

ITEM A

**Lands to the West of 289 Finvoy
Road**

Rasharkin

Ballymena

BT44 8SD

D/2014/0234/F

Full Planning

22 July 2015

<u>No:</u>	D/2014/0234/F	<u>Ward:</u>	Killoquin Lower
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands to the West of 289 Finvoy Road, Rasharkin, Ballymena BT44 8SD		
<u>Proposal:</u>	Installation and operation of a Solar Farm and associated infrastructure for the life of the solar farm		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	04 December 2014
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent:	Lightsource Renewable Energy Ltd		
Applicant:	Lightsource SPV 90 c/o Agent		
Objections:	1	Petitions of Objection:	0
Support:	2	Petitions of Support:	0

Drawings are available to view on the Planning Portal-
www.planningni.gov.uk

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 section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site extends to approximately 15.6 hectares located to the north-west of Rasharkin village, comprising 7 agricultural fields most of which consists of fairly good quality pasture. The site includes boundary and intersecting hedgerows with small pockets of broad-leaved woodland.

- 2.2 Access is proposed from Finvoy Road via an existing access. The Supplementary Planning Guidance referred to in Policy RE1 identifies the site as being within the northern extent of LCA 52 - Lower Bann Valley which is described as a gentle, flat landform comprising the floodplain of the Lower Bann River with isolated drumlins toward the outer fringes of the valley.
- 2.3 Due to the size of the site area the landscape differs over the extent of the site. However, the bulk of the site topography although gently undulating, is located at a level below that of the Finvoy Road (approximately 15 metres) and is set back at least 100m from the public road. The site is bounded to the south by a small watercourse.
- 2.4 The wider locality is generally rural in character although the site is within the vicinity of Rasharkin village. This aside, the main built form within the immediate context of the site consists of individual dwellings and small farm holdings.

3.0 RELEVANT HISTORY

D/2012/0276/F

Proposal: Construction of a new 110 and 33kV substation, associated access road and 110kV and 33kV overhead lines

Address: approximately 300m west of no. 269 Finvoy Road, Rasharkin, Ballymena, BT44 8SD. Approval 07.05.2014

D/2014/0181/F

Proposal: Construction and operation of a Solar Farm with a total generating capacity of 18MW development comprises photovoltaic solar panels, mounting frames, 1 no substation, 18 no inverter

substations, 15 no CCTV cameras (3m high), and ancillary construction works including, perimeter securing fencing (2.4m high), new road access, internal service tracks and 2 no temporary construction compounds

Address: Lands located North of Bann Road East/S.East of Ballmaconnelly Road West/S.West of Finvoy Road and North/N.West of Moneyleck Road Rasharkin - approx 200m E of No 41 Ballymaconnelly Road Rasharkin, Approval 15.06.2015

4.0 **THE APPLICATION**

- 4.1 The application proposes the development of the identified site which extends to 15.6 hectares in order to create a solar farm consisting of an array of solar PV panels with the potential to create 5.88 MW (equivalent to the power requirements of 1,484 typical households).
- 4.2 Each module is mounted in a frame table at an inclination of between 20 and 30 degrees with the higher edge extending to 2.38m in height (lower end 800mm). Each row of panels are separated. As such, the agricultural land can remain. No concrete foundations are proposed with the frame posts driven into the ground.
- 4.3 The proposal also includes a substation, side substation, communications building and PV inverter stations consisting of small structures just under 3 metres in height, perimeter fencing (2m paladin fencing), CCTV security cameras and access tracks (4m wide). A 5m minimum buffer between the proposed panels and perimeter fence to allow maintenance is proposed while a

buffer between proposed fencing and existing hedgerow / trees is also proposed to ensure retention of these both around the site perimeter and existing field boundaries.

- 4.4 The proposal has a life expectancy of around 30 years during which time the land will remain and can continue to be used for agriculture (in the form of sheep grazing).

5.0 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: One (1) representation** has been received **objecting** to the application for the following reason:

- Glare from the solar panels would affect their living experience (approximately over 100m from edge of site).
- Industrialisation of the land would affect home and view
- Not in keeping with the rural area
- Frequency distortion generation, electromagnetic hypersensitivity and electromagnetic radiation
- Uncontrolled expansion of the countryside

Internal:

- 5.2 **Transport NI:** No concerns subject to conditions

NIEA Natural Heritage: No concerns subject to conditions.

NIEA Water Management Unit: No concerns refers to Standing Advice

NIE: future connections to the nearby approved substation may require overhead lines / underground cables to traverse the site.

Rivers Agency: No objection

Environmental Health: No concerns with the proposal subject to conditions regarding noise levels of the development.

NIEA Historic Monument: No objection

NIW Strategic Applications: No objection

Belfast International Airport: No objection

6.0 MATERIAL CONSIDERATIONS

6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- North Eastern Area Plan
- draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

6.0 RELEVANT POLICIES & GUIDANCE

PPS 1 General Principles

PPS21 – Sustainable Development in the Countryside -Policy
CTY1.

PPS 18 – Renewable Energy

PPS2 – Natural Heritage

PPS 3 Access, Movement and Parking

PPS6 – Planning, Archaeology and the Built Heritage

PPS 15 Planning and Flood Risk

Supplementary Planning Guidance

Best Practice Guidance to PPS 18 – Renewable Energy

NIEA Standing Advice Note 21 – Solar Farms

7.0 CONSIDERATIONS & ASSESSMENT

7.1 The main considerations in the determination of this application relate to: the principle of the proposed development in this location; residential amenity; visual amenity and landscape character; biodiversity, nature conservation or built heritage interest; local natural resources; and public access to the countryside.

Planning Policy

7.2 The site is located within the rural area as defined by the draft Northern Area Plan 2016.

- 7.3 The principle of the type and scale of development proposed must be considered having regard to the PPS policy documents specified above and the Best Practice Guidance.

Principle of Development

- 7.4 The site is located within the rural area, PPS 18 provides a presumption in favour of development for renewable energy subject to it being demonstrated that the proposal will not have an unacceptable adverse impact on a number of criterion discussed below.

Public safety, human health, or residential amenity;

- 7.5 It is unlikely that this proposal would cause any significant risk to public safety or human health. Ballymoney Borough Council Environmental Health were consulted and recommend a condition to ensure that the sound levels as stipulated are not exceeded during construction at the site boundaries.
- 7.6 In terms of residential amenity, the proposed site is on existing agricultural land and all current boundaries both on the site perimeter and existing internal boundaries are to be retained. Many of the existing boundaries comprises a mix of native, fairly good quality hedgerows and mature trees.
- 7.7 Para 6.3.2 of the Best Practice Guidance to PPS 18 states that PV is particularly suited to the urban environment and is clean and silent in operation, therefore located in this rural setting with the separation distance from residential properties it would

appear that such proposals have little/minimal impact in terms of residential amenity.

- 7.8 A number of residential properties exist within fairly close proximity of the proposed solar farm including No 289A Finvoy Road which is immediately adjacent the proposal.
- 7.9 The applicant advised on site that this property belongs to his sister and a letter of support regarding the proposal has been received from this address. Further properties exist to the east and south of the site including No 33 Moneyleck Road and Nos 269 & 271 Finvoy Road. Although there is no specific separation distance to such a proposal outlined in policy or guidance, it is noted that only four properties fall within 100m of the proposal (Nos 269, 271 and 273 Finvoy Road and No 289A Finvoy Road).
- 7.10 There are a number of structures located within the confines of the site serving connection to the grid and also for management of the solar installation. These are located opposite No 289A Finvoy Road (adjacent an existing agricultural laneway serving the applicants lands. The main potential for impact on residential amenity relates to this property due to its very close proximity to infrastructure buildings as well as the temporary construction compound.
- 7.11 As stated above a letter of support regarding the proposal has been received from this address and no objection has been raised from the local Environmental Health Department although a condition has been proposed to ensure that the sound levels

as stipulated are not exceeded during construction at curtilage boundaries.

7.12 In relation to the objection, the Agent has responded to the objectors concerns in relation in particular to the frequency distortion and levels of electrical magnetic field (EMF) associated with operational solar farms that they are many times lower than the recommended safety levels and lower than EMFs associated with many typical household appliances. The operational solar farm will not pose any health risk to members of the public passing by, living near the site or to workers.

7.13 Given the nature of the proposal and the existing field boundaries there is limited scope for intervisibility from and between existing dwellings as even the closest dwellings have intervening vegetation while topography limits wider views.

7.14 The application states that the security fencing does not require concrete foundations (although CCTV camera mountings appear to). The introduction of CCTV cameras may raise some concerns however these are directed towards the site and do not include the use of lighting as they incorporate infrared technology. As such they do not appear to introduce a privacy issue.

7.15 Transport NI has no objection to the access arrangements.

7.16 In terms of the potential impact of glint and glare on aviation aircraft and vehicular transport corridors a glint and glare assessment has been submitted as part of the supporting statement which indicates that as the solar panels are designed

to absorb light rather than reflect it and as such there are no glint and glare issues. Belfast International Airport and Transport NI were consulted and offer no objection to the proposal.

Visual amenity and landscape character

7.17 The Supplementary Planning Guidance referred to in Policy RE1 identifies the site as being within the northern extent of LCA 52 - Lower Bann Valley which is described as a gentle, flat landform comprising the floodplain of the Lower Bann River with isolated drumlin hills toward the outer fringes of the valley. This character assessment also states that this LCA has a wealth of nature conservation interests and areas of high scenic quality although the landscape is somewhat less sensitive where the topography is relatively simple. The site is located within this less sensitive northern extent of the landscape.

7.18 In terms of visual impact such proposals can have a significant effect due to the height of the panels as well as the quite industrial and regimented nature of the structures, particularly within a rural landscape. However, Policy RE1 of PPS18 does state that the wider environmental, economic and social benefits of all proposals will be given significant weight in determining whether planning permission will be granted.

7.19 In terms of the wider environmental, economic and social benefits the submitted supporting statement outlines the European Union targets as well as those within the UK Renewable Energy Strategy regarding the reduction in energy use and reduction in greenhouse gases as well as local targets.

The submitted information indicates that the proposal will aid in meeting these wider governmental targets regarding renewable energy.

7.20 In terms of the visual impact when assessed against the benefits of the proposal. Travelling south along Finvoy Road from the junction with Ballymaconnelly Road the local landscape viewed on the western side of Finvoy Road consists of a fairly simple topography comprising a gently undulating landscape set at a much lower level than the public road. However, the proposal is generally well screened due to a mix of roadside and intervening vegetation as well as topography of the road which rises very gently.

7.21 Continuing along Finvoy Road as far as No 246, views of the site are very intermittent are generally long distance and restricted to small parts of the overall site. From this point views of part of the site may be apparent although they are again long distance and continue as far as the just beyond the junction with Magheraboy Road (no views exist from Magheraboy Road). From here views of the site are entirely lost due to the extent of mature trees and vegetation which screen the proposal from the public road for a considerable distance before some minor long distance views open up just before No 255 Finvoy Road. These are again lost fairly quickly with only intermittent views as the entrance to Rasharkin Cemetery is approached just outside Rasharkin. As a public vantage point, the cemetery grounds represent the most critical views of the proposal. From the public road (Finvoy Road), the fact that the entire proposal is set a field length back

with a significant drop in levels and fairly extensive roadside and intervening vegetation means that any views are not over a short distance and are fairly intermittent. This pattern continues throughout Rasharkin village due again to the extent of mature vegetation coupled with the increasing built form as you approach and enter the village.

7.22 The cemetery grounds affords the opportunity to have static and fairly open views across the proposed site (but not in its' entirety) and from a closer perspective than is possible from the public road. Views do remain medium to long distance due to the low lying nature of the landscape and the undulating topography.

7.23 East of Rasharkin village is Gortahar Road which rises steeply from the village in an easterly direction. Significant roadside vegetation exists combined with an increasing built form as you approach the village, as such there are no critical views of the proposal from here.

7.24 On leaving Rasharkin village along Moneyleck Road views of the site are totally obscured by No 33 which consists of a large two storey dwelling and a number of farm buildings. Beyond this the Moneyleck Road turns at 90 degrees falling considerably towards the junction with Bann Road. Along this stretch of the road the site is again set back one field length. Views of the site are at a fairly oblique angle and considerably obscured due to mature trees along the field boundaries. Although there may be some awareness of the proposal due to the extent of mature

vegetation, topography and the angle of view the proposal will be fairly imperceptible from Moneyleck Road.

7.25 Travelling west along Bann Road from the junction with Moneleck Road the landscape to the north rises considerably. Due to the separation distance from the public road combined with topography and roadside / intervening vegetation the proposal will not be visible travelling in either direction along Bann Road.

7.26 Travelling in either direction along Ballymaconnelly Road to the west of the site views of the proposal will be limited due to the significant separation distance combined with the topography and intervening vegetation.

7.27 While views of the proposal may exist further afield it is considered that those outlined above are the critical views of the proposal and that those which exist beyond will be very limited due to the significant separation distance. There may be some visual linkage with the extant approval (for a further solar farm) which is much larger in scale. However, the current proposal is well screened when viewed from the vast majority of the public road network. Where views do exist the proposal will not be read in its entirety and linking the two solar farm sites will be limited to small portions of each therefore limiting the overall visual impact.

7.28 There will be a limited visual impact of the proposed substation, side substation and communications building which are all located on the opposite site of an existing agricultural laneway to the rear of No 289A, transformers, inverters and security

cameras. It is considered that the fencing and solar panels will have the most impact in the front fields in particular. However, it is not anticipated that these landscape impacts are unacceptable.

7.29 The potential impacts on the landscape are described as reversible as the Agent has indicated that the proposal has a lifespan of 30 years and the panelling and fencing can all be removed off site with no topographical changes taking place.

7.30 A Landscape and Visual Impact Assessment for this proposal has been submitted with this application and includes a number of photo-montages and wireline diagrams of the proposal. In my opinion the submission appears fairly accurate and highlights a number of key views of the proposal from the public road network and would appear to confirm that the visual impact from the proposal is not unacceptable.

Biodiversity, nature conservation or built heritage interests

7.31 There is a potential impact on the integrity of biodiversity (including protected species and archaeological sites) within the site although it does not lie within any statutory or non-statutory designated site.

7.32 An ecological appraisal has been submitted which identifies the bulk of the site as being improved grassland with smaller areas of marshy grassland and two pockets of broadleaved woodland. A small watercourse runs along the southern boundary. The submitted species record indicates a number of protected

species as potentially being within or utilising the site.

Consultation with NIEA has been carried out to assess the potential impact on biodiversity and nature conservation.

7.33 NIEA has found that the proposal would have no likely significant effects on designated sites. However, due to the nature of species on site NIEA has proposed draft conditions and informatives to mitigate against any possible biodiversity concerns and to ensure compliance with PPS2: Natural Heritage.

7.34 An archaeological evaluation was prepared in support of this application. NIEA Historic Monuments responded stating they had reviewed the Archaeological Assessment and raise no objections.

Local natural resources, such as air quality or water quality

7.35 In terms of the potential impact on flooding due to runoff from the panels a Flood Risk Assessment has been provided. The site is affected by both pluvial ponding and Q100 Flooding along the southern fringe. The submitted FRA indicates that the proposed development will not result in any discernible change to the quantity or rate of run-off and will not increase the risk of flooding either on the site or surrounding areas.

7.36 Small areas of culverting are proposed but are unlikely to have a significant effect on the local natural resources (or biodiversity) of the site. Rivers Agency has been consulted and no objections raised.

7.37 In terms of air quality solar PV are seen as being 'clean' and will therefore have no impact on this natural resource. Within the submitted information it is also proposed to use the land to graze sheep, thereby enabling a dual use of the land.

Public access to the countryside

7.38 The proposal initially incorporates two access, one of which will be removed after the construction phase. In terms of access the main issue in relation to infrastructure is the NIE substation currently under construction in close proximity to the current site. Although not relating to public access it does raise issues regarding access to the land / wayleaves to facilitate any necessary connections and maintenance of existing / proposed equipment. The Mid-Antrim cluster substation application was submitted by NIE specifically to upgrade infrastructure and facilitate grid connections for the increase in renewable energy proposals in the area. While the substation may be required to facilitate private connections, there is a public interest in providing sufficient grid connection infrastructure to meet the obvious demand and aid in meeting wider European and Governmental targets regarding renewable energy. It is a matter for NIE to achieve the necessary permissions and wayleaves from adjacent landowners in order to facilitate the necessary infrastructure.

7.39 Consultation has been carried out with NIE in relation to this issue and NIE has confirmed that future connections will require additional overhead lines / underground cables to be routed both

through and around the site proposal and wish to protect the integrity, safety and security of the network. NIE also state that a standard wayleave will not be sufficient to ensure the right of way as required.

7.40 NIE has proposed a number of conditions regarding the necessary wayleave agreements to facilitate the project as well as conditions regarding earthing arrangements and harmonics.

9 CONCLUSION

9.1 The proposed solar farm development is considered acceptable in this location having regard to the draft Northern Area Plan and other material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. In accordance with para 52 of PPS 1, no significant harm would be caused to neighbouring amenity. Approval is recommended.

10 CONDITIONS/ INFORMATIVES

10.1 Regulatory Conditions:

As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

- 2 Within 12 months of the cessation of electricity generation from the approved photovoltaic panels, all structures shall be removed and the land restored in accordance with a scheme to be submitted to and agreed in writing with the Council.
Reason: To restore and maintain the landscape quality of the area.
- 3 The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 13 bearing the date stamp 30 March 2015, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays 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.
- 4 The access gradient to the dwelling hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
- 5 The applicant / site occupier shall enter into a Grant of Easement with Northern Ireland Electricity (NIE) on NIE's standard terms permitting NIE to retain those overhead lines traversing the site for 999 years and defining a 3.0m wide access corridor from the nearest public roadway to each structure which supports the lines with the width of the access corridor increased as appropriate / agreed for vehicle turning. An area, no less than 4.0m radius around every structure supporting the lines for maintenance/repair purposes shall be provided. The route of the access corridor and the Grant of Easement document shall be agreed / signed prior to commencement of development.
Reason: To safeguard the NIE network in the locality.
- 6 Following commencement of development on site the occupier and/or owner of the development site shall grant an easement on similar terms set out in condition 8 for any new overhead electricity lines which NIE require to route across the development.

Reason: to safeguard the NIE network in the locality.

- 7 No development shall take place until a suitable earthing arrangement affected by the proposal has been submitted to and agreed in writing with the Local Planning Authority in consultation with NI Electricity. The agreed mitigation works shall be carried out and operational at the cost of the developer prior to the commencement of any development on site.

Reason: To ensure safety is maintained for all NIE personnel and members of the public.

- 8 No development shall take place until the harmonic data has been reviewed and a suitable arrangement affected by the proposal has been submitted to and agreed in writing with the Planning Authority in consultation with NIE. The agreed mitigation works shall be carried out and operational at the cost of the developer prior to the commencement of any development on site.

Reason: To safeguard the NIE electricity network in the locality of the PV site.

- 9 All planting as indicated in Drawing No 03 received on 26-NOV-2014 shall be retained and augmented with native species hedgerow/trees of mixed woodland species and if any shrubs / trees which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

INFORMATIVES

- 1 This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- 2 This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- 3 This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Department or other statutory authority.
4. Existing pumping sewer crossing the site – across proposed access road. Consultation is required with NIW at an early stage to prevent disturbance / damage to this sewer from site traffic.
5. The combined noise level from construction activities within the permitted site shall not exceed the noise limits as stipulated within 'Table 1: Construction noise limits' at any residential property. Measurements between 07.00 and 23.00 hours shall be undertaken at

the boundary of any residential property's curtilage nearest to the construction activity. Measurements between 23.00 and 07.00 hours shall be undertaken 1 metre from the façade of any residential dwelling. If access to any residential property is not forthcoming or measurement is not feasible, a measurement location and concomitant noise level shall be agreed with the Department in consultation with Ballymoney Borough Council's Environmental Health Section.

Table 1: Construction noise limits

Day of week	Time	LAeq,1hour	LAmix
Monday to Friday	07.00 – 18.00	65 dB Curtilage	-
	18.00 – 23.00	55 dB Curtilage	-
	23.00 – 07.00	45 dB Façade	60 dB
Saturday	07.00 – 13.00	65 dB Curtilage	-
	13.00 – 23.00	55 dB Curtilage	-
	23.00 – 07.00	45 dB Façade	60 dB
Sunday	07.00 – 23.00	45 dB Curtilage	-
	23.00 – 07.00	45 dB Façade	60 dB

6. Under the terms of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of Rivers Agency.
7. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
8. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
9. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
10. NIEA WMU recommends the storm drainage of the site adheres to the precepts contained in DOE Standing Advice Note No 5 – Sustainable Drainage Systems (April 2015)
11. Due to the close proximity of the site to various watercourses, care will need to be taken to ensure that polluting discharges do not occur during the works phase. The Applicant should refer to DOE Standing Advice Note No.4 pollution Prevention Guidelines
12. The applicant is informed that it is an offence under Article 7 of the Water (Northern Ireland) Order 1999 (as amended) to knowingly or otherwise discharge or deposit any poisonous, noxious or polluting

matter so that it enters a waterway or water contained in any underground strata. The penalty if found guilty of an offence under this Article can be imprisonment for a term not exceeding 2 years or a fine or both.

13. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
14. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is Trillick House, 49 Queen Street, Ballymoney. A monetary deposit will be required to cover works on the public road.
15. All construction plant and materials shall be stored within the curtilage of the site.
16. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
17. The applicant's attention is drawn to The Conservation (natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended) under which it is an offence:
 - Deliberately to capture, injure or kill a wild animal of a European protected species;
 - Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - Deliberately to disturb such an animal in such a way as to be likely to; affect the local distribution or abundance of the species to which it belongs; Impair its ability to survive, breed or reproduce, or rear or care for its young; or Impair its ability to hibernate or migrate;
 - Deliberately to obstruct access to a breeding site or resting place of such an animal; or To damage or destroy a breeding site or resting place of such an animal.
18. Badgers are listed on schedules 5, 6 and 7 of the Wildlife (Northern Ireland) Order 1985 (as amended). Under the Order it is an offence to:
 - intentionally or recklessly kill, injure or take a badger; or
 - intentionally or recklessly damage or destroy, or obstruct access to, any structure or place (normally a sett) that badgers use for shelter or protection; or
 - intentionally or recklessly damages or destroys anything which conceals or protects any such structure; or
 - intentionally or recklessly disturbs a badger while it is occupying a structure or place which it uses for shelter or protection.

In addition any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

- 19 Any works within 25m of a sett entrance will require a licence from NIEA, Wildlife Licensing.