



Planning Committee Report LA01/2018/0200/F	16th December 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough

<u>No:</u> LA01/2018/0200/F	<u>Ward:</u> Magilligan
<u>App Type:</u> Full Planning	
<u>Address:</u>	Lands approx 6km N E of Limavady which are located immediately to the south of Broad Road (A37) in the Town land of Gortcorbies Co Derry/Londonderry. Access is provided directly from the Broad Road where an unoccupied stone building is located. The Western site boundary is located approx 1.2km east of Keady Hill Quarry and the eastern boundary is located approx 400m S W of disused quarry on Broad Road which is adjacent to Springfield Forest.
<u>Proposal:</u>	Construction of a wind farm comprising 9 No. wind turbines (maximum 149.9 meters to blade tip) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, newly created site entrance, new and upgraded on-site access tracks, turning heads and all other associated ancillary works. During construction and commissioning there will be a number of temporary works including a construction compound with car parking, temporary parts of crane hardstanding and welfare facilities.
<u>Con Area:</u> n/a	<u>Valid Date:</u> 15.02.2018
<u>Listed Building Grade:</u> n/a	
<u>Applicant:</u>	Renewable Energy Systems Ltd Willowbank Business Park Willowbank Road Millbrook Larne BT40 2SF
Objections: 9	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

Executive Summary

- The proposal is for 9no wind turbines with a maximum tip height of 149.9m and are sited to the South of the existing Dunmore/Dunbeg Windfarm.
- The site is located in the south eastern part of the Binevenagh Area of Outstanding Natural Beauty (AONB). Access to the wind farm is proposed from Broad Road (A37) which is a Protected Route
- As a major application this proposal was subject to the Proposal of Application Notice (PAN) process and the public consultation laid out within that before the application was submitted.
- As EIA development it was accompanied by a voluntary Environmental Statement (ES)
- There have been 9 objections received regarding the proposed development. All concerns raised by the statutory consultees have been addressed and the required mitigation will be dealt with by the proposed conditions attached.
- The proposal has been assessed against the relevant policy, mainly Planning Policy Statement 18: Renewable Energy, and has been found acceptable in terms of the principle of development, impact on the public, safety, human health, residential amenity, visual amenity, landscape character, biodiversity, nature conservation, and local natural resources.
- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- Approval is recommended subject to the proposed conditions.

Drawings and additional information are available to view on the Planning Portal- <https://www.nidirect.gov.uk/articles/finding-planning-application>)

1.0 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located approx. 6km northeast of Limavady on a north facing slope below Keady Mountain. The site is located in the south eastern part of the Binevenagh Area of Outstanding Natural Beauty (AONB) as indicated in the Northern Area Plan 2016. The Broad Road (A37), which is the main road linking Limavady and Coleraine bounds the site to the north. The land rises from the Broad Road to the south. The site is bounded to the east by Springwell Forest, otherwise it is relatively open and exposed.
- 2.2 The site consists of improved agricultural land and wet marshy grassland with areas of wet heath and blanket bog on the upper slopes. Access to the wind farm is proposed from Broad Road (A37) which is a Protected Route. The site area is 40.4ha.
- 2.3 The area is rural in nature and there are no dwellings in proximity to the site. The nearest occupied dwelling is on Bolea Road (H10) and is 1239m from the closest turbine (T1).

3.0 RELEVANT HISTORY

LA01/2017/0725/PAN - A proposed wind farm development comprising up to 9 three bladed wind turbines, each up to a maximum of 149.9m tip height, associated external

electricity transformers, underground cabling, a new created site entrance, access tracks, turning heads, crane hardstandings, control building and substation compound and energy storage containers. During construction and commissioning there would be a number of temporary works including a construction compound with car parking, temporary parts of crane hardstanding, welfare facilities and temporary guyed meteorological masts. – PAN acceptable
16.06.2017

4.0 THE APPLICATION

- 4.1 The proposal is for a wind farm comprising 9 turbines, each up to 149.9m to tip height. The development will include a new site entrance onto Broad Road, access tracks, crane hardstandings, control building and substation compound, electricity transformers, underground cabling, and drainage works. During construction there will be a number of temporary works including a construction compound with car parking, temporary parts of crane hardstandings and welfare facilities.
- 4.2 Each turbine will have a generational capacity of up to 3.3MW, giving a combined generation capacity of up to 29.7MW.
- 4.3 The application was accompanied by a voluntary Environmental Statement.

Design & Access Statement

- 4.4 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application. The application falls within the major category due to the 29.7MW generation capacity of the wind farm.
- 4.5 The Design and Access Statement is to provide details of the design principles and concepts that have been applied

to the development and how issues relating to access to the development have been dealt with.

- 4.6 In this application the report states how the site was selected and how the layout of the wind farm was considered giving regard to the land form, topography, and environmental/locational constraints while meeting the technical siting requirements of wind turbines.
- 4.7 The report demonstrates that the applicant undertook significant consideration of siting of the wind turbines and ancillary development such as avoiding areas of blanket bog and maintaining suitable buffers to sensitive receptors. This involved detailed assessment of the site during the EIA process which identified a number of constraints and led to refinements to the layout to provide an acceptable scheme prior to submission of an application.
- 4.8 It is accepted that due to the inherent design characteristics of wind farms and for health and safety that there will be no requirement for access for members of the public or those with disabilities onto the site.

5.0 PUBLICITY & CONSULTATIONS

External

- 5.1 No neighbours were identified for notification within the terms of the legislation. The application was advertised on 28th February 2018 in the local papers, again for the Environmental Statement on 21st March 2018 and again on 15th May 2019 upon the receipt of Additional Environmental Information. The application was amended to remove battery storage from the proposal and therefore was advertised again on 2nd November 2020 and those who made representations were renotified on 28th October 2020.
- 5.2 There are nine objections to this proposal from seven members of the public (one person submitted two

objections) and one MLA. The main issues raised in the letters included:

- Impact on natural heritage (including peat bog)
- Visual impact on landscape character and AONB;
- Impact on Gortcobies/Curly Burn ASSI;
- Impact on Atlantic salmon in the Curly River
- Impact on residential amenity (flashing red lights), including health and public safety;
- Impact on built heritage;
- Impact on tourism;
- Impact on traffic;
- Cumulative impact of existing windfarms.
- Impact on existing electricity network and future requirement for a sub station
- Concern about how the proposed mitigation measures or conditions will be adhered to.
- Impact of traffic during construction

All of the issues raised in the letters of objection are discussed below within the “Considerations and Assessment” section of the report.

Internal

- 5.3 See appendix 1 for details of consultations carried out and the responses provided. All consultees that responded were content subject to conditions and informatives. The only consultee to not respond was cable and wireless which is a non-statutory consultee. It can be assumed that as they did not respond they had no comment to make.

Proposal of Application Notice

- 5.4 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.

- 5.5 A Proposal of Application Notice was submitted on 31st May 2017 under LA01/2017/0725/PAN. The applicant advised that they intended to undertake the following forms of consultation:

- Staffed public consultation event with information boards and feedback questionnaires;
- Press notice of the public event;
- Circulation of leaflets to all houses within 2km of the development site and all community groups, schools and churches within 7.5km;
- Meeting with stakeholders;
- Dedicated project website.

- 5.6 The public event was to be held on 8th August 2017 in Limavady Community Development Initiative, Roe Valley Hospital, 24 Benevenagh Drive, Limavady. The public exhibition was to be advertised by the circulation of leaflets as well as a press notice.

Community Consultation Report

- 5.7 The community consultation report was submitted as part of the planning application, received on 26th January 2018

which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.

5.8 Copies of the following have been provided in the report:

- letter to Local Representatives
- letter of invitation to Local Representatives to attend the public exhibition;
- exhibition leaflet posted to residences within 5km and community groups/schools/churches within 7.5km;
- list of community groups/schools/churches which received the leaflet;
- list of councillors and MLAs who were contacted about the public exhibition;
- photocopies of the press adverts from 27th July 2017;
- exhibition information banner images and photomontages;
- exhibition questionnaire;
- website image.

5.9 The report states that formal notices advertising the public event were placed in the Limavady Chronicle, Limavady Northern Constitution, Ballymoney Chronicle and Coleraine Chronicle on 27th July 2017 and 3rd August 2017, a copy of these has been provided. An event leaflet was delivered to every dwelling within a 2km radius which included 334 addresses, and every community group/school/church within 7.5km, which included 85 addresses. Invites were issued to 46 MLAs and Councillors. Overall, sufficient evidence has been provided to demonstrate that appropriate consultation has been carried out to show compliance with section 27 of the Planning Act (Northern Ireland) 2011.

5.10 With regard to the public exhibition, it was attended by 34 members of the public. Attendees were able to discuss the project and question RES staff on a variety of issues. A

feedback questionnaire was also provided. Twenty four questionnaires were completed. Issues of concern raised by the attendees included impact on environment, noise, house prices, the number of turbines in the area and the impact on the AONB. Verbal feedback was also given at the event and during door to door visits and meetings with local representatives.

- 5.11 The report provides a summary of the issues raised both through the questionnaire and verbally and how RES have responded to the concerns. The applicant appears to have considered and addressed the issues raised prior to the submission of the application. No feedback was received in relation to the specific design/layout of the development, and as such no modifications have been made in this regard.

6.0 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is the Northern Area Plan 2016 (NAP). The site falls within the Binevenagh AONB as indicated in the plan.
- 6.3 The site falls within Landscape Character Area (LCA) 36 Binevenagh which has been assessed to have a high – medium landscape sensitivity to impact from wind energy development.
- 6.4 The site is not within any European designations however it is hydrologically linked to the River Roe and Tributaries

Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI) and Lough Foyle Special Protection Area (SPA), ASSI and Ramsar site.

It is within close proximity to Gortcorbies ASSI and Ballyrisk More ASSI which are of international and national importance and are protected by the Habitats Regulations and The Environment (Northern Ireland) Order 2002 (as amended).

- 6.5 The Regional Development Strategy (RDS) is a material consideration.
- 6.6 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.7 Due weight should be given to the relevant policies in the development plan.
- 6.8 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7. RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Clarification of Policy AMP 3: Access to Protected Routes

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

Planning Policy Statement 15: Planning and Flood Risk

Planning Policy Statement 16: Tourism

Planning Policy Statement 18: Renewable Energy

Planning Policy Statement 18: Renewable Energy – Best Practice Guidance

Planning Policy Statement 18: Renewable Energy – Supplementary Planning Guidance – Wind Energy Developments in Northern Ireland’s Landscapes

PPS 21: Sustainable Development in the Countryside Supplementary Guidance

8.0 **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: the principle of development, impact on the public, safety, human health, residential amenity, visual amenity, landscape character, biodiversity, nature conservation, and local natural resources.

Principle of development

8.2 The SPSS advises that the Council should take account of the proposal’s contribution to the wider environmental benefits along with consideration of impact on health, safety and amenity, visual impact, impact on biodiversity and habitat, and future decommissioning.

8.3 An assessment was carried out under Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended) as the site has potential hydrological links to the River Roe and Tributaries Special Area of Conservation (SAC) and Lough Foyle Special Protection Area (SPA). The test of likely significance concluded that there would be no likely significant effect on the features of either designation provided the mitigation detailed in the ES are adhered to. Shared Environmental Service have advised mitigation should be controlled through conditions in the event of an approval.

8.4 The application was accompanied by a voluntary Environmental Statement as the proposal falls within

Schedule 2, Class 3(j), of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and exceeds the threshold of 'more than 2 turbines'.

- 8.5 The Northern Area Plan 2016 is silent on the matter of wind farm development in this area.

SPPS Development in the Countryside and PPS 21 Sustainable Development in the Countryside

- 8.6 Planning Policy CTY 1 of PPS 21 allows for renewable energy projects in accordance with PPS 18 which is assessed below.
- 8.7 Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Also, CTY 14 of PPS 21 states that a planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.
- 8.8 The proposal includes one building. The control building is 6.5m high by 32m by 14m and it is proposed to finish it using dark roof tiles and a render finish to ensure that the appearance is in keeping with other buildings in the area. It has been designed and sited to be acceptable in the countryside. The building will be viewed with the proposed turbines which will be much more prominent in the landscape, therefore, the building will not be a prominent feature itself and will not cause a detrimental change to the rural character of the area.
- 8.9 The SPPS also states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. Given the nature of a windfarm, it is difficult for it to integrate into the countryside, however, the proposal, including the turbines and the associated infrastructure, has been sensitively

designed so as to respect rural character as much as it can and is therefore acceptable.

SPPS Renewable Energy and PPS 18 Renewable Energy

8.10 Policy RE1 and paragraph 6.224 of the SPPS requires that all renewable energy development, associated buildings and infrastructure will not result in an unacceptable adverse impact on:

(a) public safety, human health, or residential amenity;

Public safety

8.11 Policy RE1 states that supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' (Best Practice Guidance) will be taken into account in assessing all wind turbine proposals.

8.12 With regard to safety, paragraph 1.3.54 of the guidance requires that the turbines should be set back at least fall over distance plus 10% from the "edge of any public road", right of way or railway line. The maximum base to tip height in this proposal is 149.9m which constitutes the fall over distance, therefore the fall over distance plus 10% is 164.89m. The nearest turbine to a public road is turbine T1 which is at least 360m from the edge of Broad Road. Even when taking the proposed micro-siting of a maximum 50m into consideration, T1 will still be at least 310m from the edge of the public road and therefore complies with policy.

8.13 In relation to public safety, paragraph 1.3.52 of the Best Practice Guidance states that 'for wind farm development the best practice separation distance of 10 times rotor diameter to occupied property should comfortably satisfy requirements'. No minimum distance is specified. Whilst the guidance acknowledges that wind turbines are a safe technology, it still stipulates a separation distance as there is still the potential for failure and injury. In this instance the rotor diameter is 99.8m which equates to a separation distance of at least 998m. The proposed 50m micro-siting

must also be taken into consideration when determining the separation distances which means the distance required is 1048m i.e. 998m +50m.

- 8.14 The nearest occupied dwelling is approx. 1239m from the nearest turbine, therefore, there are no properties within the 998m safety separation distance of a proposed turbine at both the indicated turbine location and the proposed micro-siting boundary.

Human Health

- 8.15 Some of the objectors to the proposal have alleged that the red flashing lights adversely affect their health and that long term exposure to ground vibrations from the turbines make people unwell. These allegations are unsubstantiated and none of the consultees have indicated that the proposal will result in any detriment to human health.

Residential Amenity

- 8.16 Policy RE 1 stipulates that a separation distance of 10 times rotor diameter, with a minimum distance not less than 500m, will generally apply to protect residential amenity from noise. This is reiterated in the Best Practice Guidance at para 1.3.43 specifically in relation to noise. In this instance a separation distance of 998m will generally apply. No residential dwellings have been identified as being within 998m of a proposed turbine.
- 8.17 With regard to noise, Environmental Health (EHO) have assessed the proposal and have no objection to the predicted noise levels at any of the receptor locations. EHO are content with the proposal, subject to conditions being applied in the event of an approval.
- 8.18 With regard to shadow flicker, the Best Practice Guidance states that at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. As stated above, there are no dwellings within the 10 times

rotor diameter therefore the potential for shadow flicker at any dwelling is likely to be low.

8.19 Some of the objectors stated that the windfarm would have an impact on the visual amenity of their dwellings due to the size and siting of the turbines and the addition of red flashing lights. Visual amenity was assessed by the Planning Department during a site inspection and it is not considered that the impact of the proposal on the visual amenity of any dwellings is unacceptable primarily due to distance between the dwelling and the nearest turbines.

(b) visual amenity and landscape character;

8.20 Photomontage visuals were provided with the ES to assist consideration of the proposed visual impact on the landscape. In this 27 different viewpoints were provided, several of which demonstrate that the windfarm will be conspicuous in the landscape and will extend the existing wind farm group in a Southerly direction. From critical views from the West including VP3 Broad Road, VP6 Broad Road, VP7 Windy Hill Road, VP10 Binevenagh Scenic Drive and VP13 Seacoast Road, the proposal will be prominent and extend the existing and proposed windfarm at Dunmore/Dunbeg further to the South.

8.21 However the impact of the proposal on landscape character has been assessed by NIEA Protected Landscapes Team (PLT) who are the competent authority in considering impact on the AONB. PLT have assessed the impact of the proposal in particular on the Binevenagh Area of outstanding Natural Beauty and have advised that it has no objection to the proposal. In its response, PLT state that 'given the existing and consented wind farms in relatively close proximity to this site and that our preference is always to look more favourably on extensions we would have no particular objection to this proposal'.

8.22 As detailed above at para 6.3, the site is within Landscape Character Area 36 Binevenagh. The impact of the proposal on LCA 36 is discussed below at paras 8.39 to 8.40. It is not considered that the proposal will have an unacceptable adverse impact on the character of the LCA at this location.

8.23 As well as the turbines, the proposal also includes a new site entrance onto Broad Road, access tracks, crane hardstandings, control building and substation compound, electricity transformers, underground cabling, energy storage containers and drainage works as well as a number of temporary works including a construction compound with car parking, temporary parts of crane hardstandings and welfare facilities. The temporary works will be removed once the turbines are operational. These works will not have any significant visual impact.

(c) biodiversity, nature conservation or built heritage interests;

8.24 NIEA Natural Environment Division (NED) has considered the impacts of the proposal on natural heritage biodiversity interests and they have no concerns, subject to conditions. The outline Habitat Management and Enhancement Plan (oHEMP) submitted as part of the ES provides details of mitigation and enhancement measures aimed at reducing the impact of the development on priority habitat and priority and protected species.

8.25 The site contains Northern Ireland priority habitats (NIPH) such as Purple moor-grass, rush pasture and upland heathland. The ES acknowledges that there will be a permanent habitat loss of 6.5ha and temporary habitat loss of 3.3ha. However, the oHEMP gives a commitment to enhance at least 14 times the area of Northern Ireland priority habitat lost as a result of the development. NED are content with this measure which will be conditioned in the event of an approval.

- 8.26 A substantial level of badger activity was found on the site, however, NIEA NED notes that all main setts are located well away from proposed construction works and a 25m buffer from any development can be achieved for all setts. The oHEMP proposes a number of mitigation measures, including the erection of a temporary fence to create a 25m buffer around all setts, which fully mitigates disturbance to any badgers on site.
- 8.27 Breeding snipe, which are protected, were found within the site. Red grouse, which are also protected, were found within the survey area but not on the site. Other Northern Ireland priority species of birds were recorded within the development site. The oHEMP proposes a number of mitigation measures to reduce the impact of the development on breeding birds. NIEA is satisfied that the development is unlikely to have a significant adverse impact on any of these species at a local or regional population level providing appropriate mitigation measures are implemented. NED require an Ornithological Mitigation Strategy and Bird Monitoring Programme to be submitted as part of any planning approval.
- 8.28 The ES identifies the site as having a low bat potential as it is an exposed, open, upland site. However, some of the surveys show more significant activity. NED recommended mitigation measures to be included in the HEMP and require a condition to submit a Bat Monitoring Plan as part of any planning approval.
- 8.29 Common lizard were recorded on the site. Mitigation is proposed in the ES to reduce the impact of the development on lizards. NED is content that, due to the availability of suitable lizard habitat in the wider area and with the mitigation proposed, the development is unlikely to have a significant impact on the local common lizard population. NED require all proposed mitigation to be incorporated into

a Protected Species Management Plan to be conditioned as part of any approval.

8.30 Smooth newts were recorded in a large pond to the east of the site. The proposal has the potential to impact on the smooth newts habitat and population. However, NED is content with the mitigation proposed and require all proposed mitigation to be incorporated into a Protected Species Management Plan to be conditioned as part of any approval.

8.31 NED has considered the impacts of the proposal on the designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions being imposed on any planning approval.

8.32 With regard to built heritage, Historic Environment Division has advised that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions.

(d) local natural resources, such as air quality or water quality; and

8.33 Water Management Unit (WMU) of NIEA has considered the impacts of the proposal on the surface water environment, and has advised that it has no objection to the proposal subject to best practice and mitigation, as set out in the ES being implemented.

8.34 Due to the nature of the development there will be limited impact on air quality except for dust suppression upon construction.

8.35 Regulation Unit (Land and Groundwater Team) of NIEA considered the impacts of the proposal on the aquatic environment (especially groundwater). It has advised that based on the information provided, the proposed

development is considered to have minimal impact on local groundwater resources and/or quality.

- 8.36 The site is hydrologically connected to the River Roe and Tributaries SAC and ASSI and Lough Foyle SPA, ASSI and Ramsar site and is within proximity to Gortcorbies ASSI and Ballrisk More ASSI which are of international and national importance and are protected by Conservation (Natural Habitats, Etc) Regulations (NI) 1995 (as amended) and The Environment (NI) Order 2002 (as amended).
- 8.37 NED is content with the detailed mitigation measures described in the outline Construction Management Plan and considers that if these are implemented as described the proposal will not adversely affect the integrity of the designated sites. It requires the submission of a final CEMP to be conditioned as part of any approval to ensure implementation of the mitigation proposed.

(e) public access to the countryside.

- 8.38 The site in question is not publicly owned land and as such public access to the site upon the construction of the proposed development will be no different than before, that is, access to the land will depend on the landowners consent.

PPS 18 Requirements for Wind Development

- 8.39 In RE1 of PPS 18 applications for wind energy development will also be required to demonstrate all of the following:

(i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

- 8.40 The turbines are located within Landscape Character Area (LCA) 36 Binevenagh which supplementary planning guidance (SPG) 'Wind Energy Development in Northern Ireland's Landscapes' describes as having a high to medium sensitivity to wind development.

8.41 The SPG goes on to state that lower and less prominent sections of the escarpment, and areas where there is extensive forestry, might be somewhat less sensitive to wind energy development. The proposal is sited away from the iconic escarpments of Keady Mountain and Binevenagh Mountain and is adjacent to existing commercial forestry.

8.42 From critical views from the West including VP3 Broad Road, VP6 Broad Road, VP7 Windy Hill Road, VP10 Binevenagh Scenic Drive and VP13 Seacoast Road, the proposal will be prominent and extend the existing and proposed windfarm at Dunmore/Dunbeg further to the South.

8.43 However, NIEA Protected Landscapes Team (PLT) have no objection to the proposal. PLT have considered the proposal in terms of the height and number of turbines and their location. They have advised that 'any potential visual inconsistencies and additional adverse impacts would not be significant enough to sustain an argument against this proposal.

8.44 The impact of the proposal on the Binevenagh AONB has also been assessed above at para 8.20. It is not considered that the development will have an unacceptable impact on visual amenity or landscape character through size, scale and siting of turbines.

(ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;

8.45 NIEA Protected Landscapes Team has considered the proposal in relation to the existing and consented wind turbines in the area, including the existing Dunbeg cluster which consists of 32 turbines (21 constructed and 11 approved but not yet constructed)

- B/2007/0563/F Dunmore 7 turbines, approved at appeal 25.10.2010 **(Constructed)**
- B/2007/0560/F – Dunbeg 14 turbines, approved at appeal 28.01.2011**(Constructed)**
- B/2013/0241/F – Dunbeg 8 turbines approved at appeal 15.06.2018 **(Not yet constructed)**
- LA01/2016/0061/F Dunbeg 3 turbines approved on 26.04.2017**(Not yet constructed)**
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It has advised that it is their preference to look more favourably on extensions to existing windfarms as opposed to new schemes within the landscape and they have no objection to the proposal.

8.46 In its assessment, Protected Landscapes Team took account of the height of the turbines and the fact that the turbines would extend the visual influence in a south westerly direction towards Limavady and they are content with the proposal.

(iii) that the development will not create a significant risk of landslide or bog burst;

8.47 Geological Survey NI have indicated that they are satisfied that the methods proposed in the Environmental Statement are sufficient to mitigate any potential peat instabilities.

(iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;

8.48 None of the consultees have indicated that the development will give rise to unacceptable interference to communication installations, emergency services communications or other telecommunications systems.

(v) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;

8.49 The proposal falls within the 30km consultation zone for City of Derry Airport (CODA). CODA have advised that they have no objection to the proposal subject to conditions which should be included in the event of an approval. National Air Traffic Services (NATS) has also advised that they have no objection to the proposal in terms of safeguarding.

8.50 DfI Roads have not raised any concerns over the proposal in terms of safety and have suggested conditions in the event of an approval.

(vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

8.51 As discussed above (para 8.17), EHO have no objections to the noise levels predicted within the submission and would be content for noise to be managed by condition in the event of any approval. The potential for shadow flicker is deemed low.

8.52 Paragraph 1.3.79 of the Best Practice Guidance advises that ice throw is unlikely in Northern Ireland and as such limited consideration has been given to this.

8.53 The applicant has advised that the turbine blades will be finished with a semi-matt finish which means that they do not reflect light as strongly as polished materials. Also, due to factors such as the convex surfaces of the blades, differing orientations of rotor directions and the specific weather conditions and solar position which are required before an observer would experience the phenomenon, the potential for reflected light is low and will not cause a material reduction to amenity.

(vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

8.54 The removal of the turbines and any of the associated infrastructure will be dealt with by condition if approved. Ongoing restoration of the site will be dealt with in the Final Habitat Management Plan which will be submitted if the application is approved.

Development on Active Peatland

8.55 The ES states that there is no active peatland within the site and no active peatland will be impacted by the development. NIEA are content with this assessment.

Habitat Management Plan

8.56 Policy RE1 of PPS 18 also specifies that the Habitat Management Plan (HMP) should be submitted and agreed before any permission is granted. Policy NH5 of PPS 2 also states that appropriate mitigation and/or compensatory measure will be required. A outline Habitat Management and Enhancement Plan (oHMEP) has been submitted as part of the Environmental Statement.

8.57 NIEA Natural Environment Division (NED) is content with the oHMEP but advised that some amendments are required to comply with current guidance and to address some contradictions and unnecessary management proposed. In the event of an approval, NED is content that any required amendments can be provided within a final Habitat Management Plan to be agreed prior to any development commencing.

Economic, Environmental and Social Consideration

8.58 The SPSS requires material consideration of environmental benefits. In this case, the provision of a sustainable supply

of energy from a renewable resource must be given significant weight due to the considerable environmental benefits that provision of energy in this way provides. This proposal also positively contributes to regional and national targets for provision of energy from renewable sources.

8.59 Paragraph 4.1 of policy RE1 of PPS18 states that “the Department would support renewable energy proposals unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits.” In this case the development is considered acceptable with no unacceptable adverse effects therefore there is no need to scrutinise the wider environmental, economic and social benefits.

SPPS Natural Heritage and PPS 2 Natural Heritage

8.60 The SPPS and policies NH1, NH2, NH3, NH4, NH5 and NH6 of PPS 2 require consideration of the impact of the proposal on European and Ramsar sites, protected species, sites on nature conservation importance, habitats, species or features of natural heritage importance and AONBs.

8.61 These issues have all been addressed under the consideration of the SPPS Renewable Energy and PPS 18 Renewable Energy above. The proposal satisfies all policy requirements of the SPPS Natural Heritage and PPS 2.

SPPS Transportation and PPS 3 Access, Movement and Parking

8.62 The proposed access to the windfarm is to be located on Broad Road (A37) which is a Protected Route. DfI Roads have no concerns with the proposal if it is considered to be an exception to the Protected Routes Policy. This falls to the Council to consider and there is no accepted legal interpretation.

- 8.63 Both the SPPS and Policy AMP 3 of PPS 3 restrict the number of new accesses onto protected routes. It goes on to state that outside of settlements where the principle of development accords with policy elsewhere in the SPPS approval may be justified for other developments which would meet the criteria for development in the countryside, and where access cannot be reasonably obtained from an adjacent minor road, proposals will be required to make use of an existing vehicular access onto the protected route.
- 8.64 There are no existing accesses from the site onto a public road and there are no adjacent minor roads, therefore, a new access is required onto the protected route to serve the proposal. The policy states that it is important *“that a new access or intensified use of an existing access onto a protected route does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion”*
- 8.65 The proposal is an exceptional circumstance in that the use of the access will be limited to construction and decommissioning phases and occasional maintenance access for a wind farm, therefore, use will not be intensive and will be infrequent.
- 8.66 This principle has been previously accepted under appeal 2009/A0363 for Dunbeg where the Commissioner stated in paragraph 42 that, *“While Policy AMP 3 of Planning Policy Statement 3 states that the number of new accesses on to protected routes such as the A37 will be restricted, it would be difficult to develop this large site as a wind farm without two accesses on to the main road”*. Considering this it is reasonable that an access provided for the construction of a wind farm meets the exceptional test for the protected routes policy.

**SPPS Archaeology and Built Heritage and PPS 6
Planning, Archaeology and the Built Heritage - BH 1 The**

Preservation of Archaeological Remains of Regional Importance and their Settings

8.67 This policy has a presumption in favour of the physical preservation in situ of archaeological remains of regional significance and their settings. As stated above under policy RE 1, Historic Environment Division has advised that it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions. HED require a programme of archaeological works, in the event of an approval, to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

SPPS Flood Risk and PPS 15 Planning and Flood Risk

8.68 DfI Rivers is content that the proposal meets the requirements of the relevant policies in PPS 15 and the SPPS. However, with regard to policy FLD 4 Artificial Modification of Watercourses, it advises the drainage assessment states that there will be some watercourses culverted to provide access. Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. DfI Rivers advised that this is a matter for the Council to assess.

8.69 As stated above, the proposal includes a number of watercourse crossings. These crossings are necessary for access to the turbine sites during construction, operation and decommissioning, there are no other options available. The provision of culverts to provide access to the site is one of the exceptions listed within the policy and is acceptable.

8.70 The ES states that the water courses within the site are undesignated and comprise of natural source streams and artificially modified ditches and peat drains. The culverts have been designed to minimise the length of affected channel in order to comply with policy FLD 4, therefore,

minimising the loss of habitat and unnecessary removal of bed materials. The final design will be agreed with DfI Rivers prior to construction.

8.71 DfI Rivers are not opposed to the use of culverting and have not raised any concerns. As the culverts are required for access, they are acceptable under policy.

SPPS Tourism and PPS 16 Tourism

8.72 TSM 8 considers the safeguarding of tourism assets by not granting permission for development which would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset. In this case the tourism asset is the Binevenagh AONB within which this proposal is located.

8.73 In an AONB the feature associated with the built or natural environment which is of intrinsic interest to tourists is the unique landscape and the particular characteristics which are listed within the designation of that AONB. These features include the distinctive headland and dramatic cliffs and escarpments. The proposal is sited away from the iconic escarpments of Keady Mountain and Binevenagh Mountain and is adjacent to existing commercial forestry. And NIEA Protected Landscapes Team (PLT) have no objection to the proposal therefore there is no unacceptable adverse impact on the tourism asset of the AONB.

Issues raised in letters of representation

Note – issues raised by objectors are in italics and are followed by Councils response.

8.74 *Possibility that the Cuckoo resides within the Keady area* – ornithological surveys show that 2 male cuckoos were recorded on the site boundary, none were recorded within the site. The ornithology reports were assessed by both NIEA and RSPB who are the competent authority in this area and neither have raised any concern over the impact of

the proposal on cuckoo. NIEA NED states that it is satisfied that this development is unlikely to have a significant adverse impact on cuckoo at the local population level.

- 8.75 *Impact on biodiversity, protected and priority species and priority habitats and NED's acceptance of mitigation measures* – the proposal has been assessed by NED who are the competent authority in this area. If NED are content with the proposal and the proposed mitigation measures then the Council is content.
- 8.76 *Sheep no longer permitted to graze the area as per NED proposed mitigation measures* – This is a matter for the land owner and the applicant.
- 8.77 *Requirement of red flashing lights and their detrimental impact on residential amenity and health* – No evidence has been provided to substantiate the allegation and none of the consultees have indicated that the proposal will result in any detriment to human health.
- 8.78 *Visual impact of turbines on residential amenity* – This has been addressed in the main report. It is not considered that there would be an unacceptable impact on residential amenity.
- 8.79 *Unacceptable impact on visual amenity, surrounding landscape character and AONB* – This was assessed by NIEA Protected Landscapes Team who are the competent authority in this area. If NIEA are content then the Council is content.
- 8.80 *Impact on tourism* – No evidence has been presented as to how the proposal would impact tourism. There is no evidence to suggest that the existing windfarms have impacted on tourism in the area. As it is considered that the proposal will not have an unacceptable impact on visual amenity and the special character of the AONB then it is not considered that the development would have an adverse

impact on the Binevenagh AONB such as to significantly compromise its tourist value.

- 8.81 *Impact on archaeological sites and monuments* – Historic Environment Division who are the competent authority in this area has assessed the proposal and are content subject to condition.
- 8.82 *Access is off a Protected Route* – this has been addressed in the main report. The proposal is considered an exception to the policy and is therefore acceptable.
- 8.83 *City of Derry Airport's first response required further info whereas second response provided conditions* – The developer worked directly with City of Derry Airport to overcome any issues and the consultee is now content enough to recommend approval subject to the application of conditions.
- 8.84 *Requirement for a substation to be built as per NIE response and impact on existing powerlines* – With regard to the comments about the substation, NIE state that connection 'may require' a substation, it does not state that it categorically requires one. Also, the applicant has proposed to NIE that it will connect via underground cables following the public road, to the Cam Cluster Substation. Notwithstanding this, this application is not for a substation and any application for a substation would be considered on its own merits taking due regard of planning policy. With regard to the existing powerlines NIE advised that 'the developer should consider, in their design, the risk of any turbines interfering with NIE Networks' equipment. Any infringement of the clearances to NIE Networks' equipment may require overhead line diversions or placing the circuits underground'. Therefore, it is the responsibility of the developer to move any lines as required.
- 8.85 *How will mitigation measures be put in place and adhered to* – Mitigation measures as required by the consultees shall

be conditioned as part of any planning approval. The applicant is required to provide any information requested by the condition and to comply with all conditions and proposed mitigation measures. This is controlled through the submission of discharge of condition applications and planning enforcement.

- 8.86 *Lithium batteries are required to store the electricity, these produce large amounts of pollution* – The battery storage has been removed as part of the amendment of the proposal in October 2020.
- 8.87 *Long term exposure to ground vibrations from turbines can make people unwell* – None of the consultees have indicated that the proposal will result in any detriment to human health.
- 8.88 *Impact of construction traffic on minor mountain road* – DfI Roads have assessed the impact of the development on traffic on the main Londonderry to Coleraine Road, which is not a minor road, and have no objection to the proposal.
- 8.89 *Allowing a power station to be built will impact wildlife* – the application is not for a power station therefore the comment does not pertain to the proposed scheme.
- 8.90 *Cumulative impact of existing windfarms* – This has been assessed as being acceptable by NIEA Protected Landscapes Team who are the competent authority in this area.
- 8.91 *Who will pay for the alteration to the public road?* – This is not a planning matter.
- 8.92 *There will be an adverse impact on the salmon of the Curly River which has not been mentioned* - This was considered in both NIEA responses dated 25th January 2019 and 5th February 2020. While there were initial concerns, further environmental information was submitted (FEI) and the

consultee advised that they were content subject to conditions being applied in the event of an approval.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The principle of development, impact on the public, safety, human health, residential amenity, visual amenity, landscape character, biodiversity, nature conservation, and local natural resources are considered acceptable. Significant weight is attached to the position of NIEA Protected Landscapes Team (PLT) in assessment of the proposal in terms of visual amenity and landscape character. Approval is recommended.

10 PROPOSED CONDITIONS

- 10.1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011

- 10.2 The approved temporary compound shall be removed and the ground reinstated within 18 months from the date of the commencement of the development hereby approved. The measures for ground reinstatement shall be submitted to and agreed in writing with the Council prior to any reinstatement taking place.

Reason: In the interests of visual amenity.

- 10.3 All above ground structures shall be dismantled and removed from the site 30 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 12 months (unless further consent has been granted). The land shall be restored in accordance with an agreed scheme to be submitted to the Council at least one year prior to the commencement of any decommissioning works. This scheme shall include details of all works and

measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To ensure the development is decommissioned in a manner that protects the ecology and hydrology of the site beyond the life span of the windfarm.

10.4 There shall be no development hereby permitted commenced until the works necessary for the improvement of the public road as shown on Drawing Nos: 24 rev1 and 25 rev1 dated 9 March 2020 have been carried out to the satisfaction of the Council.

Reason: In the interests of road safety and the convenience of road users.

10.5 The area within the visibility splays and any forward sight lines shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted becomes operational and shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

10.6 The gradients of the access shall not exceed 4% (1 in 25) over the first 10 metres outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

10.7 Effective wheel washing facilities shall be installed and operated for the duration of the construction period and any repair or remedial work periods thereafter.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience of road users.

10.8 Prior to the commencement of construction on site, the applicant/agent shall in association with Dfl Roads Maintenance Section carry out a condition survey of all haul routes and shall at the applicant's expense carry out and provide to Dfl Roads a DVD detailing the condition of the existing public roads being considered as haul routes.

Reason: In the interests of road safety and the convenience of road users.

10.9 During construction works, the applicant/agent shall carry out and record daily inspections of all haul routes and submit this information to the Dfl Roads Section Engineer on a weekly basis.

Reason: In the interests of road safety and the convenience of road users.

10.10 Prior to the commencement of development an Article 11 application for the haulage routes and any associated traffic management proposals shall be submitted to and agreed in writing with Dfl Roads.

Reason: In the interests of road safety and the convenience of road users.

10.11 Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawing Nos: 24 rev1 and 25 rev1 dated 9 March 2020.

Reason: To ensure the development is carried out in accordance with the approved plans.

10.12 The model of the turbine to be installed, its noise specification, colour and finish, have been submitted to and approved in writing by the Council prior to the commencement of works.

Reason: To ensure that wind turbines with excessive sound power levels are not installed.

10.13 The developer shall notify the Council in writing of the date of commencement of works on site and of the date when the turbines have become fully operational.

Reason: To ensure compliance with appropriate conditions.

10.14 The level of noise immissions from the combined effects of the permitted wind turbines (including the application of any Tonal Penalty when calculated in accordance with the procedures described on pages 104 - 109 of ETSU-R-97 and any Amplitude Modulation penalty when calculated in accordance with the procedures described in condition 9) shall not exceed values set out in Table 1. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in Table 1 shall be represented by the physically closest location listed in Table 1 unless otherwise agreed by Causeway Coast and Glens Borough Council.

Table 1: Permitted Wind Farm Noise Limits dB LA90

ID 4 5 6 7 8 9 10 11 12

Property as identified within Section 10	Standardised wind speed at 10m height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
H6	26.6	29.5	33.6	34.9	34.9	34.4	34.4	34.4	34.4
H7	28.5	31.4	35.5	36.8	36.8	36.3	36.3	36.3	36.3
H8	28.6	31.5	35.6	36.8	36.9	36.4	36.4	36.4	36.4

H9	27.5	30.4	34.5	35.7	35.8	35.3	35.3	35.3	35.3
H10	26.2	29.1	33.2	34.5	34.5	34.0	34.0	34.0	34.0
H11	24.7	27.6	31.7	32.9	33.0	32.5	32.5	32.5	32.5
H12	24.6	27.5	31.6	32.8	32.9	32.3	32.3	32.3	32.3
H13	24.2	27.0	31.1	32.4	32.4	31.9	31.9	31.9	31.9
H14	24.1	26.9	31.0	32.3	32.3	31.8	31.8	31.8	31.8
H15	24.7	27.6	31.7	32.9	33.0	32.5	32.5	32.5	32.5
H16	24.9	27.7	31.9	33.1	33.2	32.6	32.6	32.6	32.6
H17	24.5	27.4	31.5	32.8	32.8	32.3	32.3	32.3	32.3
H18	24.2	27.1	31.2	32.5	32.5	32.0	32.0	32.0	32.0
H19	24.5	27.3	31.5	32.7	32.8	32.2	32.2	32.2	32.2
H21	21.6	24.4	28.6	29.8	29.9	29.3	29.3	29.3	29.3
H22	21.3	24.1	28.2	29.5	29.6	29.0	29.0	29.0	29.0
H23	21.1	23.9	28.1	29.3	29.4	28.8	28.8	28.8	28.8
H24	21.0	23.8	28.0	29.2	29.3	28.7	28.7	28.7	28.7
H25	20.8	23.6	27.7	29.0	28.5	28.5	28.5	28.5	28.5
H26	22.3	25.2	29.3	30.5	30.6	30.0	30.0	30.0	30.0
H27	22.9	25.8	29.9	31.1	31.2	30.7	30.7	30.7	30.7
H28	22.7	25.5	29.6	30.9	31.0	30.4	30.4	30.4	30.4
H29	23.4	26.3	30.4	31.7	31.7	31.2	31.2	31.2	31.2
H30	23.4	26.3	30.4	31.6	31.7	31.1	31.1	31.1	31.1
H31	23.6	26.5	30.6	31.9	31.9	31.4	31.4	31.4	31.4
H32	22.8	25.7	29.8	31.1	31.1	30.6	30.6	30.6	30.6
H33	23.1	26.0	30.1	31.3	31.4	30.8	30.8	30.8	30.8
H34	23.1	26.0	30.1	31.3	31.4	30.9	30.9	30.9	30.9

H35	23.2	26.1	30.2	31.5	31.5	31.0	31.0	31.0	31.0
H36	23.1	25.9	30.0	31.3	31.4	30.8	30.8	30.8	30.8
H37	22.8	25.7	29.8	31.1	31.1	30.6	30.6	30.6	30.6
H38	22.8	25.6	29.8	31.0	31.1	30.5	30.5	30.5	30.5
H39	20.7	23.5	27.7	28.9	29.0	28.4	28.4	28.4	28.4
H40	21.8	24.7	28.8	30.0	30.1	29.5	29.5	29.5	29.5
H41	27.6	31.0	34.4	35.7	35.7	35.1	35.1	35.1	35.1

10.15 Within 6 months of the development first becoming fully operational (unless otherwise extended by the Council) the wind farm operator shall at their expense employ a suitably qualified and competent person to undertake a noise survey to assess the level of noise immissions from the wind farm. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all turbines operating across the range of wind speeds referred to in Condition 3 and covering a range of wind directions. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: To assess compliance with noise immission limits as required by Condition No. 3.

10.16 Within 4 weeks of a written request by the Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at their expense employ a suitably qualified and competent person, to assess the level of noise immissions from the combined effects of the permitted wind turbines, at the complainant's property, following the procedures described in Pages 102-109 of

ETSU-R-97 and if necessary, those described in condition 8. Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing. Causeway Coast and Glens Borough Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations.

10.17 The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 15 and 16, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of a written request of the Council unless otherwise extended in writing by the Council.

Reason: To control the noise levels from the development at noise sensitive locations.

10.18 Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months. The recorded wind data, standardised to 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint, shall be provided within 3 months of the date of a written request of the Council unless otherwise extended in writing by the Council.

Reason: To facilitate assessment of monitoring exercises and complaint investigation.

10.19 Within 4 weeks from receipt of a written request from the Council, following an amplitude modulation (AM) complaint to

it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall submit a scheme for the assessment and regulation of AM to the Council for its written approval. The scheme shall be in general accordance with:

- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
- Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,
- The methodology published by Renewable UK on the 16th December 2013;

and implemented within 3 months of the written request of the Council unless otherwise extended in writing by the Council.

Reason: To control the levels of AM from the development at noise sensitive locations.

10.20 Construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. Outwith these hours, work at the site shall be limited to turbine erection, testing/commissioning works, emergency works, or construction work that is not audible at any noise sensitive property.

Reason: To control noise levels from construction noise at noise sensitive locations.

10.21 No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The

programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

10.22 Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

10.23 A Final Construction Environmental Management Plan (CEMP) must be submitted to the Council and NIEA Water Management Unit at least 8 weeks prior to the commencement of works on site. The CEMP should identify all potential risks and pollution pathways to the waterway, demonstrate adherence to good working practices as detailed in current guidance and detail all mitigation measures as detailed within Chapters 2, 6, 8 and 9 of Volume 2 of the Environmental Impact Statement and Appendix B of Volume 2 of the Further Environmental Information document, to be employed to minimise the risk of pollution to the waterways. The CEMP should also include:

- a. Location of all other pollution prevention measures on site;
- b. All potential in-water works including construction of surface water outfall structures;

- c. Detailed Drainage Plan designed to the principles of SuDs;
- d. Suitable evidence that an ECoW has been appointed to ensure that all pollution prevention measures proposed within the final CEMP are carried out to a satisfactory standard and adhered to throughout the construction phase.

Reason: To prevent any adverse effect to River Roe and Tributaries SAC from the proposed development.

- 10.24 No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the planning authority. The CEMP shall include the following:
- a) Construction methodology and timings of works;
 - b) Pollution prevention measures, including details of the establishment of buffer zones to watercourses and details of works on or adjacent to watercourses;
 - c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - d) Peat Management Plan; including identification of peat/spoil storage areas, management and handling of peat/spoil and details of the reinstatement of excavated peat/spoil;
 - e) Details of grid connection route and proposed mitigation measures;
 - f) Water Quality Monitoring Plan;
 - g) Environmental Emergency Plan;
 - h) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities;
- Natural Heritage

Reason: To protect Northern Ireland priority/protected habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent adverse impacts on the River Roe and Tributaries ASSI/SAC.

- 10.25 . No development activity, including ground preparation or vegetation clearance, shall take place until a final Habitat Management Plan (HMP) has been submitted to and approved in writing by the Council. The approved HMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The HMP shall include the following:
- a) Clear aims and objectives of proposed habitat management/restoration;
 - b) Description of pre-construction, baseline habitat conditions;
 - c) Appropriate maps, clearly identifying habitat management areas;
 - d) Detailed methodology and prescriptions of habitat management/restoration measures, including timescales, and with defined criteria for the success of the measures;
 - e) Details of the prohibition of habitat damaging activities, including agricultural activities;
 - f) Confirmation of landowner agreement with all proposed habitat management measures for the lifetime of the wind farm;
 - g) Details of the regular monitoring of the effectiveness of habitat management measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) for the lifetime of the habitat management plan;

Reason: To compensate for the loss of and damage to Northern Ireland priority habitats and to mitigate for impacts to priority species/breeding birds.

- 10.26 Progress reports detailing the implementation and monitoring of the Habitat Management Plan shall be

produced by a competent ecologist and submitted to the planning authority in years 1, 2, 3, 5, 10, 15, 20 and 25 after construction, within 6 months of the end of each monitoring year. These shall include details of any necessary contingency and/or remedial measures to ensure that the aims and objectives of the Habitat Management Plan are met.

Reason: To ensure proper implementation of the habitat management plan and make provisions for any necessary contingency and/or remedial measures.

10.27 No development activity, including ground preparation or vegetation clearance, shall take place until a Protected Species Management Plan (PSMP) has been submitted to and approved in writing by the Planning Authority. The approved PSMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Planning Authority. The PSMP shall include the following:

- a) Details of the appointment of a competent ecologist as an Ecological Clerk of Works (ECoW), with the power to halt works, and their roles and responsibilities with regard to management of protected species;
- b) Details of a pre-construction survey for badgers to determine any changes to setts;
- c) Details of appropriate mitigation for protected species, particularly badgers, smooth newts and common lizards, to be implemented during the site preparation, construction and operational phases, including wildlife corridors, buffer zones and/or fencing;
- d) Details of appropriate monitoring of impacts to protected species during construction works;

Natural Heritage

- e) Details of appropriate procedures/measures to be followed should monitoring indicate potential impacts to protected species and/or potential breaches of wildlife legislation;

Reason: To ensure protection of species protected by law.

10.28 There shall be no site clearance or development activity within 25 metres of badger sett A2, as detailed in the Confidential Badger Report, date stamped 26 April 2019 by the Council, until written evidence has been provided to the Council that badgers have been excluded and the setts have been closed under the terms of a licence issued by the Northern Ireland Environment Agency.

Reason: To protect badgers.

10.29 No development activity, including ground preparation or vegetation clearance, shall take place between 1st March and 31st August until an Ornithological Mitigation Strategy (OMS) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Council. The approved OMS shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Planning Authority. The OMS shall include:

- a) Details of the appointment of a suitably experienced and competent ornithologist, with the power to halt works, to supervise works during the bird breeding season;
- b) Details of the timing of ground preparation and vegetation clearance to avoid disturbance to breeding birds;
- c) Details of pre-construction bird surveys and appropriately timed bird surveys to be conducted throughout the construction phase;
- d) Details of appropriate mitigation measures to be implemented before and during the construction phase, including identifying the location of any recorded active nests or breeding activity, the establishment of species specific buffer zones to active nests or breeding territories (to be agreed with NIEA), temporarily halting works to avoid disturbance to breeding birds;
- e) Provisions for the reporting of the implementation of the OMS to the Council at the end of each bird breeding season during which works take place.

Reason: To protect breeding birds during the construction phase.

- 10.30 No development activity, including ground preparation or vegetation clearance, shall take place until an Ornithological Monitoring Plan (OMP) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Planning Authority. The approved OMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The OMP shall include:
- a) Details of a programme of long term monitoring of breeding and wintering birds, covering breeding and non - breeding seasons, using appropriate survey methodology, in the first survey period after construction is completed (year 1) and in years 2, 3, 5, 10 and 15 thereafter. Surveys shall target hen harrier, kestrel, snipe and red grouse but shall also record numbers and distribution of any other breeding wader species, meadow pipit and skylark;
 - b) Provisions for the implementation of contingency mitigation measures should monitoring reveal significant impacts on birds;

Natural Heritage

- c) Details of the production of monitoring reports which shall be submitted to the Council within 6 months of the end of each monitoring year and which shall include details of any contingency mitigation measures implemented.

Reason: To monitor and mitigate for the impact of the proposal on wild birds.

- 10.31 . No turbine shall become operational until a Bat Mitigation and Monitoring Plan (BMMP) has been submitted to and approved in writing by the Council. The approved BMMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The BMMP shall include the following:

- a) Details of the proposed monitoring of bat activity across the site using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;
- b) Details of bat carcass searches at selected turbines using appropriate methodology for a period of 5 years following the commencement of operation of the turbines;
- c) Details of the production of yearly monitoring reports to be submitted to the planning authority within 6 months of the end of each monitoring year;
- d) Provision for additional mitigation or contingency measures which may be deemed necessary depending on the results of the monitoring and which shall be implemented if instructed by the Planning Authority;
- e) Provision for review of the mitigation measures and the length of the monitoring plan;

Reason: To monitor the impact of the proposal on bats.

10.32. All turbine blades shall be “feathered” when wind speeds are below the “cut-in speed” of the operational turbines. This shall involve pitching the blades to 90 degrees and/or rotating the blades parallel to the wind direction to reduce the blade rotation speeds below two revolutions per minute while idling.

Reason: To protect bats.

10.33. Not later than 12 months before the end of this permission a Decommissioning and Site Restoration Plan shall be submitted for the approval in writing of the Council. Such plan shall include the removal of above - ground elements of the development to one metre below ground level, habitat restoration measures, including the reinstatement of access tracks, the management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The plan shall be

implemented as approved within a time frame to be agreed with the Council.

Reason: To restore the site and protect the local environment beyond the lifetime of the permission.

10.34 Prior to the erection of any turbines, the developer shall commission an aviation consultant (approved by CODA) to revise all associated Instrument Flight Procedures (IFP) to illustrate a revised Low Holding Altitude of 2500 feet.

The developer shall submit and have agreed in writing with the Council, the draft IFPs which will be updated in the UK Aeronautical Information Publication (AIP).

Reason: In the interest of flight safety

10.35 Prior to the erection of any turbines, the developer shall submit and have agreed in writing with the Council a scheme for the installation of aviation lighting. Upon erection of any of the turbines, the agreed lighting scheme shall be installed and operational for the lifetime of the turbines.

Reason: In the interest of flight safety

10.36 In the event that City of Derry Airport (CODA) have installed a contemporary radar system prior to any of the turbines hereby approved being erected then a Radar Mitigation Scheme (RMS) shall be agreed in writing with the Council. This scheme shall:

- Set out the appropriate measures to mitigate the impact of the development upon the operation of the installed CODA Air Traffic Control (ATC) radar and any ATC operation which are reliant on the radar.
- Set out the appropriate performance criteria to mitigate the impact of the development on the radar.

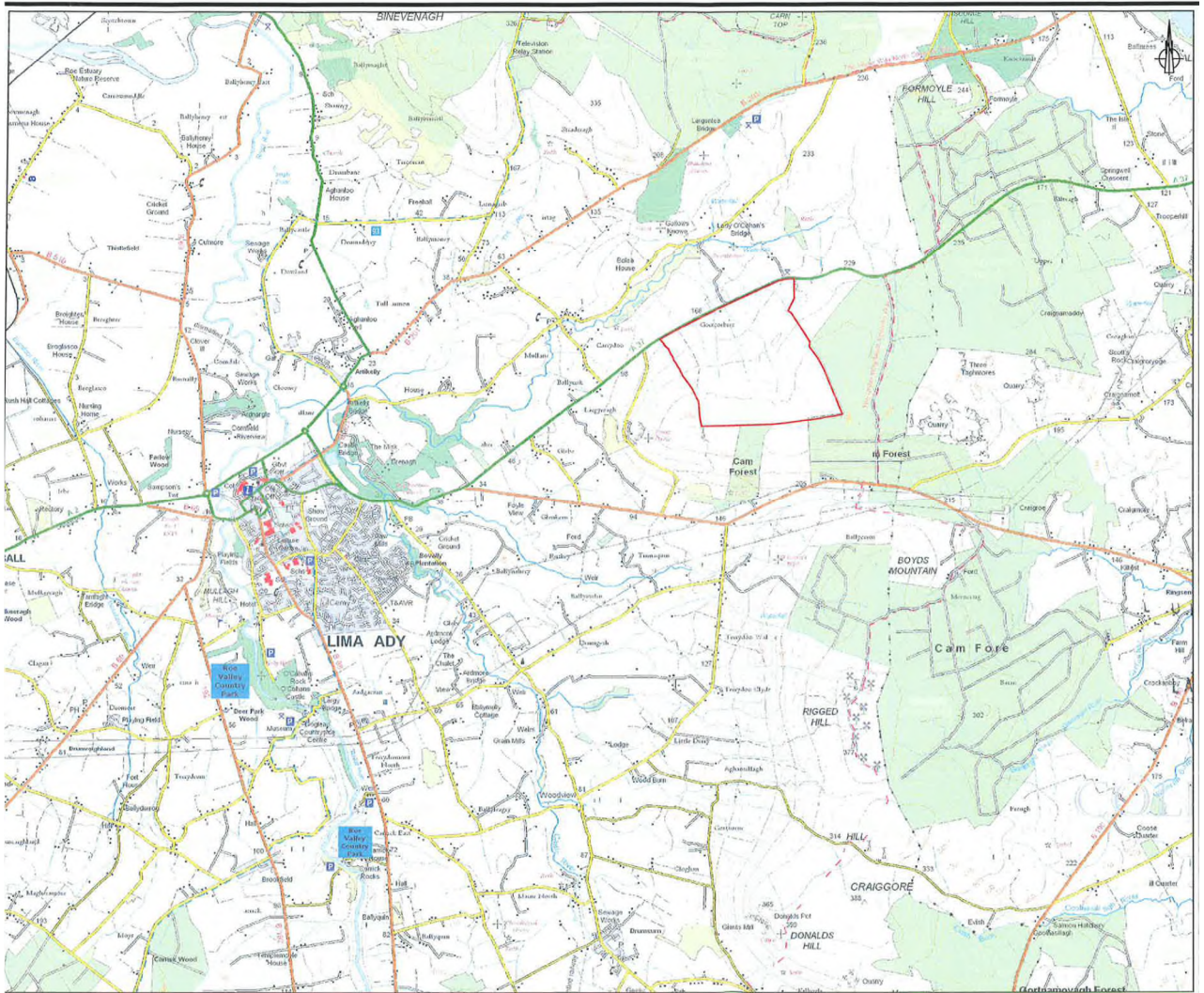
In the event that CODA (ATC) radar is installed prior to turbine erection, the turbines shall not become operational until all agreed measures and timescales within any previously agreed RMS have been implemented.

Reason: In the interest of flight safety

Appendix 1: Consultation Responses

Consultee	Response Date	Responses
Arquiva	05/07/2018	No objection
CAA - Directorate of Airspace Policy	29/05/2018	No objection subject to conditions
Cable and Wireless Worldwide	n/a	No comment
City of Derry Airport	03/08/2018	No objection subject to conditions
DfE Energy Branch	13/03/2018	No objection
DfE Geological Survey	25/06/2018	No objection
Everything Everywhere (EE)	06/03/2018	No objection
Environmental Health	09/07/2018	No objection subject to conditions
Loughs Agency (Foyle Carlingford & Irish Lights Commission)	25/05/2018	No objection
MOD – Safeguarding	08/02/2019	No objection
NATS – Safeguarding	02/03/2018	No objection
NIE – Windfarm Developments	01/03/2018	No objection
NIEA	06/02/2020	No objection subject to conditions
DfC – Historic Buildings and monuments	09/07/2018	No objection subject to conditions
NI Water	04/03/2018	No objection
Ofcom	09/08/2018	No objection
DfI Rivers	16/04/2018	No objection
RSPB	18/12/2018	Concerns over impact on Hen Harriers, however, NIEA who are the competent authority are content – Conditions
Shared Environmental Services	12/02/2020	No objection subject to conditions
DfI Roads	31/03/2020	No objection subject to conditions

Site Location



Site Layout

