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Fay

MAIN QUESTION

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Are you responding on behalf of an organisation?

Yes

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+ ADD TO ANALYSIS

Are you an Agent responding on behalf of a client?

Yes

+ ADD TO ANALYSIS

+ ADD TO ANALYSIS

Test P3 Comments

No answer

+ ADD TO ANALYSIS

+ ADD TO ANALYSIS

Test P4 Comments

No answer

+ ADD TO ANALYSIS

Consistency Tests

No

+ ADD TO ANALYSIS

Test C1 Comments

See attached report

+ ADD TO ANALYSIS

+ ADD TO ANALYSIS

Test C2 Comments

No answer

+ ADD TO ANALYSIS

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

No

+ ADD TO ANALYSIS

Test C3 Comments

See attached report

+ ADD TO ANALYSIS

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Test C4 Comments

No answer

+ ADD TO ANALYSIS

Coherence and Effectiveness Tests

No

+ ADD TO ANALYSIS

Test CE 1 Comments

See attached report

+ ADD TO ANALYSIS

CE 2 The Strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

No

+ ADD TO ANALYSIS

Test CE 2 Comments

See attached report

+ ADD TO ANALYSIS

+ ADD TO ANALYSIS

Test CE 3 Comments

No answer

+ ADD TO ANALYSIS

+ ADD TO ANALYSIS

Test CE 4 Comments

No answer

+ ADD TO ANALYSIS

Client Name , address (if applicable):

System Operator for Northern Ireland (SONI)

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Please indicate how you would like your representation to be dealt with at Independent Examination (please select one item only): Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those dealt with by oral hearing.

Oral Hearing (Choose this procedure to present your representation orally at the public hearing) Unless you specially request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only.



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Soundness of the Plan

No

+ ADD TO ANALYSIS

If you believe the strategy is unsound, please indicate which tests of soundness it fails and provide your reasoning below.

No answer

+ ADD TO ANALYSIS

+ ADD TO ANALYSIS

Test P1 Comments

No answer

+ ADD TO ANALYSIS

+ ADD TO ANALYSIS

Test P2 Comments

No answer

+ ADD TO ANALYSIS

If you consider the draft Plan Strategy to be unsound please provide details of changes you suggest to make the draft Plan Strategy sound.

No answer

+ ADD TO ANALYSIS

Do you have any comments on the Implementation and Monitoring of the draft Plan Strategy?

No answer

+ ADD TO ANALYSIS

Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA)

No answer

+ ADD TO ANALYSIS

draft Habitats Regulations Assessment(HRA)

No answer

+ ADD TO ANALYSIS

Equality Impact Screening Report

No answer

+ ADD TO ANALYSIS

Rural Needs Impact Assessment

No answer

+ ADD TO ANALYSIS

Please add any additional comments

No answer

Example tag 1 +

Example tag 2 +

Ards & North Down Local Development Plan 2032

Representations to Draft Plan Strategy

794-NI-PLE-03034 SONI
LDP Submission
Final
13 March 2026

Ards & N. Down BC LDP Submission

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Approval for issue

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1.0 INTRODUCTION

- 1.1 This representation has been prepared by RPS Tetra Tech on behalf of our client, System Operator for Northern Ireland (SONI) in response to the consultation in respect of the Ards & North Down Borough Council ('the Council') Local Development Plan 2032 Draft Plan Strategy ('DPS') issued on for formal consultation on 16th January 2026.
- 1.2 SONI is the licensed Transmission System Operator ("TSO") for Northern Ireland. SONI is responsible for the safe, secure, and reliable operation of the electricity transmission system and for planning its future development. SONI does not generate or sell electricity; its statutory role is to ensure that electricity flows safely and securely from where it is generated to where it is needed and to plan the transmission system in an efficient, economic and coordinated manner.
- 1.3 SONI's obligations are set out under the Electricity (Northern Ireland) Order 1992 and its Transmission System Operator Licence ("SONI Licence"). The SONI Licence is enforceable by the Utility Regulator for Northern Ireland ("Utility Regulator"). Condition 20 of the SONI Licence sets out the duty to plan the transmission system in an efficient, economic, and coordinated manner.
- 1.4 The transmission system in Northern Ireland is a network of 275 kV and 110 kV high voltage lines and cables. It is the backbone of the power system, efficiently delivering large amounts of power from where it is generated to where it is needed.
- 1.5 SONI is responsible for the delivery of planning consents for the electricity transmission infrastructure which is essential to facilitate the connection of renewable energy generation. SONI have already successfully planned and supported the delivery of numerous Cluster substations, transmission connections and other related infrastructure, providing the critical connection pathway for renewable energy developments whilst also strengthening the transmission Grid. In that context it is critical that electricity transmission infrastructure and planning applications for such infrastructure are recognised in planning policy as being strategically important and LDP policy should reflect that position. As such, SONI plays a critical role in supporting the delivery of Northern Ireland's energy transition objectives under the Climate Change (Northern Ireland) Act 2022 (the "Climate Act 2022").
- 1.6 The Development Plan process is critical is assisting SONI to meet their obligations, and we welcome the opportunity to make observations on the DPS.
- 1.7 We have reviewed the DPS and supporting documents in the context of the planning advice provided by the Department for Infrastructure and in particular the guidance provided by Development Plan Practice Note 6 – Soundness.
- 1.8 This representation relates to the proposed plan period, the renewable energy strategy, the public utilities, infrastructure & connectivity strategy and to relevant proposed strategic and operational policies.
- 1.9 For the reasons set out below, it our considered view that the DPS is unsound as the it fails the soundness tests in respect of:
 - Consistency Test C1 – failure to take account of the Regional Development Strategy
 - Consistency Test C3 - failure to take account of policy and guidance issued by the Department
 - Coherence & Effectiveness CE1 - The DPS fails to set out a coherent strategy from which its policies logically flow.

- Coherence & Effectiveness CE2 - The DPS strategy and policies are not realistic and appropriate, have failed to fully consider the relevant alternatives and are not founded on a robust evidence base.

2.0 THE PLAN PERIOD

- 2.1 While the Planning Act (NI) 2011 ('The Act') does not set out a prescribed period that the plan should cover, the SPPS, Edition 2 (December 2025) does require (paragraph 5.7) that LDPs should set out a long-term spatial strategy. Further, paragraph 2.6 of Development Plan Practice Note 1: Introduction: Context for Local Development Plans (DPPN 1) directs that, among other functions, the LDP should:
- provide a 15-year plan framework to support the economic and social needs of a council's district in line with regional strategies and policies, while providing for the delivery of sustainable development.
 - facilitate sustainable growth by co-ordinating public and private investment to encourage development where it can be of most benefit to the well-being of the community.
 - provide a plan-led framework for rational and consistent decision-making by the public, private and community sectors and those affected by development proposals.
- 2.2 The purpose of the LDP therefore is to provide a forward planning framework to direct sustainable growth in the Council area in the years ahead.
- 2.3 The National Planning Policy Framework 2025 in England, at paragraph 22, states that:
- “Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.”*
- 2.4 That approach has been followed in Belfast where the Plan Strategy adopted in May 2023 will guide future investment and development decisions to enable the sustainable spatial growth of the city up to 2035.
- 2.5 While the Ards & North Down DPS seeks to provide a framework to cover the period 2017-2032, we are now 8 years into the LDP process and are only at the DPS stage. Going by past experience of other LDP processes, the process is unlikely to be completed until near the stated end date of the LDP. That is an unsustainable approach to plan making and is contrary to the overall objective of providing a forward planning framework on which to base development management decisions going forward.
- 2.6 Extending the Plan Strategy to a 15-year period from adoption would properly fulfil the role of the LDP in providing greater certainty for the Council, infrastructure providers, investors, developers and the public.
- 2.7 SONI is responsible for the planning and operation of the transmission network within Northern Ireland and have a licence obligation to produce a Transmission Development Plan (TDPNI) covering a minimum period of ten years in line with the European Network of Transmission System Operators for Electricity's (ENTSO-E) Ten Year Network Development Plan (TYNDP).
- 2.8 As things currently stand, it is our considered view that the DPS does not provide an appropriate long-term framework for SONI and other key players. The DPS is therefore unsound by virtue of its failure to meet the SPPS requirements to provide a long-term spatial strategy and its failure to fulfil the functions set out in DPPN 1. It is therefore unsound in respect of:
- Consistency Test C3 - failure to take account of policy and guidance issued by the Department.

3.0 DPS VISION, STRATEGY & POLICY

Vision & Strategic Objectives

- 3.1 SONI welcomes the stated DPS vision that by the end of the LDP period the council area will have a sustainable, resilient, low carbon economy with sufficient jobs at all levels based on improvements to infrastructure and support services.
- 3.2 SONI also welcomes the strategic infrastructure objectives and in particular the objectives:
- To facilitate development of renewable energy infrastructure whilst minimising impact on visual amenity and the environment.
 - To promote and facilitate investment in physical and digital infrastructure and facilities for power, water, wastewater and waste management.
 - To promote across the Borough the efficient use of natural resources, including providing increased opportunities for water efficiency, energy efficiency, renewable energy, recycling and waste reduction.
- 3.3 However, SONI has concerns in respect of the relationship between these objectives, the DPS Renewable Energy Strategy, Public Utilities, Infrastructure & Connectivity Strategy and the draft operational policies which impacts on the soundness of the DPS.

Strategic & Operational Policy

- 3.4 The RDS 2035 sets out the long-term policy direction for the sustainable development of the economy and provides guidance on developing a modern and sustainable economic infrastructure to facilitate economic growth and promote connectivity.
- 3.5 The DPS recognises the direction provided by the RDS 2035 through RG5 which aims to deliver a sustainable, reliable and secure energy supply through increasing the contribution that renewable energy makes to the overall energy mix, and highlights strengthening the grid as a key objective. It recognises that this will involve *'increasing electricity interconnection capacity to strengthen the linkages between transmission and distribution networks'*, which closely aligns with the objectives and responsibilities of SONI.
- 3.6 In this context, SONI is committed to a substantial investment programme focused on strengthening the electricity network, which involves replacement, maintenance and upgrade of ageing assets, as well as the development of safe and efficient connections, to facilitate the delivery of a secure and sustainable electricity supply. We recognise and acknowledge that this needs to be carefully planned and assessed to ensure it achieves a sustainable balance of strengthening the grid whilst minimising impacts on amenity and the environment.
- 3.7 It is our considered view that the strategic and operational policies set out in the DPS do not provide a consistent and coherent framework to deliver on the RDS objectives in respect of delivery of a sustainable, reliable and secure energy supply.

Strategic Policy for Development in the Countryside

- 3.8 **The DPS Strategic Policy for the Countryside – Policy CS 1 Sustainable Development in the Countryside** sets out the range of development types that are considered to contribute to the aims of sustainable development and are therefore considered to be acceptable in principle. This includes renewable energy proposals in accordance with Policy RE 1 Renewable and Low/Zero Carbon Energy Development. There is no recognition of the essential need for appropriate electrical infrastructure to deliver renewable energy projects. Rather, the DPS simply copies the existing provisions of Policy CTY 1 of PPS21 stating that there are a range of other types of non-residential development, including certain utilities that ***may be acceptable in principle*** (our emphasis) in the countryside.

- 3.8 As recognised in the RDS, the transmission system is the essential backbone of the power system, and by extension is an essential element of the economic and social development of the Borough and wider region. delivering of large amounts of power from where it is generated to where it is needed.
- 3.9 As set out further below and recognised in the DPS draft renewable and low carbon energy objectives, there is very significant pressure to increase the amount of energy produced from renewable and low carbon sources which depends on the provision, maintenance and upgrade of appropriate electrical infrastructure in the countryside. This is reflected in the publication in December 2025 of the SPPS, Edition 2 setting out revised policy provisions on renewable and low carbon energy to support the wider ambitions of the Executive in reducing emissions and decarbonising energy use across the region in the long-term public interest.
- 3.10 In that context the failure of the DPS to include strategic electrical infrastructure as development that is acceptable in principle in the countryside is contrary to the RDS and the DPS objectives. Further it is inconsistent with the direction in the SPPS at paragraph 5.22 that requires the Plan Strategy to set out the council's objectives in relation to the development and use of land in its district; its strategic policies for the implementation of those objectives; and other relevant matters.
- 3.11 There are also numerous examples in other council areas where proposed development close to key strategic grid supply points within the Northern Ireland transmission network seriously compromises the capacity to extend or upgrade the supply points to meet changing demands. In that context, there is a strong argument for providing policy protection to such strategic assets whereby any proposed development that would compromise the future capacity to upgrade or extend the strategic asset will normally be refused planning permission. The DPS fails to provide that policy protection.
- 3.12 The DPS is therefore unsound by virtue of:
- Consistency Test C1 – failure to take account of the Regional Development Strategy
 - Consistency Test C3 – failure to take proper account of policy and guidance issued by the Department in the SPPS Edition 2.

General Principles & Energy Strategy

- 3.13 The DPS sets out a requirement that all proposals must comply with **Policy GP 1 – General Principles** and other relevant policy provisions of the DPS. Policy GP 1 reflects the direction of the SPPS that planning permission will be granted for development proposals that further the sustainable development of the Borough, accord with the provisions of the LDP and other material considerations and cause no demonstrable harm to interests of acknowledged importance.
- 3.14 In assessing all proposals, the Council will be guided by the precautionary approach that, where there is a significant risk of damage to the environment, its protection will generally be paramount unless there are imperative reasons of overriding public interest. All development proposals will be assessed against and must demonstrate, compliance with the criteria set out, including a requirement that essential infrastructure to facilitate the development must be available or, if lacking, there must be a firm commitment with respect to its timely provision.
- 3.15 In respect of **renewable energy**, the Council acknowledges its responsibility to support efforts to meet the ambitious targets set out in the Climate Change Act (Northern Ireland) 2022, including:
- Net zero emissions by 2050
 - At least 48% reduction in net emissions by 2030
 - At least 80% of electricity consumption from renewable sources by 2030.

- 3.16 SONI welcome the DPS **Renewable Energy Strategy** objective to positively facilitate the Borough's full potential for renewable and low/zero carbon energy development by supporting renewable energy generation and storage in suitable locations where the proposals and any associated buildings and infrastructure (including transmission lines) are not considered likely to cause unacceptable adverse impacts. However, **Policy RE 1** (Renewable & Low/Zero Carbon Energy Development) is not entirely consistent with the SPPS (paragraph 6.223) which includes 'associated buildings and supporting infrastructure in the presumption of approval, whereas RE 1 only considers their impacts. The policy should be re-worded to align with the SPPS.
- 3.17 The DPS confirms that 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.
- 3.18 The Council is supportive of renewable and low carbon energy proposals unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development. This includes wider benefits arising from a clean, secure energy supply, reductions in greenhouse gases and other polluting emissions, reduced fuel poverty, and contributions towards meeting Northern Ireland's target for use of renewable energy sources on the road to net zero. It also includes the economic benefits ranging from the wider geopolitical context of security of energy supply, to the localised, with potential links to job creation as some companies increasingly seek to locate near a secure supply of clean renewable energy. The DPS states that the relevance of, and weight to be given to social, economic and environmental considerations is a matter of planning judgement in any given case and, in line with the SPPS, it will not seek to promote any one of them over another.
- 3.19 While the SPPS (paragraph 6.221) maintains the position that planning authorities must give *appropriate* weight to climate considerations (including the target to generate 80% of electricity consumption from renewable sources by 2030) and to supporting efforts to protect and enhance biodiversity, it emphasizes that planning authorities **must** help facilitate delivery of the necessary increase in appropriate renewable and low carbon energy developments so that the contribution of this sector to the transition to a net zero energy is optimised. This requires careful balancing of the local impacts with the wider environmental, economic, and social benefits. (our emphasis).
- 3.20 The Northern Ireland Energy Strategy – Path to Next Zero Energy (2021) states that, in order to meet a renewable energy target of 70% by 2030, Northern Ireland will have to double its renewable generating capacity. The Climate Change Act 2022 increased the target to 80%. Significantly Section 52 of the Act places a legal obligation on all NI departments (including planning authorities) to exercise their functions in a manner consistent with the achievement of climate change objectives and to draw up and implement plans, policies and strategies for the purpose of meeting those obligations.
- 3.21 The existing renewable energy targets have very significant implications for the pressure on the grid and existing transmission infrastructure and will inevitably mean a very significant investment in further upgrades to the grid system to provide the additional capacity required.
- 3.22 Further, the Intergovernmental Panel on Climate Change (IPCC) Report on Climate Change in UK, published on 20th March 2023 confirms that:
- "In 2018, IPCC highlighted the unprecedented scale of the challenge required to keep warming to 1.5°C. Five years later, that challenge has become even greater due to a continued increase in greenhouse gas emissions. The pace and scale of what has been done so far, and current plans, are insufficient to tackle climate change."*
- 3.23 The UK Climate Change Committee 2023 Progress Report to Parliament is a statutory report. It concludes that:

- Policy development continues to be too slow and the assessment of the Carbon Budget Delivery Plan (CBDP) has raised new concerns and Committee confidence in the UK meeting its medium-term targets has decreased in the past year.
- A lack of urgency. While the policy framework has continued to develop over the past year, this is not happening at the required pace for future targets.
- Immediate priority actions and policies. Action is needed in a range of areas to deliver on the Government's emissions pathway.
- Planning policy needs radical reform to support Net Zero. The planning system must have an overarching requirement that all planning decisions must be taken giving full regard to the imperative of Net Zero.

3.24 All evidence points to an urgent imperative to do more to address climate change. There are currently no windfarms in the council area and one solar farm, with a generating capacity of 7MW. It is reasonable to assume that, if the Council is to meet its objective of realising and facilitating the full potential for renewable and low carbon energy development by supporting renewable energy generation and storage, new energy projects will be required. Strategic policy should reflect this reality and recognise that there will be significantly increased need for renewable energy generation and storage along with low/zero carbon projects. There will inevitably be an associated requirement for the upgrade and/or expansion of the electricity infrastructure which is essential to facilitate those projects.

3.25 It is notable that, in setting out the relevant policy considerations in respect of renewable energy projects, (with the exception of BESS projects) the DPS fails to mention never mind, recognise the critical role of the electrical infrastructure required to connect projects to the grid.

3.26 In that context it is our considered view that the DPS should afford the wider environmental, economic and social benefits of renewable energy development and associated essential electrical infrastructure '*significant*' weight in the determination of planning applications. The failure of the DPS to adopt this approach means that it is unsound in failing to take proper account of the requirements of the Climate Change Act 2022 and by extension its own strategic policy.

Utilities Strategy

3.27 In the **Public Utilities, Infrastructure & Connectivity Strategy** the Council does recognise the important role of connectivity and infrastructure, such as, electricity power lines and overhead cables in the economic and social development of the Borough.

3.28 However, under **Policy EI 1 Electricity and Energy Infrastructure** it is proposed that planning permission will be granted for electricity infrastructure, gas network infrastructure together with any enabling works where they:

- a) Avoid sites of landscape sensitivity;
- b) Avoid areas of nature conservation, historic or archaeological interest;
- c) Minimise their visual intrusion;
- d) Follow the natural features of the environment; and
- e) In the case of overhead cables, the undergrounding of services is preferred. If this is not possible, applicants are required to demonstrate to the satisfaction of the Council, why this cannot be achieved.

3.29 Policy EL 1 is unsound in that it embeds inherent uncertainty in respect of definitions and at the same time is so rigid that it will inevitably lead to unjustifiable difficulties in delivering essential electrical infrastructure to enable renewable and low/zero carbon energy targets to be met and also stifle wider social and economic growth.

- 3.30 The requirement to **avoid** ‘*sites of landscape sensitivity*’ and ‘*areas of nature conservation, historic or archaeological interest*’ is fundamentally at odds with the principles set out elsewhere in the DPS and in the SPPS which states (para 3.4) that ‘*furthering sustainable development means balancing social, economic and environmental objectives, all of which are considerations in the planning for and management of development*’ along with the careful balancing (paragraph 6.221) where such lines service renewable and low carbon energy developments.
- 3.31 There will commonly be situations where it is not possible for critical electrical infrastructure to avoid sensitive sites even where those sites are identified by specific designations due to their importance in landscape, natural or cultural heritage terms. In that context, policy needs to build in a reasonable degree of flexibility to allow the planning authority to exercise reasonable and appropriate planning judgement in weighing up proposals. It is recognised that policy makers cannot anticipate all situations or proposals, and as such, it must allow for every case to be considered separately and on its own merits. SONI respectfully suggest that the strategic importance of electrical infrastructure should be given appropriate weight in the planning balance, which is in line with the approach taken in existing policy documents including consideration of impacts on nature conservation sites and the landscape generally in the SPPS.
- 3.32 Further, the DPS does not define what is meant by a ‘*site of landscape sensitivity*’ or ‘*areas of nature conservation, historic or archaeological interest*’. In essence, that means that **any** site considered to be of **any** level of landscape sensitivity or of **any** level of natural or cultural heritage value must be avoided. That cannot be deemed to be reasonable policy.
- 3.33 Further the policy requirement that default position should be that all cables are undergrounded is neither reasonable nor deliverable in the real world. Such a requirement would have serious implications for the deliverability of projects. SONI have an obligation to provide the ‘*Least Cost Technically Acceptable*’ solution to customers. The undergrounding of cables is very much more expensive than the overhead solution, and that increased cost eventually makes its way to the individual consumers. Any such increase in costs to consumers would run contrary to the local political drive for cheaper connection charges and the ‘*Just Transmission*’ agenda. The SPPS (paragraph 6.238) acknowledges that account must be taken of costs and other material considerations which may otherwise render a project unviable.
- 3.34 In addition, underground cabling which involves an excavated trench, may also result in a greater environmental impact through potential damage to undiscovered archaeological remains and the potential impact on fisheries, aquatic ecology and the water environment generally. There are also technical limits on the extent of cabling that can be delivered via underground methods due to drop off in cable voltages in that context.
- 3.35 SONI follow a structured approach to route selection and the development of their project design in respect of transmission connections. Route selection is informed by the application of the principles from the Holford Rules¹ including:
- Avoiding, where possible, of the major areas of high amenity value.
 - Avoiding smaller areas of high amenity value, or natural and cultural heritage interest by deviation.
 - As far as possible choosing the most direct line, minimising sharp changes of direction.

¹ National Grid plc: The National Grid Company plc and new high voltage transmission lines – guidelines for line routing (the Holford Rules) and undergrounding: March 2003.

- Preference for moderately open valleys with woods where the apparent height of the poles will be reduced, and views of the line will be broken by trees.
 - Keeping high voltage lines as far as possible independent of smaller lines, converging routes, distribution poles and other masts, wires and cables, so as to avoid a concatenation or ‘wirescape’.
 - Evaluation and balancing of a combination of environmental, technical and landownership/availability issues informed by walk over surveys/site visits and detailed environmental assessments.
- 3.36 The SPPS recognises the importance of prized landscapes, cultural and natural heritage assets (paragraph 6.225). and at paragraph 6.245 in respect of telecommunications and other utilities directs that the development of such infrastructure should be facilitated in an efficient and effective manner ‘*whilst keeping the environmental impact to a minimum.*’ In that context, SONI respectfully suggests that the wording of the draft policy should be amended to reflect the approach of the SPPS and the amplification text of the DPS which both confirm that undergrounding of cables is not universally the best option. Rather it is acknowledged that the additional cost to the customer and other environmental considerations will in many cases rule out undergrounding as a viable option.

Listed Buildings & Undesignated Assets

- 3.37 **Policy HE 10 Development affecting setting of Listed Buildings Historic Environment** proposes an additional policy constraint over and above existing policy set out in PPS 6 in relation to the potential impact on the setting of a listed building in consideration of whether the proposed development would result in the significant loss of key public views to and from the listed building. Existing policy covers the issue adequately through the justification and amplification section and the requirement that development proposals may have to demonstrate through supporting information that there will be no unacceptable impact on the setting. The proposed policy amendment to include the impact on view as a specific additional criterion is an unnecessary further impediment to development that will lead in inevitable dispute between developers and objectors in respect of the significance of any such view.
- 3.38 **Policy HE13 - Non-designated heritage assets:** Proposals that would materially remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place, will not be permitted unless it can be demonstrated that the public benefits of the development outweigh the harm.
- 3.39 The DPS does not clearly define these assets but provides examples to include vernacular buildings, telephone boxes, street signs, bridges, lampposts, stiles, walls and gates. The Council does not currently hold a list of non-designated heritage assets that have already been identified, nor have any immediate plans to start a “Local List”.
- 3.40 This approach undermines the purpose of the LDP which is to ‘provide a plan-led framework for rational and consistent decision-making’. The DPS cannot possibly meet that requirement while draft policy introduces constraints that are undefined and lack any degree of certainty or reality.
- 3.41 The approach is inconsistent with the RDS and SPPS. Further, the policy is unrealistic, has not properly considered alternative and more appropriate means to protect these interests. It is in conflict with the overall DPS strategy of balancing protection of the environment with social and economic growth.
- 3.42 In conclusion, the subject policies are therefore unsound by virtue of:
- Consistency Test C1: The DPS fails to take proper account of Regional Development Strategy.
 - Consistency Test C3: The DPS fails to take account of policy and guidance issued by the

Department.

- Coherence & Effectiveness Test CE1: The DPS fails to set out a coherent strategy from which its policies and allocations logically flow.
- Coherence & Effectiveness Test CE2: The strategy, policies and allocations are not realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.

4.0 CONCLUSIONS

- 4.1 This submission relates to the proposed plan period, the renewable energy strategy, the public utilities, infrastructure & connectivity strategy and to relevant proposed strategic and operational policies.
- 4.2 For the reasons set out above, it our considered view that the DPS is unsound as the it fails the soundness tests in respect of:
- Consistency Test C1 – failure to take account of the Regional Development Strategy
 - Consistency Test C3 - failure to take account of policy and guidance issued by the Department
 - Coherence & Effectiveness CE1 - The DPS fails to set out a coherent strategy from which its policies logically flow.
 - Coherence & Effectiveness CE2 - The DPS strategy and policies are not realistic and appropriate, have failed to fully consider the relevant alternatives and are not founded on a robust evidence base.
- 4.3 Our client would welcome further engagement with the Council in respect of these matters.
- 4.4 Our client would wish to participate in any oral hearing into the DPS.

