

Guidance for objections against the erection of proposed over-ground pylons

Introduction

This document is to provide the public and all interested parties with an over-view in relation to the status of the proposed scheme for the 400kv electricity pylon scheme and also to provide an over-view of the procedures involved in relation to the planning process related to this scheme. A template is also presented in this document for all households to use as a reference point in order to ensure all objections are presented in the most detailed and relative manner.

At present, no planning application has been submitted to the Department of Environment Agency "Planning Service". Indicators at this stage point towards a planning application being lodged by the applicant, Northern Ireland Electricity, during July 2009. At that stage the planning application will be advertised in local newspapers and the public will at that stage be presented with an opportunity to make representations/objections to the proposed over-head pylon scheme. This is the most important stage for all households to make their objections and submit their objections accordingly to Planning Service.

However, due to the nature of this proposed development, the planning application will not be processed in the standard format of being assessed by the Divisional Planning Offices, namely Craigavon and Omagh Planning Offices, but instead this development proposal will be assessed through what is known as a "Public Inquiry". Essentially the process involves the following:

1. Application submitted to the relevant Planning Offices (Omagh & Craigavon);
2. The application will be declared as being an Article 31 Planning Application- ie. This is a development proposal that is of Regional Importance and cannot be dealt with via the standard planning process;
3. The Director of Services for Planning Service will declare that the application will be assessed by a "Public Inquiry". This "Public Inquiry" will be held by an independent body known as "The Planning Appeals Commission".
4. Interested parties and residents affected by the proposed scheme will be presented with timeframe for making representations/objections to the scheme. This stage will also be advertised in the local newspapers and a timeframe will be available for submission of representations/objections. All representations/objections will at that stage be required to be submitted to The Planning Appeals Commission, based in Belfast. (Address details to follow).
5. A time frame will then be allocated for the Public Inquiry to take place- essentially this will involve a time-slot being allocated for all issues to be assessed by evidence being presented at an oral hearing from all affected parties.
6. The Planning Appeals Commission will then prepare a report detailing all issues relating to the scheme and present a recommendation as to whether the scheme should be approved or refused to the Minister for the Environment, who at this stage is Ms. Arlene Foster.
7. A decision on the overall scheme will then be made by the Minister of the Environment and planning permission then either granted or refused accordingly.

What needs done at this stage?

The most important task for all interest parties/households to do at this stage is starting to formulate their objection letter which is to be submitted against the Planning Application.

However, what is different between this proposal and other Planning Applications is that with this proposal being of Regional Importance in that the aim is to improve the electricity network, then the interests of people all across the electricity network will be assessed. In other words, the “public interest” is what the Public Hearing will be considering at all times and the negative affects of the Pylon Scheme against 1000 people, using this as an indicative figure only for the purposes of this discussion, will not be sufficient to prevent the proposed pylons. **However, what can and will stop this proposed scheme is legitimate planning issues being raised against the proposed scheme for the entire length of the proposed scheme.** So people may ask what is a legitimate planning issue? Set out below are examples of what planning issues which will prevent this proposal from gaining planning permission.

Examples of legitimate planning issues:

1. The objectives of the Armagh Area Plan being used. For example, paragraph 3.1 of this document states “The aim of the Armagh Area Plan is to provide a framework of land use proposals and policies which will allow the area to maximise its full development potential in an efficient, economic and orderly manner whilst maintaining a high standard of physical environment and safeguarding it’s landscape quality and natural resources”.

The last line of the above policy statement is an example of a legitimate planning objection- “maintain a high standard of physical environment and safeguarding it’s landscape quality and natural resources”.

However, if households are to use this policy objective as a refusal reason what is needed is for each household to make an argument in relation to how the scheme affects their local landscape quality. For example, within the immediate locality surrounding your home what are the local features – this may be a local river, marshland, group of trees.

2. Another separate policy objective of the Armagh Area Plan is “to enhance the quality of life for the rural community”. The pylon scheme clearly does not comply with this policy objective as all households will be severely affected by the proposed scheme.
3. Tourism- Paragraph 3.2 of the Armagh Area Plan states as an objective to “To encourage the development of the District’s potential”. Clearly with a pylon dissecting our unique landscape there will be a significant negative impact on the appearance of our landscape and ultimately tourism activity and opportunity now and in future years. For the purposes of an objection this may include the views from a Bed and Breakfast or the ability of a local farmer/landowner to use his lands as a golf course.
4. Archaeological issues- This may include local archaeological monuments/sites or local Churches, listed buildings, listed bridges, ancient raths. The setting of such features is a material planning consideration- for example, the views of Navan Fort from 4 miles away is distorted by a pylon being in the foreground of the Navan Fort. This argument can also apply to smaller monuments across the landscape.

5. Farm land- A pylon scheme crossing over farm land essentially sterilises use of the farm land in the vicinity. Also, it has become apparent that farm produce such as poultry, milk and meat produced in the vicinity of pylons is not allowed to enter the food chain. This vast and important range of issues clearly affects each farmer along the line in a different manner and each farming issue needs to be clearly detailed in a 'site specific' manner. For example, a chicken or livestock unit may be within 500 metres of the proposed pylon route.
6. Animal Health
7. Local Architecture- Local buildings may be adversely affected by the proposed scheme.
8. Residential Amenity- This key issue affects the entire community along the length of the proposed pylon scheme. This broad ranging concept has been successful in preventing mobile phone masts across the country and is a legitimate issue to be raised by all households. However, each objection needs to be specific in relation to how the proposed pylon scheme affects each household. Issues to be raised may include- the over-bearing nature of the pylon in relation to each household; visual and physical intrusion on your dwelling and associated garden area; the visual and physical setting of your dwelling.
9. Extant planning permissions- For example, a land owner may have outline/full planning permission for a dwelling on their lands but may not have as yet built the dwelling. However, the proposed pylon scheme may prevent the land owner from developing their dwelling/development proposal due to legitimate planning grounds of not desiring to build a dwelling where there is serious visual intrusion created by the pylon. This objection issue can also be linked to sterilisation of farm land both for this generation and for future generations. Aside from extant planning permissions for dwellings this issue can extend to farmers not being able to erect farm buildings on land which is detached from the
10. Visual intrusion
11. Flora and fauna- For example, a marshland or Heritage Area may be affected by the proposal. Removal of hedgerows and mature trees along the line of the proposed pylon is also an unacceptable scarring of the landscape. This can be extended to include mature trees which offer a degree of character to the local area and are perhaps worthy of a tree preservation order- (N.b. A Tree Preservation Order can be obtained by notifying Planning Service of the tree's existence and then requesting that a Tree Preservation Order be made on the tree/or group of trees. This is an effective means of ensuring no development takes place in the area).

12. The interests of future generations in the land being compromised by the proposed pylon scheme. To fully detail this argument, it is planning practice in assessing all applications that “a grant of planning permission, unless to the contrary, is for the benefit of the land and all persons who have an interest in that land”. Clearly a pylon scheme traversing the landscape is not to the benefit of the land or persons who have an interest in it. This argument however needs to be augmented for each specific section of the line. For example, a farmer’s business and future expansion plans will be compromised by the pylon scheme in that land is sterilised, products are not as marketable, farm quality assurance may be compromised and overall there is a restriction placed on how a business can develop due to the pylons.
13. Schools, community centres, Church halls all being threatened by visually imposing pylons. Also sports grounds and local facilities in the vicinity of lines are all negatively affected.
14. Human Health- cancer risks, persons fitted with heart monitor/pacemakers and similar devices are susceptible to electric pulses from pylons affecting the performance of their needed medical equipment. Lives may be put at danger. Also, hearing aids are susceptible to electrical impulses. Migraine issues resulting from electric fields, nausea, depression etc.
15. Property devaluation
16. Construction works required to facilitate the development
17. Objectives contained in the over-arching Planning Framework for Northern Ireland as set out in the policy document entitled “Regional Development Strategy- Shaping Our Future”. (this document is available on www.drdni.gov.uk).

The above list is not exhaustive of all legitimate planning objections but are merely indicators of the format/issues which objections are required to be based on. However, it must be highlighted that merely by 1000 people using human health as an objection issue does not mean this issue will be examined 1000 times during the public inquiry. Instead what will happen is that human health may be allocated a few days to be examined as a whole with cross-examination from the Appeals Commission and a summary report prepared on the issue. However, if each household can create a specific argument/list of issues on this topic then cross-examination of all such issues are required by the Public Inquiry. This extends to all issues/topics for objection so what is of utmost importance is for each household to create individual objections and thereby extending the Public Inquiry stage to last for several years. This approach will ensure that the Pylon scheme will be stopped as the amount of specific objections will outweigh the benefit of the scheme and an alternative under-ground scheme will be recommended by the Public Inquiry report.

What do we do to start?

The best thing for each of us to do who are in any way affected by the proposal is to start writing a list of how the proposed scheme will affect us. Then from this it would be beneficial to walk a 500 metre- 2km stretch of the proposed line route adjacent to your dwelling/farm/business/church/school/community centre or whatever lands you own/have an interest in. From this then take photographs of hedges, trees, local landmarks, unspoilt hillside/valley views and make a list of the qualities of the landscape that exist at present. There may be long range views of a scenic area or views of a local landmark. Whatever the qualities are in the landscape are all important. Even the patch-work appearance of agricultural fields is a quality of our landscape which will be adversely affected by the scheme.

From the above exercise we will then all have a list of issues which are specific to each stretch of the line. Making each issue site/area specific then requires an examination in detail of each and every objection as opposed to a general hearing of what may be issues. By us going into this detail then it will be impossible for Northern Ireland Electricity to justify the above-ground pylons (other than for economic issues) and the facts which we all know will speak for themselves and justify why an under-ground supply cable is the only viable and acceptable option.

Useful links:

www.planningni.gov.uk - Go to Policy section and select draft PPS21.....the policies for sustainable development in the countryside are listed in this policy document. All planning applications are required to adhere to these policies.

www.drdni.gov.uk – Go to “Regional Development Strategy- Shaping Our Future”.....this document provides an over-arching strategy for the development of Northern Ireland and there are relevant sections applicable to development in the countryside.