce the times.

Mr Tom Clarke:

Yes.

The Chairperson:

Do you think that PPS 18 has improved the situation?

Mr Tom Clarke:

My colleague Stephen will deal with the detail of PPS 18. From our perspective, PPS 18 gives us a clear policy background against which to judge the applications when we process them. The absence of a policy background slows things down. We think that PPS 18 has been a help.

The Chairperson:

Witnesses to the inquiry said that PPS 18 and the guidance notes were all right. I think that, initially, PPS 18 was not terribly well received by the sector but that the guidance notes were helpful in clarifying some issues. However, those witnesses also made the point that there seemed to be a very subjective application of the PPS 18 principles across Northern Ireland. Although it seemed originally that the applications were dealt with centrally, there is now a tendency for local offices to deal with them. Therefore, there is not the consistency across Northern Ireland that one ought to expect. What would you say about that?

Mr Tom Clarke:

To be honest, I find that view strange. Almost since the introduction of the technology, we have had a central team to deal with all applications for wind farms and energy from waste. All those types of proposals are dealt with centrally by a small team. The concern about different interpretations across the Province is not really relevant to those.

The Chairperson:

Do you still have a central team that deals with those matters?

Mr Tom Clarke:

Absolutely.

The Chairperson:

And those matters are not devolved to the local offices?

Mr Tom Clarke:

The local offices deal with individual wind turbines for domestic properties and individual projects; for example, projects in which someone wants to put something in the back garden or put photovoltaic cells on the roof or a farmer wants to put a device somewhere. However, all the bigger projects, including wind farms and energy from waste, are dealt with by central teams. We have a specific team for wind farms, a specific team for energy from waste and a specific team for landfill. They build up expertise, and it is the responsibility of the head of each team to ensure that individual case officers interpret the policy correctly and consistently. There is a tight control, so I am surprised by that view. However, evidence has obviously been given to that effect, and we would be happy to look at it.

The Chairperson:

If I can get any reference to that, I will let you have it.

Are there sufficient people involved at the centre for your purposes?

Mr Tom Clarke:

As I said, we have a general concern about our speed of processing. Our speed of processing relates to complexity but also the number of bodies. Due to the wind farm situation and the timescales involved, we brought extra people in to help. Obviously, the Planning Service, the Department and wider government are all under resource pressure. Like everyone else, we will inevitably take a hit. I cannot speak for tomorrow, but, at this point, we have taken measures to improve the situation by bringing in extra help. The other issue is that those applications are complex and specialist. It will be perhaps six months before someone who comes in today is on

top of it. Therefore, there has to be an education aspect.

Mr Stephen Hamilton:

Three documents were published in the PPS 18 process. The policy statement itself is a general criteria-based approach for all forms of renewable energy development proposals. Wind technology is mature and very obvious on the landscape, and it has different impacts on amenity. Therefore, separate criteria were produced for wind technology to accompany the generic criteria for all forms of renewable energy. Those were brought together through a stakeholder group. The wind industry sat on that group and provided invaluable help and advice to those of us who did not have the competencies to deal with certain issues.

Generally speaking, the wind energy industry has been very content with the policy throughout the entire consultation process. It has also been content with the best practice guide that allows individuals and development management officers in divisional planning offices who deal with one-off projects as opposed to strategic projects to have that consistency of approach.

One issue that really put the cat among the pigeons was that of the supplementary planning guidance, which related to how the technology looked on the landscape. When it was published, it was felt that it was too prescriptive. It went into policy issues when it was only meant to supplement the policy. As a consequence, when the Minister published PPS 18 in August 2009, he asked that the SPG be held pending some analysis of how it would impact on the then draft SEF. Colleagues from NIEA and I have worked very hard with the industry to make sure that we have something that can protect the amenity of third parties but can still help the industry realise the targets set in the SEF. The SPG was published in August 2010, and the industry has sent letters to the Minister thanking him for the process that he has brought forward and for producing a guide that they feel they can work with while still protecting the amenity of Northern Ireland.

The Chairperson:

So, people had concerns about the way in which this issue has been addressed, but you are saying that the industry now seems to be reasonably happy.

Mr Stephen Hamilton:

Yes. Some of the measures brought forward in PPS 18 were not in the previous policy, but, given that that policy was written some 17 or 20 years ago, technology has moved on an awful lot. We

have a greater proliferation of turbines, for instance, in the countryside. It was a question of trying to balance third-party concerns about amenity and health and safety issues with the efforts of the industry and government to achieve not just renewable energy targets but climate change targets. However, the industry is on board and the guidance is supplementary to PPS 18, which is predicated on achieving those targets, because it was brought forward in close collaboration with colleagues in the Department of Enterprise, Trade and Investment (DETI). It reflects the renewable energy directive as well as the strategic energy framework.

Mr Givan:

Thank you, Stephen, Brendan and Tom. In a previous role working with the Minister, I worked with these gentlemen, and it is strange being on this side of the table. Having worked with these three, I can say that I found them very effective in their roles. I have a high regard for the work that they have done and continue to do — not that that will cloud my comments and questions.

A common complaint about PPS 18 that we have heard from people giving evidence is that government is operating in silos; the different areas are not talking to each other and do not know how to work together. What was the engagement across government when PPS 18 was being devised?

Mr Stephen Hamilton:

The project was initiated mainly by the wind industry, which was aware that the existing policy was old and had to be revised. There was lobbying of different Ministers, and DOE formed an internal working group — internal to government, not just to DOE. That working group consisted of colleagues from DETI because of the energy remit and from DARD because of where a lot of the facilities will be located. There is input from the Department of Finance and Personnel (DFP) as well, because it has issues with the building regulations. We brought together anyone who had an immediate stake in the issue, and we used their competencies to ensure that we created a policy that was workable and useable when published in both draft form and final form.

So, we had direct input from DARD, DETI and DFP, and we also had input from the Department of Health, Social Services and Public Safety (DHSSPS), because of the health impact of some of those facilities, and, of course, from the Executive as a whole, as the Minister took it to them. We were looking more at the strategic picture, but a lot of smaller issues about

government bodies that had not previously been consulted came from the Executive. We were able to take those on board prior to publication of the draft version and the final version.

Mr Givan:

Was everyone then able to sign off on the SPG, both in government and in the industry with regard to the role that it played?

Mr Stephen Hamilton:

Correct.

Mr Givan:

When looking at planning applications, there is a judgement to be made about the visual impact of a project, and, obviously, you consult with the Environment Agency on that. How do you strike a balance between a large turbine and medium and small ones? If we constantly reduce the large applications and tell people that they need to go for medium and small ones, there will be a dispersal effect across the Province. There will be a lot more wind farms, and the argument could be made that it may be better to have smaller large wind farms as opposed to quite a large number of medium-sized ones. Which has the greater visual impact, and how do you balance that?

Mr Tom Clarke:

You probably heard this answer before, but it is all down to individual circumstances. It is difficult to say in a particular situation that tall ones would not be better just because of the land form and because, from various viewpoints, you may not even see them. In that situation, you would go for them. However, in other situations, a site might be particularly exposed, so turbines that are that wee bit shorter would not be just as visually intrusive over a wider area. You are balancing the two all the time.

We have, I think, refused only one wind farm. It is then a question of getting into discussion with the industry and saying, "Look, this development will have a big impact. Can you drop some of the heights or move the turbine round the corner?" That sort of discussion and negotiation takes place to try to get a more acceptable solution for a particular site. It is hard to give a particular answer for every site and say whether the turbine should be tall or small. You have to assess a site to see what is most appropriate and to make sure that it works for the proposal and for the applicant.

Going back to the issue of delay, the process takes time, and an amended proposal might have to be submitted. However, that may be time well spent, because the applicant would have an acceptable proposal: the turbine would not be visually intrusive yet would generate the energy required. So, we are constantly making judgements. As we have a specialism at headquarters, we are building up an expertise in making those judgements rather than having individuals make one-off judgements.

Mrs McGill:

Mr Clarke, you said in your briefing that a huge education process is required to inform people. I could not agree more. As an MLA and a councillor in the Strabane District Council area, I want to mention some comments that I heard. I am not being critical; I am trying to work with the Planning Service in Omagh. I recently had a meeting with the principal officer there on applications for a single wind turbine on a farm. You referred to that earlier, and I am very grateful to the officer for meeting me and for indicating some of the difficulties.

What are you at HQ doing to inform those who do not have a great knowledge of this business, that is, the applicant and the agent? What direction are you giving in that context? They absolutely need to be informed in a comprehensive and meaningful way. I was told that, when people ask for information about what to do, they are told to look at the website. I am not saying whether that is accurate or not, but that is what I was told. Will you comment on that? Is it good enough for the Planning Service to tell people who are interested in this new area to look at the website? If that is what happens, my view is that it is not good enough. I am keen to know what is happening. What direction and assistance are you giving at a local level to help those who are looking for help?

Are the pre-application discussions that you referred to available to people who want to apply for a single turbine on a farm? If they are available, how do the applicants or agents know that they can go to their local office and sit down with someone? When do they go? Will the person with whom they sit down have the expertise, or will they meet a duty officer who will eventually just tell them to look at the website? I am not saying that that is happening locally, but that is what I was told recently. If the resources are available or even if they have to be increased, would there be any benefit in the central body assessing all applications, regardless of their scale?

Mr Tom Clarke:

I will come at those points in reverse, but you can make sure that I do not miss any of them. Your last point was about capacity at headquarters, and that comes down to resources. We have about half a dozen folk who are specialists in wind farm applications. They are at their limit as regards the number of applications that they deal with, and those are the applications with the biggest public interest. The others are individual, and it was decided, therefore, that they should be dealt with locally. I do not think that we could take on individual applications at this point, because we just do not have the resources to deal with them in a timely manner. Obviously, someone who submits an application along with money will want it to be dealt with fairly quickly.

Mrs McGill:

Someone working in the field made the point that that would help the overall strategic assessment and give a better view of what is happening throughout the North. I looked at the map in my local planning office, and the staff there had done a very good job in marking on it the location of the significant number of approvals and pending applications.

Mr Tom Clarke:

Were those wind farms or individual turbines?

Mrs McGill:

Individual turbines and wind farms. The local office certainly had an idea of what is happening and was able to show me. Would you have some sense of the overall view?

Mr Tom Clarke:

Similarly, we, at headquarters, know the exact location of all the applications that have been approved and those that are pending. We know the generating capacity and potential of each of those. That is why we can say fairly accurately that we have approved 643 or whatever.

Mrs McGill:

Do you engage with the local offices regularly? What is the nature of that engagement? You say that you have an overview.

Mr Tom Clarke:

I was talking about the applications that we deal with. We keep a similar monitor of the numbers.

Mrs McGill:

Do you have information on the individual wind applications?

Mr Tom Clarke:

We do not.

Mrs McGill:

Would it not be important for you to have that?

Mr Tom Clarke:

The individual ones are for individual consumption. If a farmer puts up an individual turbine, he consumes that energy. We deal with ones that are connected to the grid. That is the difference between what we deal with and what the local offices deal with. However, I am not taking away from your point. There would obviously be some benefit in us knowing the total number. What I am saying is that we try to focus on the generation that goes into the grid and contributes to meeting targets and so on.

Mrs McGill:

Should headquarters not have some idea about how the number of wind turbines dotted around the country is going to look eventually? I would have thought that it would be important to you to keep yourselves informed.

Mr Tom Clarke:

Are you talking about the cumulative visual impact?

Mrs McGill:

I mean for whatever reason. I thought that it would be a material consideration, because that is the case when the local planning office is deciding where wind turbines should be located. One applicant said to me that he wanted to put a wind turbine in a certain place and was told that he could not do so as there had been an objection. Yet, he pointed out one or two that were located not far away. In such situations, it is extremely difficult for applicants to understand that this is, in your words, consistent with policy. Should you not have some idea about the overview?

Mr Tom Clarke:

We look at bigger projects and their impact whereas the individual planning officer will be aware of individual projects that have been approved and are in the vicinity of the one he is considering. We can certainly assist in assessing the cumulative impact, but it is the local office that judges whether planning should be granted or refused because other wind turbines are in the area.

The approach is similar to that taken to planning decisions on a single bungalow. That also involves a local decision, which would be made on the basis of, for instance, the situation in which a lane already has six bungalows and where approving another one would change the rural nature of that particular part of the countryside. Such judgements are made for all types of development. Wind turbines have particular visual impacts, but assessments and decisions are made locally.

Mrs McGill:

The point about bungalows is interesting, and it did occur to me. People who make applications early and have someone working for them who knows the system will have them approved. There is a commercial aspect to this. I am wondering where the cut-off point will come, as it did with PPS 14? All of the people who did not manage to submit their applications were not informed and were not educated by the Planning Service as, in my view, they should have been. When the cap comes, those people will not benefit. The overview is essential. At the moment, things are too short-term and too localised.

The Chairperson:

I do not want us to go off on a tangent. However, Mrs McGill's point about an overview is reasonable.

Mr Tom Clarke:

I know the point that the member is making, and we can look at those aspects.

Moving on to the other points that were made: pre-application discussion is a formal process that we have for, in a sense, the bigger types of development as it is very difficult for us to service everybody. Each divisional office runs clinics in out-offices or through duty officers, as you call them, so that anyone with a planning proposal can come into a local office and ask for assistance in putting that proposal together.

When you get into the area of single turbines, you are getting into a specialist field, even though it is not as complicated as a wind farm. The best advice that we can give is to speak to an agent who knows what they are doing. Going back to the first point, which was about informing people; we are constantly working with agents, and we now know that there are a number of them in the Province who can deal competently with wind farms or, in the member's case, individual applications.

Mrs McGill:

Who are those agents? How would I know who they are? Where would I get that information? I am thinking about how I would tell people in my area that, if they so wish, they can go and find expertise in a certain place.

Mr Tom Clarke:

It is difficult for us to promote individual businesses.

Mrs McGill:

I understand that.

Mr Tom Clarke:

However, we can assist by recommending a number of people. It is difficult for us to tell someone to go to one individual because they are very good, because that would be a commercial aspect that would worry other agents who think that they are very good. We can point people in a general direction.

My basic point is that, if someone is not competent in the field, I suggest they find someone who is, because these are not simple proposals. If someone wants a house extension, even a basic one, they would get somebody to draw up plans, make sure that the water pipes are in the right place and that sort of thing; these proposals are of a similar nature. People think that it is only a tower with a wee whirly thing at the top of it: it is not like that. People need to go to the planning office and get advice in the first instance and then seek the assistance of somebody who can put together an application with the necessary information.

There is finance involved. I do not deny that, but, if people want an application dealt with in a

reasonably quick and effective manner, that is the best process that we can suggest. We liaise with our local offices, but there is a limit to how many of those individual applications we can assist in. The basic advice is to make contact with the local office and be aware that specific planning advice on how to submit your application may be necessary. We can maybe assist by suggesting people who are competent in that area.

Mrs McGill:

You are saying that people should go to their local office in the first instance because it will absolutely be able to help and will have the expertise.

Mr Tom Clarke:

Yes. It will give general advice, and, if that office is having trouble, it will ring us to ask whether we could suggest someone in that part of the world who could assist in an individual application.

Mr Stephen Hamilton:

A lot of the issues that Tom has identified around PPS 18 are very complex, which is why we issued the best practice guidance with it. All the areas for each technology come with a different range of consenting regimes, not just a planning regime. We produced a very detailed guide along with PPS 18, and it is very user-friendly. It sets out different topics and will, hopefully, explain to individuals what is required of them. People working in the divisional planning offices have access to that document and should be providing that to anybody who comes for assistance in the first instance.

The Chairperson:

That is very helpful.

Dr McDonnell:

Thank you for all the information. It is very useful. How long will it take to clear the backlog of wind applications in the system, and how many of them are likely to succeed?

Mr Tom Clarke:

The figures that I quoted were that 41 applications have been approved, which is 19% against a target of 40%, and there are currently 43 applications in the system. We do not call that a backlog, because those are current applications that we are working through. Some of them will

move through quickly because the site is a simple one or because there has been no objection to it, but there may be a need for negotiation with others, so it is difficult for me to give you a figure. As soon as one goes out the door, another one comes in, so we will always have a basic workload of around 40.

Dr McDonnell:

Let me put it another way: what is your rate of approval?

Mr Tom Clarke:

I think that we have only ever refused one or two planning applications.

Dr McDonnell:

That is fine; most of them succeed. I have talked to people in the renewable energy sector, and one thing that worries me is that, at best, DOE appears to be neutral on renewable energy rather than supportive of it. Because of the whole carbon scene, people expect a certain amount of bias in favour of renewable projects rather than a bias against them. Am I correct to say that? Are you neutral on these projects, or are you biased in favour of them or biased against them?

Mr Tom Clarke:

We have to be seen to be dealing with all proposals in a fair and equitable way, having regard for the policy context and all the other factors that are raised with us. We cannot approach a planning application saying that we are going to approve it.

The figures speak for themselves. I cannot give you the exact number of applications that we have refused, but you could probably count the number of wind farm applications that we have refused on one hand. We have processed 32 applications for projects involving energy from waste, all of which have been approved. That sends out a message.

Dr McDonnell:

You are biased in favour, but you are reluctant to admit it.

Mr Tom Clarke:

We deal with all applications in a proper manner and take into account all of the aspects.

Mr Stephen Hamilton:

The policy is very promotive towards all forms of renewable energy development, as long as the applicants meet the criteria. One of the most important things is the policy objective, which states that the aim is to facilitate projects in order to achieve Northern Ireland's renewable energy targets and realise the benefits of renewable energy. If applications go to the Planning Appeals Commission, those principles are the principles that it will go back to. So, the policy is very promotive and supportive of the government targets. That is how we have to promote renewable energy through the system.

Dr McDonnell:

My dealings are with individual projects and individual promoters of projects who are struggling financially and have a lot of finance caught up in getting projects off the ground. We have a government strategy in favour of renewable energy, but the levers for doing something about it are scarce. I am reassured that your strategy is in favour of renewable projects, because the perceived message from DOE is that it is more about policing and supervising than encouraging.

Mr Stephen Hamilton:

That is part of our role; we take information from all of our consultees in the processing of individual applications. However, this policy goes a little bit further than an awful lot of others, because it says that, in a policy context, the wider environmental, economic and social benefits will be given significant weight in determining applications. From another area of work, I know that that has been caught up in the courts. However, with regard to renewable energy projects, that is in the text of the policy.

The Chairperson:

You said that, if all the applications are approved, the total output would be in the region of 700 MW. Is that right?

Mr Tom Clarke:

That is purely for wind farms. We have approved 41 projects for wind farms, which have a potential output of 638 MW. That is 19%, and our target is 40%. At present, another 43 applications are being processed for projects that will be capable of producing a further 700 MW.

The Chairperson:

A further 700 MW?

Mr Tom Clarke:

If all the current applications are approved, there will be another 700 MW. So, adding the two together, we get 38.9%.

Dr McDonnell:

Is that 38.9% of Northern Ireland's total demand for electricity?

Mr Tom Clarke:

Yes, it is. The strategic target for renewables is 40%. We are saying that, if all the approved applications and all the applications that are being processed come to fruition, they will contribute 38.9% of our electricity.

The Chairperson:

Are you saying that you are near to meeting the target?

Mr Tom Clarke:

Yes, if all of the applications go through.

The Chairperson:

Does that take into account that the turbines in wind farms run at around 30% efficiency?

Mr Tom Clarke:

I do not know about the technology aspect.

Mr B Forde:

To clarify, in the exercise that we are doing on climate change, there is not a one-for-one substitution when it comes to renewables displacing one unit of fossil fuel energy. We are working with the energy regulator to come up with a proper estimation. DETI's grid study took it that 42% renewables would result in a 25% reduction in greenhouse gas emissions. The regulator is carrying out an exercise for us to try to come up with a proper figure for that as part of the climate change agenda.

The Chairperson:

OK. We can pursue that elsewhere. Thank you very much for that.

Ms J McCann:

Thank you for your presentation. Some of my specific questions about DOE have already been answered. I hope that I picked you up right; you said that you would consider the economic, social and environmental benefits when looking at some of those planning applications. I have a more strategic and general question to ask. The development of energy policy, and specifically renewable energy policy, is the responsibility of a number of Departments and other organisations. The way in which we have to import fuel for energy now, the high cost of energy, particularly in the North of Ireland, and the high percentage of fuel poverty in the North mean that the long-term benefits of renewable energy have to be considered when we are looking at any future energy policy.

There is also potential to build the economy. The Committee has listened to organisations that have told us that there is potential for renewables, particularly electricity generated by wind energy, to be exported. There is scope for small or medium-sized businesses to get involved. From what we have been hearing throughout this inquiry, I get the feeling that there is not a lot of joined-up thinking across Departments and organisations. Although there is better consultation now than there was before, it is still not at the level that would allow that renewable energy policy to be driven in a beneficial way. Have you any thoughts about measures that could be taken to ensure that that policy is driven at Executive level and not just at a departmental level? Do you feel that the emphasis is being driven in that direction?

Mr B Forde:

From a broader energy perspective, there are many — perhaps too many — interdepartmental working groups whose job it is to make the connections between the different Departments. There is a big crossover connection between my Department, which deals with climate change, and DETI, which deals with energy. How do we fix that and make it work? We have a ministerially chaired cross-departmental working group on climate change, which is part of an effort to bring those strands together, but there are other examples of the same thing. There is a sustainable energy group that works across different memberships in different Departments, and there are lots of subgroups to do with communications and behavioural change.

I am not saying that everything is perfect. It reflects, potentially, the nature of an Executive such as ours and the type of partnerships that exist in it. However, the main thing that joins together anything that is cross-cutting is that, under the ministerial code, we still have to go back to the Executive to get agreement on proposals. From a DOE perspective, on an issue such as climate change, and from an administrative point of view at official level, we find that that can be quite frustrating. The need to have co-operative government means that we have to go back to the Executive to get a decision even on simple things. On the other side of the coin, however, it is right that there is proper oversight across the piece of issues that cut into the remits of many Departments.

The Chairperson:

OK. Thank you very much.

Mr Frew:

Thank you for the report. I want to go back to the 40% target for 2020 and the fact that applications amounting to 19.5% of electricity use have already been approved, with another 19% going through the system, all being well. Do all those applications include connection to the grid? The grid is a major problem in reaching the target.

Are there conditions on all the applications, both those that have been approved and those that are in the system, that mean that turbines have to be decommissioned in 20 or 25 years' time when they have become redundant or reached the end of their lifespan?

I want to ask about applications with multiple objections. I know of one application, although I will not name names, with which a lot of documentation was submitted, and one document was an area map showing households in the vicinity. However, it became clear to the objectors that only 30% of households were shown on the map. The objectors then submitted documentation showing the actual number and positions of households. How far down into the nitty-gritty of an application do you go? Would you have picked that up, or were you relying solely on the objectors to produce the documentary evidence to show that something was wrong in the first place?

It has been put to the Committee that the farmer who wants to submit an application for an

individual wind turbine has to go through the same flaming hoops, perform the same somersaults and produce the same action plans and business plans for the Planning Service as a large wind farm company, which has all the expertise at hand through its employees. Is that the case, or have those telling us that got it wrong? Do farmers have to meet the same criteria for a small, individual wind turbine as large companies have to meet for a wind farm?

Mr Tom Clarke:

I will deal with those in order. You asked whether they all have grid connection. That is the applicants' responsibility. If they put in an application, it is up to them to ensure that there is a grid connection, otherwise they have to come back and apply for that.

Mr Frew:

Is that a separate application?

Mr Tom Clarke:

It can be, or they can sometimes put it in with the initial application. Those are their decisions.

Mr Frew:

Obviously, that will skew the figures and the targets. Can you give us information now on whether the 41 applications that were approved have grid connection?

Mr Tom Clarke:

I cannot off the top of my head, but I could get that information for you.

The Chairperson:

That would be helpful.

Mr Frew:

Could we also find out about the 43 applications that are going through the system at present, if that is in order?

Mr Tom Clarke:

Yes.

The Chairperson:

It would be very helpful if you could produce that.

Mr Tom Clarke:

Those are decisions for applicants. Those with a grid connection do not need to apply. In other situations, people do need to apply, whether by submitting both applications simultaneously or by submitting an application after getting planning permission. We can check to find out the number of people who have applied for grid connection in previous and current submissions. We do not dictate that; it is for applicants to make those judgements.

Without going back over all the applications, I cannot give you the assurance that, yes, a decommissioning condition applies to each and every one. We have been processing applications for a number of years, and, in the early days, we probably would not have gone that far. As issues have arisen, we have looked a bit closer on that score and have put those conditions in, particularly where there has been a judgement about the prominence of turbines. The process is probably consistent now, but, looking back over time, that consistency has probably not been there.

Mr Frew:

Does the fact that turbines are still up but not working raise concerns about your Department's service?

Mr Tom Clarke:

Clearly, we gave permission for that use on that ground. The applicant may well apply again for a different or more efficient turbine to replace what he has. We assess the site's capacity to take the installation that is there. Clearly, we would not want anyone leaving derelict stuff all around the countryside, but the sites are usually valuable, so the applicant will, in a sense, recycle the turbines for more efficient ones as turbine technology changes.

Mr Stephen Hamilton:

Applications have been submitted to swap older models for newer, taller, more efficient ones. It is not as if the turbines are there in perpetuity once a footprint is established, although, in some instances, you could say that they are lying there redundant. Historically, we did not have the policy basis to combat that by requiring decommissioning, but, as of August 2009, one of the

criteria of the policy is that above-ground redundant plant, buildings and associated infrastructure should be removed from the site and the site restored to a preordained level. That means that that will not be an issue in the future, but it does not preclude someone coming in and using the same footprint. We had to ensure that we got that wording right so that we can future-proof those sites as being of strategic significance to Northern Ireland.

Mr Tom Clarke:

I want to return to your question about objections. Our information comes from the applicant, and, through pre-application discussions or such like, we stress the importance of giving accurate information, but there is still an onus on us and on the case officer to go out and check on the ground whether the information is accurate. If it is not — and either the case officer will find that out or, as in the case that you mentioned, objectors will point it out — we have to go back, change and update the information and go through the whole cycle again. That is where delay comes in, for whatever reason. The issue may not be the number of households nearby; there may be other inaccurate information.

Going through the cycle again adds months and months to the application process, so it is in nobody's interest to give us inaccurate information. However, there is an onus on us, as the processing authority, to check it. We can only make an assessment of one aspect, which is residential amenity, if we know exactly where everybody is, so that information is critical. It is foolish from everyone's point of view, including the applicant's, to give us something that is deficient, because we will find out, so they are only adding delay to their timescales.

Mr Frew:

My other point was about the individual farmer or rural dweller submitting an application.

Mr Tom Clarke:

Again, it is difficult to be precise. They have got to include the information necessary to support the application. That may well include a number of environmental aspects, but it would be difficult to know. That is why I said that it would be better if they came in and asked us about it so that we can give advice on what is needed for their particular situation.

Mr Frew:

Do you understand how that could be a barrier to a farmer who does not have the expertise, or the

wealth to generate the expertise, to produce a document?

Mr Tom Clarke:

Yes, absolutely. I do not think that we would push people beyond what is necessary, but, on the other hand, going back to the other question about how we process applications, it is incumbent on us to process everything fairly and to get the information to assess applications properly. We would not push anyone beyond what is necessary, but we need a certain amount of basic information.

Mr Frew:

It is fair to say that, even if we reach the 2020 target completely through wind farm energy, we do not always have wind, so that is not a true reflection of the target. We need to make sure that we have a diverse range of renewable energy.

Mr Tom Clarke:

I do not disagree with that at all.

The Chairperson:

What is the current situation with permitted development for domestic premises?

Mr Tom Clarke:

I am checking my notes here.

The Chairperson:

There was a report; I think it was in January this year. I just wonder where it is at in the system.

Mr Stephen Hamilton:

I am looking for the exact reference to the date that we hope to publish by, but it will be published early next year.

The Chairperson:

You will have that early next year. Would that affect single turbines on farms or does it just involve photovoltaic solar panels and so on?

Mr Stephen Hamilton:

There are outstanding issues with turbines, and there are other consenting regimes. Making turbines permitted development will create issues with regard to security of airports because of the antennae, noise and so on.

The Chairperson:

I do not want to prejudice the position that the Department will come to. However, is it not unlikely that individual applications for turbines on farms, for example, will be permitted development?

Mr Tom Clarke:

We will shortly propose legislation for permitted development for the installation of domestic microgeneration equipment, including solar panels, ground and water source heat pumps and solid biomass fuel storage. The proposals will not, at this stage, cover wind turbines and air source heat pumps until the issues relating to the standards and safeguards have been agreed and tested elsewhere. We are producing permitted development proposals for some elements but not the ones that you mentioned.

The Chairperson:

Thank you very much, gentlemen. That was very interesting. Other questions about permitted development may arise out of your representations this morning. I am sure that you will allow us some time to think about it and follow up any questions in writing.

Mr Tom Clarke:

Absolutely.

The Chairperson:

Thank you.