



Northern Ireland  
Assembly

Committee for the Environment

# OFFICIAL REPORT (Hansard)

Inquiry into Wind Energy

13 November 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for the Environment

### Inquiry into Wind Energy

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**Members present for all or part of the proceedings:**

Ms Anna Lo (Chairperson)  
Mrs Pam Cameron (Deputy Chairperson)  
Mr Cathal Boylan  
Mr Colum Eastwood  
Mr Alban Maginness  
Mr Ian McCrea  
Mr Ian Milne  
Lord Morrow  
Mr Peter Weir

**The Chairperson (Ms Lo):** The next item on the agenda is a look at details of our inquiry into wind energy. The Clerk has written a very good summary paper of the evidence, which is in your meeting pack. We have agreed to conclude our evidence gathering after we have all the information. So, we need to start looking at drafting the main issues and making recommendations. A short paper from the Clerk on the main issues has been tabled, and also tabled is a very good research paper from the Fermanagh Trust. It is not really that long. Members, do you need a couple of minutes go over the Clerk's paper on the main issues? There is one more tabled item, which is a list of questions from Cathal on the inquiry.

**Mr Boylan:** Last week we had a number of questions that were sent to us to ask the officials, and I did not want to prolong the meeting by asking them. I asked the officials whether, if I had the questions sent in writing, they would send responses back. There are about 10 questions. They are really about the wind farms and setback distances. The officials agreed to send responses back in writing.

There is one other issue. I have been dealing with a group that is looking at a proposal for six wind turbines in an area outside my town on top of what is known as Keady mountain. A community group out there has got involved in opposition, and it has put a file together and wants to send it through today as part of the final process. It is basically on some of the same issues about setback distances. I would appreciate it if you would consider that. If they can, they will email it to you today, Chair, as part of the process. They had asked to meet the Committee, but we did not want to get into meeting with groups, so I just told them to make whatever points they wanted to. It is like this: they will be living with it. There is a proposal for six wind turbines over the next couple of months, and they have some concerns about it. If they write or email, I would appreciate it if we could take some of their remarks on this into consideration.

**The Committee Clerk:** Have they sent us a submission, Cathal?

**Mr Boylan:** They have sent some things.

**The Committee Clerk:** I think that there is a formal submission from them in our —

**Mr Boylan:** Most of the people have been following this inquiry, and some things were said in a presentation a couple of weeks ago.

**The Chairperson (Ms Lo):** Cathal, we have looked at separation distance in detail already.

**Mr Boylan:** I am not asking that. I am saying that, as part of this whole process, we have invited people in here. There are loads of people who we could have asked to give presentations, and we have kept them out of it. They got together as a group. There were some responses from Gaelectric and others last week, and all I am saying is that those people were listening to those responses and are challenging them. They have asked to write in about some of their issues and that those be taken into consideration. All they will do is email some of those concerns in response. They have every right to respond to it because they did not get a chance to present to the Committee. They will email some comments on what they feel about what NIRIG and Gaelectric said.

**The Chairperson (Ms Lo):** We have to be fair to others. Some people passed the submission deadline, and we refused the inclusion of their submission in our report. I think that we have to be fair to the other people who have said that they wanted —

**Mr Boylan:** To be fair, I do not know whether there were any deadlines, because this has been a live inquiry going on for a long period. If that were the case, we extended our inquiry and gave other people an opportunity to come here. I do not see a big issue in allowing another two or three pages of responses in an email to the live issues that were brought up a fortnight ago. It may be nothing different to what is there already, but I will be arguing for it, because at the end of the day, we will do our report, but those people may have to live with the turbines for the rest of their days. I am only putting that to the Committee. It is only an email with a few pointers in response to what members brought up in presentations. If the Committee feels that it is content that the inquiry is finished, so be it.

**The Chairperson (Ms Lo):** The inquiry has been extended and extended, and I think that we need to draw a line somewhere and say, "Right. That it is all the information that we have received so far".

**Mr Boylan:** Yes, Chair, but we are live in drafting our final report.

**The Chairperson (Ms Lo):** It is up to members. What do you think?

**Mr Weir:** What has been the practice up until now? I have some sympathy for people putting in whatever they want, but, whatever it is, we have to be consistent with what we have done in the past with our treatment of evidence. Is it a question of recording it but it essentially gets recorded in a separate category as late evidence or evidence that arrived after the deadline? Is it excluded or included? What is the situation?

**The Chairperson (Ms Lo):** The majority of people met our deadline calling for evidence and submitted their written paper. There was only one —

**The Committee Clerk:** Nobody has been refused except for one person, and they sent the submission after the Committee had agreed at the last meeting that it would not take any further evidence. The refusal was on that basis. One gentleman said that he was not making a submission as such but comments, which reiterated evidence that we already had from other people. So, on that basis, do you want to reopen it? The Committee agreed that that was the end of the evidence gathering. We have not been particularly firm; we have accepted late submissions. The deadline for giving formal submissions to the Committee was February 2014, and we have accepted a considerable number of submissions since then. There was only one person who came after we had decided a couple of weeks ago that that was the end of the evidence gathering. That is the only person who has been refused.

**The Chairperson (Ms Lo):** Yes, someone emailed us with comments, and we wrote back and said, "No, we are not taking it".

**Mr Boylan:** That is the point about the inquiry. If we go back to it, we cannot accept anything after February. So, we then extended it.

**The Chairperson (Ms Lo):** We decided after the last briefing that we would not take any more.

**Mr Boylan:** Peter is asking about the procedure. If we want to go back to the procedure, we can say that it ended in February. All I am saying is that there was a presentation here a fortnight ago. The second presentation was given by a certain group. It does not matter which group I am talking about, but nobody had a chance to respond to what was said. Those people heard things at the presentation and did not get a chance to challenge it. We opened up the inquiry for everybody to get a chance.

**Mr Eastwood:** Is there likely to be a flood of people submitting if we open it up again? Probably not. So, we should maybe accept the submission and any others that were refused in the last couple of weeks. I do not think that there is much harm in it, but we will need to draw a line at some point.

**The Chairperson (Ms Lo):** One person wrote to us after that submission, and we said that we were not accepting any more —

**Mr Eastwood:** If we opened it up, we would have to allow that person to submit as well.

**The Chairperson (Ms Lo):** Yes. If we are going to accept that submission, we will have to go back to the other person and say, "We'll take your comments".

Cathal, to be honest, we have flogged the separation distance almost to death.

**Mr Boylan:** Chair, but —

**The Chairperson (Ms Lo):** Look into —

**Mr Boylan:** To be fair —

**The Chairperson (Ms Lo):** If you look at the Clerk's paper, you will see that we have compared with other jurisdictions, we have looked at —

**Mr Boylan:** Chair, to be fair, I do not know what is coming in the email. I am using that as only one example; there could be three or four other points. I do not know exactly what is in the email. The person asked whether they could give evidence in response to what was said. We could get into a debate about setback distances all day. If the Committee wishes not to accept any more, that is grand; that is the majority of the Committee, so it is fine. I will live with it.

**The Committee Clerk:** I think that that group — *[Interruption.]*

**The Chairperson (Ms Lo):** Can you listen to the Clerk, please?

**The Committee Clerk:** I think that that group gave us a submission. It then wanted to change its submission and said that it wanted to give us an amended submission. That was quite a while ago; I think that it was in June or during the summertime. To date, however, we have not received it. Is the information actually available now?

**Mr Boylan:** The information is available. That is why I am bringing it up today. I got an email last night that asked whether I would accept information on the last presentation.

**Mr Weir:** The issue is whether it is the same.

**Mr Boylan:** It is different.

**Mr Weir:** Is it information that relates to what was said —

**Mr Boylan:** It is information in the light of the last presentation by Gaelectric, which was a fortnight ago.

**Mr Weir:** With the best will in the world, that is where that might be a bit of a problem. I am sure that all the stuff is very genuine. Does that mean that, when the group submits, that will be part of the evidence? Presumably, Gaelectric might dispute elements of that. Does it then have a right to come back on the submission? That is where I see a problem.

**The Chairperson (Ms Lo):** It just goes on and on.

**Mr Boylan:** To be fair, Peter, it does not, because it had the opportunity to present to the Committee.

**Mr Weir:** But, with respect, if any group says, "We actually heard the evidence of so-and-so, who has produced this. We actually dispute that, and we believe that A, B and C are actually correct", A, B and C having been asserted by another group may not have even been put to the group that presented to us. Does it then get a right —

**The Chairperson (Ms Lo):** Of response to it.

**Mr Boylan:** It is not a case of that.

**Mr Weir:** It could be accommodated on one level, but I do not know whether you can have a situation where you keep on doing that, unless there is some sort of general line in the report that said, "Some groups submitted additional evidence after the deadline" or there was some acknowledgement of what happened without actually noting the evidence.

**The Chairperson (Ms Lo):** I think that we have to draw a line somewhere. If not, we are just going to delay this. It will go on and on.

**Mr Boylan:** Chair, as long as you read out a letter of apology.

**Lord Morrow:** It will be recorded that you fought the battle.

**Mr Weir:** Despite the best protestations of Cathal Boylan.

**Mr Eastwood:** Tell them that I fought the battle, too, will you?

**The Chairperson (Ms Lo):** I will thank them for their interest, but I will say that we have now concluded all our evidence and want to start writing our report. They are very welcome to look at the report.

**Mr Boylan:** I record my disappointment.

**The Chairperson (Ms Lo):** Members, do you have time to have a quick read of the Clerk's short tabled paper? I will start going through it, because we have to give the Clerk some direction on what we want in the report. Do you have time to have a look at it? I will give you a couple of minutes to read it.

**The Chairperson (Ms Lo):** OK, members. We will go straight to paragraph 3 and look at the questions that the Committee Clerk has put to us.

This is on Planning Policy Statement 18 (PPS 18). We talked about a strategic approach and all the other planning issues. The Committee Clerk wants us to decide whether a strategic approach that advocates zoning, or the identification of the most appropriate locations for wind turbines, would be effective. The various responses state that it is a bit too late now to do zoning. Perhaps the councils can take into account their local development plan, the regional development strategy, the strategic planning policy statement (SPPS) and the renewable energy framework, and then decide for their area. What do you think, members?

**Mrs Cameron:** To my mind, zoning would have been very good, but it may be no good at this stage. I do not know whether that means that it should still be done or whether it is simply too late.

**The Chairperson (Ms Lo):** I got those feelings from the planners and the institute.

**Mr Weir:** My point marries that point a little bit. Perhaps the development of actions through the local councils through area development is the next best thing to zoning. On a broader level — this may have been useful at the start — we should not at this stage try to do something that is very top-down without having a good deal of local knowledge. However, with local development plans, the council has a role in — as I said, this is not exactly zoning — establishing what should be in certain areas, using its local knowledge. That might be a slightly better route to take.

**Mr Eastwood:** I take the points, but the question is whether we should have a strategic approach, and I still think that we should. Whatever body decides what that strategic approach should be, whether it is at a very local level or a more central level, it would have been far better if we had done it at the beginning, but we did not. I still do not think that that should mean that we just let things go the way in which they are going. There should be some level of strategic approach, however we decide that. I am not being prescriptive on it, but it would be ridiculous for us to say, "Let's not be strategic", even though we have not been until now.

**The Chairperson (Ms Lo):** I agree with you, but what I mean is that, even with the development of the local development plan, councils need to take other strategies into account, such as the regional development strategy, the renewable energy framework and the SPPS, at that strategic level.

**Mr Boylan:** I agree with a strategic approach. There is no doubt about it. I do not think that it is too late in some of the areas. Although we agree with renewable energy and all of that, the first question that should have been asked concerned need, to be honest. We have set a target, and we may not be able to meet it where there is a need. I am happy enough with what the departmental official said last week about local area plans, because those will have a big say, but I do not think that it is too late. I think that some of the areas have been saturated with this, to be honest with you, particularly Tyrone.

**The Chairperson (Ms Lo):** On zoning, I think that they are saying —

**Mr Boylan:** Yes, areas need to be zoned, but people need to reflect on the fact that, way back at the start of the process, areas were identified. There is one question that I want to ask —

**The Chairperson (Ms Lo):** Sorry, I have just received a note. Members, can you move your tablets away from the microphones? Some members' microphones are being blocked.

**Mr Weir:** Somebody's words of wisdom could have been lost to posterity.

**Mr Boylan:** Chair, you mentioned the regional development strategy, which is the overarching strategy for all of this. Did we look at what was in it on renewables? I remember that, as part of the process of looking at 132 landscape areas, officials identified areas that they thought would be more appropriate and more viable for wind farms. Colum mentioned it and you mentioned it, Chair, and it is correct. The regional development strategy should outline major strategic infrastructural development. I agree with a strategic approach, and I certainly think that in the future local authorities will have a big part to play in zoning.

**The Chairperson (Ms Lo):** OK. Are members in agreement? Perhaps not on zoning, but on the need to take a strategic approach, and that the best way in which to deal with it would be through local authorities when they are developing their local area plan.

**Mr Eastwood:** In conjunction with the relevant Departments as well.

**Mr Boylan:** And with the regional development strategy.

**The Chairperson (Ms Lo):** Yes. OK.

**Lord Morrow:** I have a comment to make about a strategic approach. I think that that is fine, but advocating zoning takes you in a different direction. That is basically where the problem is now arising, because it leads to saturation, as we know — in west Tyrone, for instance. I think that we need to be careful.

**The Chairperson (Ms Lo):** No, we are not saying that we advocate zoning. We are just going to leave it for local —

**Lord Morrow:** You are putting a full stop after "strategic approach".

**The Chairperson (Ms Lo):** We are not going to write it like this.

**Lord Morrow:** No, I understand that.

**Mr Weir:** You are putting a metaphorical full stop.

**The Chairperson (Ms Lo):** We will say that we do not think that zoning will be effective.

**Lord Morrow:** So we do not think that zoning is the way forward.

**The Chairperson (Ms Lo):** It is not the way forward, yes. I think the planners are going to say to us that it is too late now, and we should have done it a long time ago. OK. Fair enough?

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next question is:

*"Would this result in the saturation of some areas?"*

We have already answered that.

The next is:

*"Should there be different processes for individual turbines and wind farms to promote more cohesive planning?"*

Again, I think we should say that the councils and the strategic planning team, the one in the Department, should work in close liaison. Councils are going to deal with individual turbines; then, within the Department, there is the strategic planning team, which is looking separately at wind farms. So maybe there needs to be more coordination between the two.

**The Committee Clerk:** I think that I worded that rather badly. What I was actually getting at is that some of the submissions kind of alleged that the right hand did not know what the left was doing; councils do not know what was happening in strategic planning; and there was not that level of cohesion.

**Mr Boylan:** I understand where you are coming from. They should be different processes.

**The Chairperson (Ms Lo):** Particularly now that councils, from next year, will be solely responsible for planning in their own areas, there needs to be more talking with each other.

**Lord Morrow:** It is called joined-up thinking.

**The Chairperson (Ms Lo):** More joined-up thinking, quite right. Right face. *[Laughter.]*

*Members indicated assent.*

**The Chairperson (Ms Lo):** OK. Next, then, members:

*"Should there be closer definition of what constitutes economic considerations, as stipulated in both PPS18 and the draft SPPS?"*

Maybe not a "closer", but "clearer definition"?

**The Committee Clerk:** That is right; that is what it should be. I was a wee bit tired by then.

**Mr Boylan:** I would make it stronger, in terms of economic considerations. Does that follow on from contribution to communities? Are we talking about the benefits of wind turbines in general or the whole community aspect?

**The Chairperson (Ms Lo):** No. In their planning statements, developers often say that they will create, say, 100 jobs, but, from the responses that we received, people are saying that there is no way that planners would go back in a year's time to see how many jobs the developer has created and how many have been sustained. Developers claim to benefit communities by this amount of money or that. We might suggest a more definite requirement for developers to be less vague and more specific about the economic benefits and contributions to communities.

**Lord Morrow:** That takes you into different territory. If a developer claims to be able to create a mythical 100 jobs, and you ask: "Over what period of time?", he may answer that that will be done over the next 25 years. Who will be there, who started over 20 years ago, still standing and able to say: "No, 100 jobs were not created, so we should close down this whole thing"?

**The Chairperson (Ms Lo):** However, we could ask developers to be more specific and more detailed and to say, for example, that at construction, they will create jobs for a project manager or whatever, construction workers; and then, once it is up and running, they will require this many staff to do that. We can ask them to give more specific details.

**Mr Boylan:** I have a slight problem with that. It does not really fit into planning per se, because it is a material consideration. So developers will put in their business case as a part of their application. I do not know how we would define that, to be honest with you, in most planning applications. Economic weighting is either given or not, and it is a material consideration in any planning application. So I am just wondering how you would clearly define that, in the planning application process itself, which might be slightly difficult. That is why I asked you whether it is community or economic. Clearly, this is the jobs and the economic element. Economic weighting counts in any planning application.

**The Chairperson (Ms Lo):** It does. The responses from the community groups say that job creation and economic benefits are a big material consideration in planning. What they are saying is that there is no means whereby planners, afterwards, can verify that the developer came up with the economic benefits that he claimed for the project.

**Mr Weir:** The only thing is that economic benefits can be intangible. If you take the view that, for instance, given the opportunity, more electricity will be generated and that could in theory lead to cheaper electricity if there was a surplus of it. That would have wider economic benefits for the community as a whole, for example.

**The Chairperson (Ms Lo):** Exactly. That should be included in the statement: that the price will drop by whatever.

**Mr Weir:** I think the problem, to some extent, is that it is very difficult to tie down the specifics and the implications. Cathal is right in that regard, but it is true of a lot of applications. I think that, realistically, if you get a situation where wind turbines are put up on the basis of a promise — that that series of turbines will create 100 jobs, but it creates only 40 — realistically, if you are judging it a year down the line, are you then going to demolish the wind turbines that have been put up? It is a difficult question. There may be a more general point that information on economic considerations should be made clearer and more specific, if possible; but I am not sure that there is a great deal further that you can go in that.

**The Chairperson (Ms Lo):** That is what we will recommend: developers to be more specific on the economic aspects. Economic benefits are given such a high weighting in the decision-making process. People can just claim that their project will have such and such a big benefit, and yet they may not come up with it. Are we agreed on that then, members? Clearer definition?

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one is:

*"Should there be an audit of the effectiveness of PPS18 to determine the economic outputs of wind turbines?"*

**Lord Morrow:** That is a simple one. Yes.

**Mr Boylan:** Yes.

*Members indicated assent.*

**The Chairperson (Ms Lo):** Good. It is up to the Department to find a way of doing it, but, yes, we advocate that.

**Lord Morrow:** I fully trust them.

**The Chairperson (Ms Lo):** Next is planning processes and the inadequacies of current planning procedures. We want to see:

*"if there is adequate consideration of the cumulative impact of turbines, given that planning officials have confirmed that they use their professional judgement to decide when saturation point has been reached".*

The cumulative effect is a big issue in the community responses. We would support that and call for that.

**Mr Boylan:** I would support that. That needs to be clearly defined.

**Mr Weir:** I think that, even leaving aside wind turbines, it can be a wider issue in planning. There is always this balance between what the saturation effect is, and treating an individual application on its merits. I think that, at times, it veers a little bit more towards the individual application than looking at the cumulative effect. It is a wider issue than purely the wind turbines.

**The Chairperson (Ms Lo):** Yes. We will put that in, then?

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one is:

*"Should conditions relating to noise complaint investigation be routinely attached to planning consents"?*

I think so; that is the case in the rest of the UK.

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one is:

*"Should planning applications for connection to the grid be assessed at the same time as the turbine application?"*

Logically, you would say yes; but the explanation from NIE is that a scheme has to have planning permission before it can consider whether it can connect that scheme to the grid —

**Mr Boylan:** It is not our job to defend NIE. We are making this recommendation; I believe it is a good one. Whether NIE adheres to it is another thing.

**The Committee Clerk:** Apparently, it is routinely done in England and Wales.

**Mr Boylan:** I think that, as part of our report, I would recommend it.

**The Chairperson (Ms Lo):** OK. It is up to members.

**The Committee Clerk:** If you were making a planning application for a wind turbine, you would have to have some idea about connection to the grid, the feasibility and the cost of it at the time.

**Mrs Cameron:** That is a common-sense approach

**The Chairperson (Ms Lo):** What NIE has said to us, as far as I recall, is that it has — or we suggested that it should have — information on its website so that people can know in what areas you can connect to the grid easily and in what areas it is more difficult.

**Mr Weir:** I appreciate what you are saying in terms of the constraint at one level, Chair. However, should we go a little bit further and say that the system should change to try to tie in the planning permission with the issue of connection, whatever way round it is, rather than simply get the planning permission and hope that you get that. With the best will in the world, if you are left effectively with a potential eyesore that is not serving a useful purpose and is unable to be connected to the grid, it makes —

**The Chairperson (Ms Lo):** The issue is usually cost; not that it is an eyesore. When people get their planning permission, they may not realise that connecting to the grid will cost them something like £50,000 or £500,000, and they realise that there is no point in being connected to the grid.

**Mr Boylan:** To be fair, we need to come away from that. I think that NIE cannot stand in isolation. If we are talking about Departments and everybody else working together, there is no way that a person is going to get planning permission and then find out that it takes a quarter of a million pounds to connect to the grid. There should be statutory body created as a part of the planning process. That is what I think should come out of this approach.

**The Committee Clerk:** It was causing problems for planning officers because they were granting planning applications, but they had no idea how many of them were actually going to be built, so it made it difficult for them to assess cumulative impacts or anything else when they did not know how many were in the pipeline.

**Lord Morrow:** Any would-be developer is going to have a clear indication. You are not talking about small amounts of money but about hundreds of thousands of pounds. So, from the day that they sign their name and put in the application, they know what this is all about. So I do not accept that. I take the argument up to a certain point, that NIE should be a bit more up-front, but I also say this: the applicant needs to fully understand it, and I think they do. We are talking about a quarter of a million pounds, give or take £50,000 or £60,000 either side of it. That is the sort of stuff that they are getting into here.

**The Chairperson (Ms Lo):** I think that wind farm developers usually have done their research, but people who install a single turbine may not. They may just think that they are going to get a grant, apply for planning permission and then, when they go to NIE and NIE says that the substation is miles away and it will cost you £500,000 to connect to the grid, they will just say "Oh, right." Then you will have so many planning applications submitted to the office that will be just a waste of time.

Sheila, are you saying that the rest of the UK does it at the same time?

**The Committee Clerk:** Apparently, the ETI Committee is doing a similar inquiry into renewable energy and connection to the grid, and that is what I was told had come out of it. Because there is a monopoly of infrastructure provision by NIE in Northern Ireland, that is how it is done here; but, in other jurisdictions, there is not the same monopoly of connection provision to grid infrastructure and other companies provide these cost estimates at the time of the planning applications.

**The Chairperson (Ms Lo):** I suppose that it is only fair to the applicants, who are spending all that time and money, that they should know the likelihood of all the costs involved. I am happy to say yes

to that, members. What do you think? To assess the cost of connection at the same time as the turbine application?

**Mr Boylan:** Yes I would be happy enough with that.

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one is:

*"Is there adequate information provided on generic planning application forms, or should there be a separate application specifically for wind turbines?"*

I would support that. Obviously, a generic application form is very simple, say, if you are building an extension to a kitchen. However, they use the same form for a wind turbine.

**The Committee Clerk:** That is what we have been told by submissions, anyhow.

**The Chairperson (Ms Lo):** I mean, they use the same form for an extension to a kitchen as they do for an application for 20 wind turbines on a 20-acre site.

**Mr Boylan:** It is still an application.

**The Chairperson (Ms Lo):** I think that there is a big difference.

**Mrs Cameron:** That is a good point, Chair, but I wonder what difference it would make.

**The Chairperson (Ms Lo):** It would be a separate form. There would be a general, household application form and then a more detailed one.

**The Committee Clerk:** Apparently, you cannot give very much detail on the application form, so that any neighbours or anybody looking at the application form does not have very much detail on what is actually being proposed.

**Mrs Cameron:** Does it state that it is a wind turbine?

**The Committee Clerk:** I am not sure what it states. It may not state the height or the exact location of it.

**Lord Morrow:** We are not saying that it is a major development either, are we? If it does not say "wind turbine" on it, I think that there should be a category for it. It does not have to be a complicated one — though it may end up so, I do not know — but I think that there has to be a separate category for this type of development. If it is being treated the same as an extension to your kitchen or something of a minor nature, that is wrong. It needs to be different.

**The Chairperson (Ms Lo):** Yes. It would really alert people to that information. We should put it in.

**Mr Boylan:** I do not know. It could be a series of red boxes that you just have to tick.

**The Committee Clerk:** I hope that that is accurate.

**The Chairperson (Ms Lo):** Yes, I do not know whether we are correct to say that it is the same form, but, from the submissions that were given to us, it seems that people are saying that the same form is used for a domestic application, such as a kitchen extension, as for a wind farm. That does not make sense to me.

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one is:

*"Is there adequate neighbour notification, or should this be made mandatory within a much greater radius than the current 90m?"*

I think it makes sense to ask for a greater radius to be used, particularly in rural areas. In urban areas, it is very different but in rural areas, if it is still 90 metres, you could only cover maybe one or two houses.

**Lord Morrow:** If we agree that it should be a different type of application form with a different process, I think that it has to be different here too.

**The Chairperson (Ms Lo):** Yes.

**Mr Boylan:** I know that neighbour notification is going to be in statute as part of the new Planning Act. I do not know when it is starting. Have you any suggestions in terms of the —

**The Chairperson (Ms Lo):** Will the radius be bigger than 90 metres? The current radius is 90 metres.

**Mr Boylan:** Yes, but we need to change that distance, obviously.

**The Chairperson (Ms Lo):** We will just ask them to review it, rather for us to set it.

**Mr Boylan:** At the minute, they are saying that, with single wind turbines, the distance should be 10 times the rotor diameter; so that could be 300 metres.

**The Chairperson (Ms Lo):** No. That is for setting up, but this is for notification: informing people that there is a planning application made.

**Mr Boylan:** Sorry, yes, you are right. That is sound, but there are two separate things here. Neighbour notification will be in statute under the new planning laws and the new regulations that are coming in. That is one thing that is coming in. The other thing is that in terms of —

**The Chairperson (Ms Lo):** Neighbour notification has always been on the statute book.

**Mr Boylan:** No. It has not been in statute; it has been discretionary.

**The Chairperson (Ms Lo):** Oh. Right. OK.

**Mr Boylan:** So we are just asking for review of the 90-metre distance, yes?

**The Chairperson (Ms Lo):** Sorry, you are right. It says:

*"mandatory within a much greater radius than the current 90m".*

**The Committee Clerk:** Some of the community groups have been asking for a radius of five kilometres and that some type of mailshot or something be sent out.

**Mr Boylan:** Well, I think —

**The Committee Clerk:** I am only passing on what they ask for.

**Mr I McCrea:** I thought that they were talking about distances for the wind turbine; 500 metres or whatever. It would not do any harm to have 500 metres.

**Mr Weir:** I think the format we should use is, "Neighbour notification may be inadequate and it needs to be reviewed." I would be a little bit cautious about drafting something particular for them.

**The Chairperson (Ms Lo):** We should call for it to be reviewed, rather than for us to set it because we do not know.

**Mr Boylan:** Yes. I was only asking the question.

**The Chairperson (Ms Lo):** We will ask them to review the distance and say that it needs to be mandatory.

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one is:

*"Should the focus of environmental impact assessments include the psychological and physical health of residents who may be impacted?"*

**Lord Morrow:** What are we saying here? What sort of a report would that be? Is it likely to come from psychologists, consultants and everybody lining up to give their report? Is it a wee bit OTT there?

**A Member:** You get what you pay for.

**The Chairperson (Ms Lo):** Are they required to make a health impact assessment?

**The Committee Clerk:** Some of the residents' groups say that there is evidence that people who live nearby are affected, for instance, by low-frequency sound and that that should be included in an environmental impact assessment.

**Mrs Cameron:** It would not do any harm, would it?

**The Chairperson (Ms Lo):** Again, should we ask them to review whether they extend the environmental impact assessment to include the health and well-being of residents?

**The Committee Clerk:** I am trying to echo as far as I can the main areas of concern that came up in the submissions.

**Mr Boylan:** The only way you could do any of that is by outlining certain things under the impact assessment, like the low frequency. That is part of the process anyway. Are we saying that we should stipulate certain things under the EIA? You can only test noise pollution and how that impacts on people's health. I do not know how you would —

**The Chairperson (Ms Lo):** It is going to be very difficult. At the moment, how do they judge the distance and impact of the noise level and how that may impact on people's health? It is very difficult to measure the individual application's impact on the health of local residents, taking into account that people have different health issues.

**Mr Milne:** What are some of the reports saying about how this affects people's health? Can you give us some examples?

**The Chairperson (Ms Lo):** People have mentioned sleep disturbance.

**The Committee Clerk:** It is the impact of noise of all descriptions — either low-frequency noise or noise that they can actually hear — disturbing their sleep. There is some evidence, I think. There are two points of view: that there is no evidence and that there is some evidence that low-frequency noise can impact on people's health by causing, maybe, brain tumours and other fairly serious impacts. However, I am not sure that that —

**The Chairperson (Ms Lo):** We could have a research paper to say that there is no medical evidence that a wind turbine would cause health problems.

**Mr Boylan:** I suggest that we look at it through the EIA and expand that out. Obviously noise is one issue. I know that we are going to look at the ETSU-R-97 guidelines later. However, if noise is most of it, that is something that the EIA process should look at in more depth.

**The Committee Clerk:** People have cited the impact on their psychological health. They may have retired to the countryside to have a beautiful view in a quiet area and, now, get up every morning and see 25 wind turbines in front of them. That could have an adverse psychological effect. They thought that they were buying into something else when they went to live there. Can you do that?

**The Chairperson (Ms Lo):** It has been mentioned that, because of the lack of communication with local residents, people feel a loss of power and control in the planning process. That can also cause frustration and health problems. However, those are just too difficult to assess. I feel that, if we stick with noise level, maybe that is more tangible than to say that people need to take account of psychological and physical health impacts. There is not much impact on physical health.

**Mrs Cameron:** That could be disputed.

**The Committee Clerk:** Sleep disturbance has an impact on physical health.

**The Chairperson (Ms Lo):** OK.

**Mr Boylan:** Saying that supports the focus I suggested for the EIA. However, we also have to reflect in the final report what has been said about sleep deprivation.

**The Chairperson (Ms Lo):** Perhaps we stick to the level of noise — it is mostly the noise that affects people's psychological and physical health — rather than specify that the impact assessment must include psychological and physical health assessment, because, practically, that may be difficult for planners to do.

**Mrs Cameron:** In my view, it is just as difficult to demonstrate the impact on physical health as it is on psychological health.

**The Chairperson (Ms Lo):** Psychological impact is difficult too. People could have an existing condition.

**Mrs Cameron:** I do not think that we can ignore it because we cannot prove or disprove the psychological or physical effects that it may or may not have. A balance needs to be struck.

**Lord Morrow:** If we follow through with the strategic approach and if an audit of the effectiveness of PPS18 is carried out, which we have said yes to, that should have a result at the end. Whilst I still think that we have to include it, I hope that it would not be too cumbersome and bureaucratic. We need an environmental impact assessment to include the potential psychological and physical health of residents. I hope that if this is carried through in the way that we have tried to outline it here, it should minimise it to a great extent. However, it will not eradicate it, because nothing ever does.

**The Chairperson (Ms Lo):** I just worry about what that would mean in practice.

**Lord Morrow:** I agree.

**The Chairperson (Ms Lo):** How can developers make the assessment?

**Mr Boylan:** That is fair, Chair. I think you reflected that. The only way we can realistically do it is through an environmental impact assessment. As part of that, most of what people said was on the noise pollution issue. On the next page, we are looking at ETSU-R-97 and then the setback distance. Collectively, there may be enough in the report to address it.

**The Chairperson (Ms Lo):** I agree. That is my point. Are members content for us not to include the physical and psychological effects? Yes, we agree that they exist, but it would be very hard to do.

**Mr Boylan:** As long as it is reflected in the report.

*Members indicated assent.*

**The Chairperson (Ms Lo):** The second term of reference focuses on noise and separation distances from dwellings, which has been the most emotive aspect of the inquiry.

**Mr Boylan:** We can agree the first one.

**The Chairperson (Ms Lo):** The majority of responses from residents and local community groups are about noise and distance. Do members want to see the ETSU-97 guidelines reviewed on an urgent basis?

*Members indicated assent.*

**The Chairperson (Ms Lo):** There is no argument on that.

**Mr Boylan:** I think that we can agree all these en bloc.

**The Chairperson (Ms Lo):** Should arrangements be put in place for ongoing long-term monitoring of wind turbine noise?

*Members indicated assent.*

**The Chairperson (Ms Lo):** Should research be instigated to determine the impact of low-frequency noise on residents who live in close proximity to individual turbines?

*Members indicated assent.*

**The Chairperson (Ms Lo):** But, who is going to do it?

**Some Members:** That is not our problem.

**The Chairperson (Ms Lo):** Fair enough. Put it in. Should the make, model and age of the proposed turbine be recorded on the planning application? We have been told that reconditioned turbines are being used.

*Members indicated assent.*

**The Chairperson (Ms Lo):** We move on to setback distance, which, again, is a big issue in Northern Ireland. Do we want to look at the minimum separation distance or whether current flexibility should still be available to planners?

**Lord Morrow:** I cannot recall who said it in Committee, but somebody said that we have flogged this one to death.

**Mr Boylan:** I wonder who said that.

**The Chairperson (Ms Lo):** I said that.

**Mrs Cameron:** I think that there should be a minimum.

**Mr Boylan:** I agree; a starting point of 750 metres.

**The Chairperson (Ms Lo):** In the rest of the UK, there is no mandatory setback distance, nor is there in the Republic of Ireland. It is judged more on the noise —

**Mr Boylan:** Chair, I think we have flogged that one to death.

**The Chairperson (Ms Lo):** It is more on noise level.

**The Committee Clerk:** You have to take into account the fact that if you specify a minimum separation distance, it will apply to individual turbines, and farmers may not want that to happen.

**Lord Morrow:** We are going to have joined-up thinking on all of this, so that should deal with that.

**The Chairperson (Ms Lo):** Mrs Walsh, our adviser, said that noise level had nothing to do with separation distances, because you can have someone on each side of a valley and the noise level would be a lot higher if you measured it on the linear distance — 500 metres —

**Mr Weir:** There is clearly no correlation. By definition, if you have something that is noisy, and you are closer to it, it will be noisier the closer you get to it. However, there are also other factors.

**The Chairperson (Ms Lo):** It is geographical.

**Mr Boylan:** The point, Chair, is that there will be joined up thinking, and we agree on a minimum.

**The Chairperson (Ms Lo):** Our adviser says that it is not logical to have setback distances, because it depends on the area and on —

**Mrs Cameron:** She is specifically addressing noise, not the whole issue.

**The Chairperson (Ms Lo):** She is just looking at noise. However, she looked at setback distances in relation to noise. She is rigidly saying that there needs to be a separation distance, which would make it very difficult. It would not be helpful to residents.

**The Committee Clerk:** She said that there needs to be a robust measurement of noise. That was the main criteria. As Anna said, you could have a situation where there could be a wind turbine at the top of one hill and somebody living at the top of another one. If you go right down into the valley, it may be more than 500 metres, but that person will suffer a greater noise impact.

**Mr Boylan:** I agree with the issue of a minimum separation distance. If that is the recommendation that is put forward, I am happy to agree with it. I think that there should be a minimum.

**Mr I McCrea:** I do not disagree at all. The reality is that the Committee is making recommendations. We are not deciding what the changes, if any, will be. This whole report could be ignored by the Department; most of it likely will be. I do not think that we should get caught up on or worried about what we include in it. Certainly, there is an argument for this within the local community. I do not see why we should not include it, and it is then up to the Department whether to accept it. It is just a recommendation.

**The Chairperson (Ms Lo):** In general, they do take our recommendations seriously. We can always go back to them and ask them to follow it up. If that is what members want, we will put it in. Are members content that they should set a minimum separation distance?

*Members indicated assent.*

**The Chairperson (Ms Lo):** At the moment, they do have something like 500 metres anyway, so they will probably say that they are doing it anyway.

The next recommendation is that, if a separation distance is to be specified, how that should be determined, taking into account constraint on the availability of land. I think that we should just leave it for the Department to set the minimum separation distance.

**Mr Boylan:** Yes, Chair.

**The Chairperson (Ms Lo):** Are members content?

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one relates to other forms of renewable energy. Do members wish to consider whether we agree with the view that we are taking different evidence on other forms of renewable energy and agree to mix? You cannot argue with that.

*Members indicated assent.*

**The Chairperson (Ms Lo):** The third term of reference relates to community engagement. We are looking at whether there should be a pre-application consultation process. Absolutely.

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one is wind farm cooperatives. I think that that is something that government should encourage and support. There is the tabled report from the Fermanagh Trust advocating cooperatives and citing examples in England where buy-in from local communities is encouraged, and where there is less delay, protests and opposition to it, and it benefits communities and gives people a say. I think we should include that.

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one relates to statutory consultees. The list of consultees should be widened to reflect all users of the countryside. Are members agreed?

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one relates to a mandatory community engagement toolkit. Are members agreed?

*Members indicated assent.*

**The Chairperson (Ms Lo):** The next one is consideration of community views by planners and developers, and it is not just consideration; it is meaningful engagement.

**The Committee Clerk:** Some of these are mutually exclusive. Those are different points of view.

**The Chairperson (Ms Lo):** Sorry, those are community views by planners and developers. We are saying that there needs to be consideration of community views by planners and developers.

**The Committee Clerk:** The planners are saying that they get due consideration; the residents are saying that they do not, and, furthermore, they have difficulty in resourcing any objections they bring to the planners. That was not clearly agreed. These are based on a lot of the things that were discussed at the stakeholder events, but some points were not agreed by stakeholders, and this was one of them.

**The Chairperson (Ms Lo):** What we are saying is that planners and, particularly, developers need to listen more and engage more with communities and take into account their views and make changes in relation to the views of residents and have meaningful engagement with them. A lot of the respondents say that they just send circulars, knock on doors and put up an exhibition for four hours in an evening in the local town hall.

**Mr Boylan:** What are we trying to say? The way I read it at the minute is that the community feels that it is a tick-box exercise, but the other side is that planners and developers are saying that they are robustly going through the process.

**Lord Morrow:** Just on that point; it is not the lack of robustness or otherwise of the public consultation that I have an issue with. What I have an issue with is that it does not seem to have any impact. We have a consultation, and I agree with the process and that it should be happening, but what I find very hard to live with is that, after the consultation is over and they do not get the answer that they were looking for— and I am not specifically talking about this — they just go on anyway. Take, for instance, the closure of a hospital, where you have 15,000 or 20,000 people standing and protesting in a market square somewhere about the closure of their hospital, and everybody invariably says, "I do not want it to close" —

**The Chairperson (Ms Lo):** The trust says, "We are going ahead."

**Lord Morrow:** It says, "Thank you very much. We have heard what you have said, but we are going ahead anyway." What is the business of this [*Inaudible.*]

**The Chairperson (Ms Lo):** Exactly. I think that that is the point being made by residents.

**Lord Morrow:** Those who say that it is a box-ticking exercise have got it dead right.

**The Chairperson (Ms Lo):** Yes. That is the main gist of respondents. They are being invited to an exhibition, with pictures and drawings, and what they say in opposition to some issues is never taken into account and no changes are made to the plans. What we are saying is that residents' views need to be considered and incorporated if it is sensible and practicable to make changes and that people listen to respondents and residents. Is that OK?

*Members indicated assent.*

**The Chairperson (Ms Lo):** Do members agree on timely and early engagement?

*Members indicated assent.*

**The Chairperson (Ms Lo):** Neighbourhood notification? Do we want to follow the suggestion of 5 kilometres from the site? We will maybe just say that it needs to be extended.

**The Committee Clerk:** I think that we left it that it should be reviewed.

**The Chairperson (Ms Lo):** It should be reviewed. OK.

**Mr Boylan:** It should be extended and reviewed. We will do the review first, with the intention of extending it.

**The Chairperson (Ms Lo):** OK. On documentary evidence that residents have been informed, we are saying that that would be impractical and possibly against data protection law. That is the view of developers. However, you do not need to give out details; you just need to say how many residents were contacted and what the views are rather than —

**Lord Morrow:** Yes, and state what means of media were used to publish it and make it known. In the past, when it was pushed and someone asked where the National Trust advertised for comments, I think that it was in the 'Belfast Gazette' or something like that. How many people around this table, for instance, read the 'Belfast Gazette'? It is published in London, which makes it very useful and transparent. That is an absolute mockery.

**The Chairperson (Ms Lo):** I do not think that it was the National Trust; it was NIEA on the built environment.

**Lord Morrow:** Perhaps it was.

**The Chairperson (Ms Lo):** It was listed buildings or something. Anyway, I agree. We do not accept this. It is impractical. It is about how they approach it. You do not need to include details of people's names and addresses. It is very useful as a record of consultation.

Information events should be properly organised. They should not be just four-hour exhibitions on a cold evening. We support the monitoring of community benefit schemes. The level of community benefits are to be set at government level. That is the case in England, and I think we support that. In Northern Ireland, we are much lower with respect to community benefits being given out by developers compared to the rest of the UK. Are members agreed?

*Members indicated assent.*

**Mr Boylan:** In relation to community benefits, are we saying that that should be part of the condition of approval on a planning application?

**The Chairperson (Ms Lo):** I think so. Do you mean whether it is compulsory?

**Mr Boylan:** Yes, should it be part of the conditions? If it is a condition in the planning application, then they have to adhere to it. I am only throwing this idea out here. If approval is given, then part of the condition of the planning application should be that the community benefit is highlighted, whatever that community benefit is. It could be monetary, or whatever the case may be.

**The Chairperson (Ms Lo):** I do not think that we can do that. I do not know whether there is a piece of law —

**Mr Boylan:** I think that Planning Service can do it as a condition.

**The Chairperson (Ms Lo):** I do not know whether you need a piece of law to say that. They could legally challenge that.

**Mr Boylan:** I am making the suggestion that Planning Service puts it as a condition as part of the application. The form of words is up to them.

**The Committee Clerk:** I think that, if it is doing applications for shopping centres and so on, there is very often the stipulation that they have to put in a road or —

**Mr Boylan:** Yes, it is a condition in the planning application.

**The Chairperson (Ms Lo):** But that is very different. It terms of access —

**Mr I McCrea:** Agreed.

**The Chairperson (Ms Lo):** In terms of transport —

**Mr Boylan:** Agreed; as part of the condition of the application.

**The Chairperson (Ms Lo):** I do not think that we can do that. Can we check whether we have any legal grounds to say that they must —

**Mrs Cameron:** It is only a recommendation, Chair.

**Mr Boylan:** It is nothing to do with —

**The Chairperson (Ms Lo):** We cannot recommend something that is illegal.

**Mr Weir:** We can; it just cannot be enacted.

**Lord Morrow:** The Department will come back and tell us that.

**The Chairperson (Ms Lo):** OK. We are a very liberal group.

**Mr Weir:** Under your inspired leadership, we are moving in liberal directions. *[Laughter.]*

**The Chairperson (Ms Lo):** OK. We move on to the community benefits register. I think that we should support that. The Fermanagh Trust highly recommended that. Are members agreed?

*Members indicated assent.*

**The Chairperson (Ms Lo):** Community benefits to be located proportionately? I think so, too. Do members agree?

*Members indicated assent.*

**The Chairperson (Ms Lo):** A reduced tariff for those living nearest? I think that that is a sensible idea.

*Members indicated assent.*

**The Chairperson (Ms Lo):** Compensation for homes? Is everyone agreed?

*Members indicated assent.*

**The Chairperson (Ms Lo):** OK, members. Thank you very much that is very productive. Sheila should be pleased.

**Mr Boylan:** Thank you; and thanks to the staff.

**The Chairperson (Ms Lo):** Is there anything that we might have missed out?

**Mr Boylan:** Somebody contacted me about bringing forward information earlier on, because —  
*[Laughter.]*

**The Chairperson (Ms Lo):** You can tell them that we have gone a long way and accepted a lot of the recommendations from residents and community groups.

OK, members, a draft report will be prepared within the next few weeks. Happy Christmas. *[Laughter.]*

**The Committee Clerk:** I think that you will hear from us before Christmas.

**Mrs Cameron:** I would just like to say a big thanks to Sheila and the rest of the staff for the work that has been done on this. It started off as a mini-inquiry, but it turned into a —

**The Chairperson (Ms Lo):** — a full-blown inquiry.

**Mr Boylan:** Oh dear. A full-blown inquiry? A maxi-inquiry.

**The Chairperson (Ms Lo):** We all say "Hear, hear" in support of the Deputy Chair's comment. We endorse it. Sheila had to go through thousands of pages. She spent a whole week going through all the responses, so very well done Sheila.