

## **Item C**

**Land approximately 920 metres  
north west of 33 Craigmore Road  
Coleraine**

**C/2011/0459/F  
Full Application**

**23<sup>rd</sup> September 2015**

<b><u>No:</u></b> C/2011/0459/F	<b><u>Ward:</u></b> Bann
<b><u>App Type:</u></b> Full Application	
<b><u>Address:</u></b> Land approximately 920 metres north west of 33 Craigmore Road, Coleraine	
<b><u>Proposal:</u></b> Wind farm comprising comprising 6 wind turbines up to a maximum of 120.5m tip height (comprising a configuration of up to 85m towers and up to 35.5m blades). The development will also comprise associated transformers, one permanent meteorological monitoring mast, communication tower, site access tracks, gates, temporary site compound, substation, electrical cabling, one site entrance including road improvement works at the existing site entrance off Craigmore Road, and all other ancillary works	
<b><u>Officer:</u></b> Cathy McKeary	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 07.09.2011
<b><u>Listed Building Grade:</u></b> N/A	
<b>Agent:</b> TCI Renewables Ltd The Old Throne Hospital 244 Whitewell Road Belfast BT36 7EN	
<b>Applicant:</b> Cam Burn Wind Farm Ltd	
<b>Objections:</b> 524 <b>Petitions of Objection:</b> 0	
<b>Support:</b> 896 <b>Petitions of Support:</b> 0	

Drawings are available to view on the Planning Portal-  
[www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 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 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA**

- 2.1 The proposed development site is located between the townlands of Glencurb, Clintagh and Ballybritain approximately six kilometres north of Garvagh. The closest large towns to the proposed development are Coleraine, Limavady and Ballymoney.
- 2.2 A belt of rounded hills and mountains extends in a roughly north south axis west of the River Bann forming the eastern extent of the Sperrins. Rigged Hill, with its wind farm, and Craiggore Mountain are located in the western part of the study area. Carn Hill and Carntogher define the southern limit of this belt to the south west of Garvagh.
- 2.3 The site area is adjacent to the Cam Burn and is mainly agricultural in nature. The site also contains an area of commercial conifer plantation. The site is accessed from the Craigmore Road using existing tracks where available and new tracks are required for the remainder of the site. The ground height of the proposed turbines varies between 80 and 100 AOD in a westward direction. The site also is upstream of the Bann Estuary Special Area of Conservation (SAC) and ASSI and as such a Habitats Regulations Assessment was carried out.

## **3 RELEVANT HISTORY**

- 3.1 C/2010/0399/F - Erection of an 80m high measurement mast, guyed at 50.8m with 6 no anemometers, 2 no wind vanes and 1 no data logger for a period of 5 years.
- 3.2 C/2012/0464/F - Erection of 1 no. 250kw Wind Turbine with a Hub Height of 40m at 670m NW of 121 Craigmore Road Ringsend

## **4 THE APPLICATION**

- 4.1 This is a full application for 6 turbines with an overall height of 120.5m. Turbine specifications are for 85m hub heights and 35.5m blade length producing 2.3MW (13.8MW for the whole

- site). T1-T5 are situated south of the Cam Burn and T6 lies to the north
- 4.2 A voluntary Environmental Statement (ES) was supplied with the application providing detailed information on all the potential environmental impacts of the site and how these have been considered or mitigated by the applicant.
  - 4.3 Other infrastructure is also proposed including associated transformers, one permanent 85m meteorological monitoring mast, communication tower, site access tracks (either in the form of upgrading existing tracks or the provision of new tracks), temporary site compound, substation, site entrance improvements and other ancillary works associated with a wind farm development.
  - 4.4 The site entrance will be upgraded to include a bell-mouth opening together with the incorporation of permanent 2.4 m x 120 m visibility splays in both directions. Sections of the existing laneway beyond the site entrance will also be utilised and upgraded to accommodate turbine delivery and construction vehicles. The existing track is flanked on either side by grass verge, stock fencing and intermittent tree cover on both sides.
  - 4.5 Additional information in support of the application was formally submitted following the request from the Department of Further Environmental Information was under Regulation 15(1) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012. The Further Environmental Information submitted by the applicant included further noise information, habitats assessment information, revisions to layout and justification of turbine height.
  - 4.6 The application has been in front of Coleraine Borough Council as an approval on 2 occasions previously. Firstly on 16<sup>th</sup> December 2014 where the Council requested a deferral. A deferred meeting was held for the objectors on 16<sup>th</sup> January 2015. The matter was returned to the Council as an approval on 24<sup>th</sup> February 2015, however the Council disagreed with this recommendation. The application was then transferred to Causeway Coast and Glens Council for determination by the Minister Durkin.

## 1 PUBLICITY & CONSULTATIONS

### External:

#### 1.1 Neighbours: 23

1.2 In total there are 524 objections.

1.3 There are 37 initial objections, and 486 additional letters of objection submitted from 6th Feb 2015 onwards. The objections are based on visual impact, economic considerations, residential amenity/safety, impact on natural heritage, renewable energy targets, accuracy/quality of data submitted, and other matters as described.

1.4 There are 896 letter of support in total. 380 were submitted September 2013 with a further 516 submitted on 7<sup>th</sup> May 2015.

#### 1.5 Internal:

Consultee	Response
Arqiva Services Limited	Content
Belfast International Airport	Content
CAA - Directorate of Airspace Policy	Content – contact MOD & NATS
City of Derry Airport	Content
Council for Nature Conservation and the Countryside	Outstanding
DARDNI - Countryside Management Branch	Content
DARDNI – Forestry Division	No comment
DARDNI – Fisheries	Content
DCAL- Inland Fisheries Group	Content – informatives provided
DETI Geological Survey Northern Ireland (GSNI)	Content – Suggest contacting CPD re peat slide
DETI Energy Branch	Content
Environmental Health Department	Content – conditions provided

	Query – re C/2004/1367/RM adjacent to 51 Craigmore Road
Coleraine Borough Council	No comment – reserved right to comment at Planning Committee
Everything Everywhere Limited	Content
Foyle Carlingford & Irish Lights Commission	No comment
Health & Safety Executive (Gas Pipeline)	Content
Lonmin (Northern Ireland) Ltd	Content
MOD – Safeguarding	Content –Informatives provided
National Air Traffic Services (NATS)	Content
NIEA Natural Heritage	Content –CMS should include badger & otter resurvey – Conditions provided
NIEA Protecting Historic Monuments	Content – have considered impact on Grey Stone monument – Conditions provided
NIE – Wind farm Developments	Content
N.I Water - Wind farms	Content
OFCOM	Links identified for: PSNI, NI Water and EE
P.S.N.I. Information and Communications Services	Content
Rivers Agency	Content –Informatives provided
Roads Service	Content – Conditions & informatives provided
Royal Society for the Protection of Birds	No comment
The Joint Radio Company	Content
UK Crown Bodies - D.I.O. LMS	Content

UK Crown Bodies - D.I.O.	Content
Vodafone (NIE)	Content
Vodafone – Cable & Wireless	Content
Water Management Unit (WMU)	Content –Conditions and informatives provided
Westica	Content
NIEA Landscape Architect's Branch	Objection – Inappropriate within landscape
DOE Economics Branch requested further information	Request for further information

### Summary of Issues

- 1.6 Where all issues have been resolved the consultee is marked as content and any suggested conditions and informatives noted in the event of an approval.
- 1.7 Where there are queries outstanding these have been highlighted and addressed below.
1. NIEA Landscape Architect's Branch (LAB) – Consultee has lodged an objection to the proposal and raised the following issues:
    - I. Parking bays within root protection zones
    - II. Turning and parking on Southern boundary needs redesigned to avoid the root protection zones
    - III. Septic tank should be outside root protection zones.
  2. Economics Branch – Consultee has queried the economic element of the ES due to lack of detail regarding benefits.
  3. GSNI - Consultee has advised consultation with CPD for slope stability analysis (HQ did not feel the need to do this)
  4. WMU - Consultee has advised that there should be no culverting yet proposed drawings include plans for culverts (drawing 3 shows culverting)
  5. Natural Heritage – Consultee has advised that the Construction Method Statement (CMS) should include badger & otter resurvey
  6. EHO – Consultee has queried the proximity of the windfarm to approved dwelling under C/2004/1367/RM.

The Council has considered these matters and:

1. LAB comments considered within landscape assessment of report. All issues raised were dealt with through the amended plans as per the consultation response on 7<sup>th</sup> November 2011.
2. Economic benefit is considered within main body of report
3. Any peat impact or slippage can be dealt with in the Habitat Management Plan (HMP) and the peat areas would be rewetted as part of the site restoration plan.
4. The drawings provided by the applicant show culverts for sheughs which are undesignated. Only designated water courses are of interest to WMU.
5. Construction method statement to be amended on to include badger and otter resurvey when submitted as part of any pre-commencement discharge of conditions.
6. Dwelling C/2004/1367/RM to the rear of 51 Craigmore Road as queried by EHO expired in 2007 and has not commenced on site.

## **2 MATERIAL CONSIDERATIONS**

- 2.1 The Regional Development Strategy (RDS)
- 2.2 Due weight should be given to the relevant policies in the development plan. The development plan is the adopted North East Area Plan 2002 and the Draft Northern Area Plan 2016.
- 2.3 Planning Policies as identified in section 7.
- 2.4 Letters of objection and support as discussed in section 8.
- 2.5 Any other matters that are raised in the course of the application.
- 2.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section 8 of the report,

## **3 RELEVANT POLICIES & GUIDANCE**



PPS 1 General Principles

PPS 2 Natural Heritage

PPS 3 Access, Movement and Parking

PPS 6 - Planning, Archaeology and the Built Heritage

PPS 10 – Telecommunications

PPS 18 – Renewable Energy

PPS 21 - Sustainable Development in the Countryside

#### **4 CONSIDERATIONS & ASSESSMENT**

- 4.1 The RDS sets out the guidelines for development of Northern Ireland until 2035. Strategic policy guidance is provided through the Regional Guidance (RG) which applies to the region as a whole and Spatial Framework Guidance (SFG) which is tailored to specific areas that make up the spatial framework of Northern Ireland Regional Guidance material to the consideration of this application includes , RG5 - Deliver a sustainable and secure energy supply, RG9 - Reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality and RG11 - Conserve, protect and, where possible, enhance our built heritage and our natural environment. Spatial Framework Guidance particular to this application includes SFG13 - Sustain rural communities living in smaller settlements and the open Countryside
- 4.2 Neither the extant Northern Area Plan nor the unadopted Draft Northern Area Plan has any policies specifically relating to this type of development and as such the following policies prevail.

#### **PPS 1 - General Principles**

- 4.3 My consideration of the prevailing planning policy in respect of the application begins from the point that there is a general

presumption in favour of development unless the development will cause harm to interests of acknowledged importance, and this consideration will be guided by the precautionary principle. The assessment of interests of acknowledged importance and all other material planning considerations in relation to the application is set out in the various sections of this report.

## **PPS 2 – Natural Heritage**

- 4.4 PPS 2 states the Department’s planning policies for the conservation, protection and enhancement of our natural heritage. NIEA Natural Heritage has assessed the proposal under PPS 2 Natural Heritage and under Policy RE1 of PPS 18 - Renewable Energy. They have considered the objection issues raised. They have also undertaken a Habitats Regulation Assessment as the site lies upstream of the Bann Estuary Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI) - but have concluded that there are no likely significant effects on the designated site. They have provided conditions and informatives should planning permission be granted.

## **PPS 3 - Access, Movement and Parking (Revised)**

- 4.5 Roads Service has assessed the proposal and the associated Environmental Statement and has offered no objection to the proposal. They have outlined a number of conditions and informatives to be attached to any planning approval to protect the public road network.

## **PPS 6 - Planning, Archaeology and the Built Heritage**

- 4.6 NIEA Historic Monuments Unit (PHM) recognise that the proposal will impact upon the setting of the Grey Stone, however they acknowledge that while this development will be visible from a number of archaeological sites and monuments in the surrounding landscape, they have accepted the proposed archaeological mitigation measures in respect of the physical impacts of the development supplied in the ES and consider that the development will not have such an adverse visual

impact so as to merit refusal of planning permission. They provided standard archaeology conditions to be added to any permission granted.

### **PPS 10 – Telecommunications**

- 4.7 No issues have been raised by consultees in regards to telecoms/links issues.

### **PPS 18 – Renewable Energy**

- 4.8 Policy RE1 indicates that development that generates energy from renewable resources will be permitted provided it would not result in an unacceptable adverse impact laid out in the assessment below.
- 4.9 Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:
- (a) public safety, human health, or residential amenity;
  - (b) visual amenity and landscape character;
  - (c) biodiversity, nature conservation or built heritage interests;
  - (d) local natural resources, such as air quality or water quality; and
  - (e) public access to the countryside.

These matters are considered below:

- 4.10 EHO have advised that there is no unacceptable noise impact on any of the dwellings surrounding the site. In the Best Practice document there is a requirement for a wind farm to be 10 times the rotor diameter to occupied property. Objectors have raised issue about the fall distance from populated areas, and it appears that two dwellings are within 10 times the rotor diameter (710m). 131 Killeague Road is within 552m of T1 and 51 Craigmore Road is within 709m of T4. . No 131 Killeague Road is unoccupied therefore this rule does not apply. No 51 Craigmore Road is only 1m within the fall distance and as such, is acceptable as the distance advised is not a legislative

requirement but is best practice and an acceptable deviation from the guidance.

- 4.11 EHO have not identified any significant negative impact on sensitive receptors such as dwellings due to light pollution, shadow flicker or ice throw from turbines.
- 4.12 Transport NI are content that the access proposed is adequate to service the public road. It should be noted that there is no intensification of traffic after completion of the wind farm and any increased traffic is only for the duration of the construction and as such cannot be given determining weight.
- 4.13 Visual amenity and landscape character are assessed fully below.
- 4.14 NIEA have not raised any issues regarding natural or built heritage. All consultees are content with any management plans and mitigation proposals submitted. This will be conditioned to ensure implementation.
- 4.15 None of the consultees have indicated any issue with local natural resources
- 4.16 The site in question is private land therefore there is no loss of public access.
- 4.17 PPS 18 RE1 states that 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;
  - (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;
  - (iii) that the development will not create a significant risk of landslide or bog burst;
  - (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;

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

(vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors<sup>1</sup> (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

(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.

Any development on active peatland will not be permitted unless there are imperative Reasons of overriding public interest.

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.

- 8.6 Visual amenity and landscape character are assessed fully below.
- 8.7 Cumulative impact was considered by EHO who advised that there was no further capacity at the site for noise. They had raised the issue of an approved single turbine which remains extant on the site. The agent has agreed that this will not be constructed, however this will be a voluntary matter while the application remains live. B/2012/0268/F was approved on 3rd March 2015, since this application was assessed. EHO have advised that this was taken into consideration. The cumulative visual impact of the turbines with approved turbines is considered below.
- 8.8 GSNI advised consultation with CPD for slope stability analysis (HQ previously did not feel the need to do this), however the agent has advised that any peat impact or slippage can be dealt with in the Habitat Management Plan and it would be rewetted as part of the site restoration plan. This is acceptable.

- 8.9 Transport NI and all other aviation authorities are content with the proposal.
- 8.10 As discussed in 8.10 there will be no significant harm or loss of amenity to sensitive receptors.
- 8.11 Conditions regarding the HMP and CMS can adequately ensure that the site is managed and ultimately reinstated after the lifetime of the windfarm.

### **Visual Amenity & Landscape Character.**

- 8.12 The site in question falls within LCA 38, the Eastern Binevenagh Slopes. This is considered to be a medium scale landscape of low rolling plateau that is less sensitive than the western slopes of Binevenagh, but is considered to have significant landscape and visual constraints to wind energy development. These include the coastal setting in the North, the distinctive landform of ridges and knolls and the fact that the landscape is open to views from the East. The site falls within the Southern portion of the LCA towards the Eastern boundary which has been identified as least sensitive.
- 8.13 Rather than assess every view presented in the ES, I will concentrate on the views that I feel are critical to the assessment. I have looked at both main roads as shown in the ES and the more minor roads around the site.
- 8.14 When viewed from the junction of Killeague Road and Killure Road there will be no views of the windfarm and when travelling along the Killeague Road there will also be no views or very limited views due to the low road, high verges and the land rising away from the road.
- 8.15 V6 from the Craigmore Road is significant as the land is low-lying with only intermittent screening from the road and the turbines here will be prominent features in the landscape. V7 from the Cashel Road is more heavily treed than the photomontage suggests but will be viewed along with the fences of the Riverridge Recycling site.

- 8.16 V7 to V19 on the Cashel Road travelling North from the junction is across open landscape and has a significant impact for around 300m, then the views become limited by vegetation when continuing along the road. When travelling South along the Cashel Road V18 is a long range view that is interspersed with trees. Continuing South there are only short views from no 100 Cashel Road until V19 which is the least significant as the land rises away from the road therefore obscuring the views. After this the view becomes very significant for the 300m before the junction with Craigmores Road.
- 8.17 There will be some views from adjacent to Gorrans Primary School travelling South West on the Gorrans Road from the junction with Drumcrons Road. From half way along the Gorrans road travelling South West there will be limited views above the tree line. From the junction of Mettican Road onto Gorrans Road there will be significant long views over the open rolling landscape which could be seen as dominating the landscape. However this is a static view from this particular point.
- 8.18 Travelling North onto the Ballynacally Road from Gorrans Road the proposal will be viewed with the 10 turbines of the existing wind farm, moving across the Gorrans Bridge there will be long views until no 20 Ballynacally Road which is a single point of long views then there all views are closed travelling North back onto the Craigmores Road.
- 8.19 As described in the previous case officer report. This proposal is adequately separated from Rigg Hill so as not to be read cumulatively with it. Long Mountain windfarm is also adequately far away as not to be read cumulatively with this proposal. The most obvious view of cumulative impact with other turbines is from the viewpoint adjacent to 58/60 Craigmores Road travelling East where the proposed wind farm will be seen in conjunction with a built wind farm to the North West and two single turbines that are also constructed. To the East an approved single turbine will be visible in conjunction with the proposal.

8.20 Landscape architects have expressed concern over the application and the impact on the wider landscape. As a consultee their views have to be considered, however, their objection alone is not enough to warrant a refusal. The views described above show a limited impact on the landscape with only very close views or static views being significantly impacted by the proposal. Furthermore the application is in the less sensitive part of the LCA and based on the views considered it appears that the landscape can successfully accommodate turbines of this scale without significant detriment to the area as a whole.

### **PPS 21 - Sustainable Development in the Countryside**

- 8.21 Policy CTY1 refers to Non-Residential Development in the Countryside and states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development; one of these is renewable energy projects in accordance with PPS18.
- 8.22 Policies CTY 13 refers to design and integration of buildings in the countryside and thus it is important that the substation is located and designed as sensitively as possible. CTY 14 refers to rural character.
- 8.23 The substation for this proposal is located along the access track between T4 and T5 in the western portion of the site. It is of standard construction for this type of development and in this instance is considered to be in an acceptable location in terms of siting and design. The materials and finishes are proposed are snowcrete and a slate effect tiled roof which are acceptable within the rural context.

### **Economic Assessment**

- 8.24 Economic and Regional benefits were laid out as part of the original ES, and in the EIS volume 3 Non Technical Summary. This information was commented upon by economics branch who noted the lack of detail in that:



- Does not sufficiently quantify the costs and benefits to Northern Ireland.
- £2.8 million to local economy but no explanation of how this was estimated.
- Direct, indirect, induced and fiscal impacts not shown in relation to jobs, wages and gross value added.
- Analysis should estimate or at least recognise the potential effects of displacement and leakage which could reduce the scale of the benefits.

8.23 The ES lays out the following economic benefits:

- £18.7 million cost of project with £2.8 million being spent in the local economy on development, financing, legal arrangements, delivery, construction, materials, plant and auxiliary equipment. There is no detail about how this will be delivered and no indication of how local the suppliers of these goods and services will be.
- Rental income to the local farmer and the ability to continue agricultural work on the land while the turbines are in place. It should be noted that on this site there is only one landowner so therefore only one individual can benefit from the rental income.
- While the construction will require other workers and the applicant suggests that this will be sourced locally, there is no quantifiable evidence of this, either in terms of the financial benefit or identification of local firms in place/capable of providing these goods and services.
- Professional services such as legal, and environmental. While companies are named here, there is no indication of the amount of money this will generate.
- Long term maintenance of the wind farm may result in permanent employments as previous experience has demonstrated the clear advantages in sourcing these staff close to the development. However, there is no indication of the number of staff (considering the relatively small numbers of turbines) and whether there is any real likelihood of the local area being able to provide staff with the required (but unspecified) skills.

- Payment of rates estimated at £234,600 p.a, 1/3 of which will go to the local authority ie £78, 200 will be directly for the benefit of the local area.
- There will be a community fund set up for an amount of up to £1500 per MW installed would be paid annually over the lifetime of the wind farm and administered by an independent fund management company. The ES indicates that the max output of each turbine will be 2.3MW and there will be 6 turbines giving 13.8MW. If £1500 is paid per MW installed then the maximum paid will be £20,700 per year over the lifetime of the wind farm. It should be noted that unless the Council undertakes a legal agreement with the company this would be an entirely voluntary and discretionary award to the local community.
- Use of the wind farm as an education resource used for visits and tours with interest from other private large energy users. The ES notes that the land is privately owned and visitation would be based on the agreement of the landowner. It must be noted that there are other large wind farms within a few miles of this site and one would wonder the preference of visiting this one. Also it is clear that this would be at the convenience of the landowner and as such may be sporadic. Finally there is no economic benefit here, only a possible educational one which can easily be achieved with the existing wind farms.
- Tourism is put forward as a benefit with large figures for visitors given for the UK's first commercial wind farm and Europe's largest windfarm. These are circumstances unique to these particular wind farms with no hope that this could be emulated in this proposal. It is clear that the land is privately owned and any visitors would have to be prearranged with the farmer. Also this small number of turbines cannot possibly generate the interest of the first commercial wind farm and Europe's largest wind farm. The fact that Altahullion wind farm north of Dungiven, where there is a dedicated tourist turbine, and is within Reasonable travelling distance from the proposed site, shows that the tourism and educational aspect of wind turbines is adequately catered for in the immediate area.

- 8.24 Overall it appears that any tourist benefit provided by this wind farm will be negligible. Also it is important to weigh this up against any loss of tourism caused by the perceived degradation of the landscape. The applicant considers that this is not the case, however there is no evidence to support their assertion.
- 8.25 It is also important to note that policy RE1 advises that economic and social benefits of all proposals are material considerations that will be given significant weight in determining whether planning permission should be granted. However, if a proposal meets all the other criteria in the policy, lack of economic benefit is not a Reason to recommend refusal. The economic benefits would only be given determining weight if the development failed to meet the other policy tests and an exception was being made.

## **Objections**

- 8.26 In total there are 524 objections. There are 37 initial objections 28 of which are a proforma letter dated and signed by the objector, the reminder are unique letters from individuals
- 8.27 When the matter was recommended for approval a deferred meeting was held for the objectors by Coleraine Borough Council in Objectors on 16<sup>th</sup> January 2015. Further objections were raised at this meeting.
- 4.18 The additional 486 additional letters of objection submitted from 6th Feb 2015 onwards were a proforma letter where the objector signed and provided their address.
- 8.28 The objections raised at these various points in the process can be summarised as the following:

## **Visual Impact**

- Impact on landscape character and visual amenity
- Turbines will overwhelm the landscape as per P29 of SPG of PPS18
- Wind development in LCA38 should reflect the small scale of the landforms

- Will be visually dominant from the Eastern perspective due to the lower AOD in Garvagh Farmland LCA
- SPD P37 advised that the valleys between upland wind farms free from commercial turbines yet this will be able to be viewed from the Sperrins or Antrim Hills
- Impact of turbines when read with the proposed Craigmore Road Landfill site turbines
- Impact on skyline as mentioned in LCA 38.
- Impact on views from A29
- Other approved wind farms are on higher ground in the appropriate LCA 36 and not in the inappropriate middle section of LCA38
- Planning disregarded the advice of their own landscape architect
- Site is lowland, concern about visual impact
- Compare with other wind farms, the turbines are “anywhere and everywhere”
- Scheme is too big for the area
- The cumulative impact, if approved, along with those already approved and the precedent for approving others in the wider area will eventually be extremely adverse visually within this part of Coleraine Borough
- Views from within nearby AONB will be significantly impacted upon
- Detrimental impact on landscape character of area – Planning has disregarded the professional landscape advice of their own landscape expert
- Visual amenity of residents will be exceedingly blighted

### **Economic Considerations**

- Wind turbines are not viable
- Low lands so other sites must be preferable and more efficient
- Rates income benefit is too big a price for impact
- The economic arguments advanced do not justify setting aside of acknowledged and legitimate planning concerns including visual and wider environmental concerns

- Departments own Economics Branch states the applicants local economic benefit impacts are so lacking in detail as to enable a decision to be made
- Department has duty to fully scrutinize all facts rather than merely agree to and concur with the application
- Referring to DOE Economic Branch comments, objectors question how many jobs will there actually be, who will be constructing – local people? Local company?

### **Residential Amenity/Safety**

- 460 addresses within a 3.5km radius
  - Increased traffic on road particularly when combined with recently extended dump facility (additional materials not site)
  - Amenity of residents particularly when considered with the existing dump
  - Impact of noise, background noise and impact on quiet night time hours
  - Turbines too close to habitation
  - Light pollution due to red light
  - Impact of shadow flicker
  - Commenced dwelling within 30-40m of 57 Craigmore Road which would be within 10 times the rotor diameter of the turbine therefore a Residential Amenity
  - Impact Assessment should have been carried out
  - The current 10x rotor distance guide pre-dates the concept of huge turbines and with recent turbine failure and collapses a re-assessment must occur given close proximity to homes, where people farm and with the major high pressure gas pipeline
- 
- Proximity to neighbouring farmland (approx. 200m) is too close given recent events when turbine disintegrated
  - Adverse impact on visual amenity of the area
  - Wind farms should be sited away from remote rural areas to avoid detriment to residential amenity

- Construction noise has not been properly considered
- Consideration should be given to wake downwind of the turbines particularly for driving safety Reasons if public roads intersect the far-field radius

### **Impact on Natural Heritage**

- Impact of construction on Agivey River
- Destruction of habitat including that of otters, salmon and birds
- Impact on the the Grey Stone Chambered Grave
- Peat thickness is greater within the site than stated by the applicant
- Pollution from concrete bases will sterilise the land, the peat and pollute the burn
- Impact on wildlife
- Detrimental impact on bogs

### **Renewable Energy Targets**

- NI already on target to meet renewable energy target
- Ireland is already 2nd in world for meeting renewable target
- Progress is being made in NI to achieve the 40% electricity generation target by 2020 and therefore visual quality of lowland landscape should not be sacrificed
- Cumulative noise impact on local residents has not been considered properly when existing and recently approved other noisy developments in the locality are considered

### **Accuracy/Quality of Data and Reports**

- Sound recording were taken within 5m of a building and within 3m of trees not where there were no buildings or trees within 10m as the applicant suggests
- The data provided to justify larger turbines has been presented pessimistically for smaller turbines.
- Residents have concerns of adequacy of noise reports

- White Young Green noise report figures incorrect within the Environmental Statement, (ref Steen objection)
- EHO noted errors in the report
- Concerns that noise measurements were not taken correctly

### **Other Matters**

- 85m hub disregards the guidelines which require the heights to be small or medium
- Refusal to reduce turbine height shows that the applicant is fixed on maximum gain
- Wider area has already “given sacrifice for the greater good” with 73 turbines with 224MW (some still in planning)
- Enceron towers at the Coleraine University has shown that lower towers can be viable near forestry therefore the 85m is not required.
- Smaller turbine models from Enceron have the same output but have a smaller hub
- Other proposals are on high ground and are more suited
- 2 large wind farms refused on the basis that there are enough in the pipeline
- Smaller turbines will still be viable just not as profitable (detailed information in Mr David Hunter objection on 24th June 2013)
- Will set a precedent
- Similar proposals refused in Ballymena
- Support letter was a generic letter in support of wind energy and not specific to this application with supporters not from the local area
- Supporters did not submit comments on time while objectors did
- Proposal is comparable to proposed wind farms in Ballymena that the Department concluded were not acceptable. This proposal should be equally unacceptable to ensure consistence in planning practice

- The connection to the electricity grid should be considered in tandem with the planning application, under EU legislation
- Almost all the supporters would be unaffected by the adverse characteristics of the Windfarm. The letters of support were more to do with support for the principles of 'renewables' rather than specific to characteristics of the proposal
- The Department in FEI letter of 8 March 2013 asked for a reduction in turbine height. This was not done – was there technical loop that TCI were able to get around or has this been an oversight? Regulations advise where submissions are not within agreed timescales then deemed refusal

### **Consideration of the Objection Issues**

8.24 This section deals with the remainder of the objections not covered within the main assessment ie, Renewable Energy Targets, the accuracy of reports and data and any other matters raised.

8.25 in March 2015, 27.6% of total electricity consumption in Northern Ireland was generated from renewable sources located in Northern Ireland. (Source [www.detini.gov.uk/issue\\_3\\_electricity\\_consumption\\_and\\_renewable\\_generation\\_in\\_northern\\_ireland\\_april\\_2014\\_to\\_march\\_2015.pdf](http://www.detini.gov.uk/issue_3_electricity_consumption_and_renewable_generation_in_northern_ireland_april_2014_to_march_2015.pdf)) This meets the interim Programme for Government target of 20% for electricity consumption from renewable sources by 2015, and demonstrates that NI is already on target to meet its renewable energy aims. However this is not a cap and there is no policy directive to refuse applications which may cause NI to exceed these targets.

8.26 Objectors have raised the accuracy of the noise reports presented to EHO and how the data was collected. EHO acknowledge that the applicant addressed the highlighted discrepancies in a further submitted report by a different person as detailed in their consultation response of 29<sup>th</sup> May 2103. EHO are now content that the data presented is acceptable and a recommendation has been based on this.



- 8.27 There may be instances of smaller turbines being as efficient, however the applicant has applied for the 120m high turbines. The DOE requested a reduction in height and the applicant cited viability as a Reason not to reduce them, therefore the DOE recommendation was based on the proposal submitted. As this information was not requested as Further Environmental Information under EIA regulations a Deemed Refusal was not appropriate. Had the DOE felt that the turbines were not acceptable at the 120m height then a refusal could have been issued on this basis. The fact remains that the Council can only determine the proposal submitted and cannot assess the possibility of other sites or smaller turbines alongside this.
- 8.28 The fact that other similar proposals have been refused in an adjacent district cannot be a material consideration. Each application is based on its on merit and it is not appropriate for this Council to try to justify or criticise approvals in another local authority.
- 8.29 There is no requirement for the Local Authority to consider whether or not a connection is available to the grid at the time of application.

### **Letters of Support**

- 8.30 There are 896 letter of support. 380 were submitted September 2013 with a further 516 submitted on 7<sup>th</sup> May 2015.
- 8.31 The initial 380 letters of support was a proforma letter which the supporter signed. It clearly identifies the planning application and location and states that:
- Capacity of 13.8MW, enough to meet 6482 homes each year offsetting the release of 320,000 tonnes of CO<sub>2</sub> over 25 year lifespan
  - NI commitment to target of 40% of electricity from renewable sources by 2020
  - The wind farm will not affect the signatory's enjoyment of living, passing through or visiting the area.

- Perceived impact on visual amenity must be put in context with the environmental damage and the signatory accepts the wind farm as a necessary feature on the skyline.
- Wind farm will generate £187,000 - £266,000 per annum in rates, 1/3 of which will go directly to the local Council.
- Will create investment of £2.8 million in the local economy through material sourcing, plant hire etc.
- On shore wind power has a vital part of NI's energy mix
- A dedicated community fund will be established and paid annually over the lifetime of the wind farm, administered by an independent fund management company
- Proposal previously recommended twice for approval by DOE Planning

8.32 516 further letters of support were submitted on 7th May 2015 using the same format. The applicant has supplied an accompanying letter advising that these letters of support were solicited by canvassers in key towns (details not specified) on the Causeway Coast. Each letter is a standard format leaving space for the supporter to add their name, address and signature.

8.33 The majority of letters were signed by people who live in the Coleraine, Portrush, Portstewart, Ballymoney and Limavady. A handful were from people who live in places such as Belfast, Dromore and Canada, all clearly outside the local authority. While the people in question clearly agreed enough with the statements in the letter to sign them, these cannot be given the same weight as the individual letters that people chose to draft and submit themselves. It is questionable whether those who were willing to sign the proforma would have the strength of feeling or knowledge about the project to submit such a letter without the encouragement provided by the canvassers.

8.34 The accompanying letter states that only 15 people stopped to profess a dislike of the proposal, however what is not clear is how many people were canvassed in total that day which would give a clearer indication of the level of support in the towns canvassed, as those who simply refused to sign could be

significantly more than both those who agreed to sign and those who stopped to discuss the matter. In conclusion these letters of support should be given limited weight as they only provide a shallow view of public opinion, due to the fact that the full methodology and manner in which they were obtained has not been provided.

## 9 CONCLUSION

- 9.1 This application is a finely balanced decision due to matters outlined above and the level of public interest in it. On balance, while there are some views which are significantly impacted by the turbines, these are limited and for the most part static. Overall it appears that this landscape has the capacity to absorb this proposal without significant detriment to visual amenity in the wider area.
- 9.2 All issues raised by the consultees have been resolved and all policy tests have been met. It must be noted that while the economic argument lacked detail and appeared not to stand up to scrutiny, this is only a determining consideration where the main policy tests are not met. In this instance the main policy tests have been met and as such the economic argument is not given determining weight.
- 9.3 There has been a considerable amount of objections and letters of support to this application. As discussed both types of representation were submitted using proformas with relatively few letters written by the objector themselves. The matters within these have been considered in the main body of the report and all issues have now been addressed.
- 9.4 In conclusion all policy tests have been met and there are no outstanding technical matters which have not been addressed. The recommendation is that approval should be granted subject to the conditions and informatives provided below.

## 10 CONDITIONS/INFORMATIVES

### Regulatory Conditions:

- 10.1 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.
- 10.2 A minimum intensity red obstruction light shall be fitted at or near the highest point and shall be displayed through the hours of darkness and maintained in a serviceable state for the lifetime of the development.
- Reason: In the interests of public aircraft safety.
- 10.3 No development shall take place until details of 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.
- Reason: To ensure that wind turbines with excessive sound power levels are not installed.
- 10.4 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 (supplying to the National Grid).
- Reason: To ensure compliance with appropriate conditions.
- 10.5 The level of noise immissions from the combined effects of the 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) shall not exceed values set out in Table 1 below. 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 the tables shall be represented by the physically closest location listed in the tables unless otherwise agreed by the Council.

Table 1: Noise Limits dB LA90

Property	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
51 Craigmores Road	32.0	32.0	36.7	38.6	40.5	41.5	41.5	41.5	41.5
111 Killeague Road	32.0	32.0	37.3	39.2	41.1	42.1	42.1	42.1	42.1
45 Craigmores Road	32.0	32.0	36.1	38.0	39.9	40.9	40.9	40.9	40.9
43 Craigmores Road	32.0	32.0	35.9	37.8	39.7	40.7	40.7	40.7	40.7
40 Craigmores Road	32.0	32.0	34.9	36.8	38.7	39.7	39.7	39.7	39.7
36 Craigmores Road	32.0	32.0	33.5	35.4	37.3	38.3	38.3	38.3	38.3
33 Craigmores Road	32.0	32.0	34.3	36.2	38.1	39.1	39.1	39.1	39.1
32 Craigmores Road	32.0	32.0	33.0	34.9	36.8	37.8	37.8	37.8	37.8
22 Craigmores Road	32.0	32.0	32.3	34.2	36.1	37.1	37.1	37.1	37.1
20 Craigmores Road	32.0	32.0	32.2	34.1	36.0	37.0	37.0	37.0	37.0
15 Craigmores Road	32.0	32.0	32.0	33.2	35.1	36.1	36.1	36.1	36.1
104 Drumcraon Road	32.0	32.0	32.2	34.1	36.0	37.0	37.0	37.0	37.0
127 Killeague Road	32.0	32.0	33.0	34.9	36.8	37.8	37.8	37.8	37.8
125 Killeague Road	32.0	32.0	32.7	34.6	36.5	37.5	37.5	37.5	37.5
123 Killeague Road	32.0	32.0	32.5	34.4	36.3	37.3	37.3	37.3	37.3
128 Killeague Road	32.0	32.0	32.1	34.0	35.9	36.9	36.9	36.9	36.9
126 Killeague Road	32.0	32.0	32.3	34.2	36.1	37.1	37.1	37.1	37.1
117 Killeague Road	32.0	32.0	32.7	34.6	36.5	37.5	37.5	37.5	37.5
37 Craigmores Road	32.0	32.0	34.7	36.6	38.5	39.5	39.5	39.5	39.5
35 Craigmores Road	32.0	32.0	35.1	37.0	38.9	39.9	39.9	39.9	39.9
48 Craigmores Road	32.0	32.0	36.1	38.0	39.9	40.9	40.9	40.9	40.9

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

- 10.6 Within 6 months of the development first becoming fully operational (unless otherwise extended with the Council) the wind farm operator shall at his/her expense employ a suitable qualified and competent person to undertake a noise survey to assess the level of noise emissions 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 5 and covering a range of wind directions. Details of the noise monitoring survey shall be submitted to the Council for their 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 emission limits as required by Condition No. 5.

- 10.7 Within 28 days from receipt of a written request by the Council, following a noise complaint to it from the occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at his/her expense employ a consultant approved by the Council, to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in Pages 102-109 of ETSU-R-97. The Department 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.

- 10.8 The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 4 or 5, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 9 months of the wind farm becoming fully operational in respect of condition 4, or within 3 months of the date of the written request of the Department under condition 5 unless, in either case, otherwise extended in writing by the Council.

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

- 10.9 The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 4 or 5, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 9 months of the wind farm becoming fully operational in respect of condition 4, or within 3 months of the date of the written request of the Department under condition 5 unless, in either case, otherwise extended in writing by the Department.

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

- 10.10. 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. At the request of the Council, 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 made available to it.

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

- 10.11 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 Department 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 Department unless otherwise extended in writing by the Department.

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

10.12 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.

10.13 Any gates/security barriers at the access shall be located at a distance from the edge of the carriageway that will allow a 16.5 metre long vehicle to stop clear of the carriageway when the gates or barrier is closed.

Reason: - To ensure waiting vehicles do not encroach onto the carriageway in the interests of road safety and convenience of road users.

10.14 Effective wheel washing facilities shall be installed and operated for the duration of the construction and any repair or remedial work periods thereafter in the interests of road safety and convenience of road users.



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.

- 10.15 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 the Department for Regional Development (Roads Service).

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

- 10.16 Prior to the commencement of development the applicant/agent shall provide all details and agree in writing with DRD (Roads Service) proposals for the transporting of the turbines from Lisahally Port to the site. The applicant shall be responsible for acquiring any necessary lands, accommodation works and all costs associated with temporary removal of existing road infrastructure to facilitate the transportation. .

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

- 10.17 The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

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

- 10.18 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 before the development hereby permitted is commenced and shall be retained and kept clear thereafter.

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

- 10.19 The gradient of the access shall not exceed 4% (1 in 25) over the first 10m 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 user.

- 10.20 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.

- 10.21 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 completed in accordance with the approved programme.

- 10.22 No development shall commence until the method of sewage disposal has been agreed and consent to discharge has been granted.

Reason: In the interests of public health.

- 10.23 No development activity shall commence on site until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around the habitat parcel 44 at a radius of 25 metres. Habitat parcel 44 as indicated on figure 8.6 Habitat Map in the Environmental Impact Statement within section 8 Ecological Impact Assessment: Flora Fauna & Habitats for Cam Burn County Londonderry. No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within that protection zone without the consent of the Council. The protection zone shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site

- 10.24 There shall be no storage of materials, spoil, infill or construction works within habitat parcels 19, 27, 28, 35, 40, 44, 45, 59 as indicated on figure 8.6 Habitat Map in the Environmental Impact Statement within section 8 Ecological Impact Assessment: Flora Fauna & Habitats for Cam Burn County Londonderry

Reason: to protect sensitive habitats within and adjacent to the site

- 10.25 Prior to construction commencing, a temporary fence shall be constructed around parcel 45 as indicated on figure 8.6 Habitat Map in the Environmental Impact Statement within section 8 Ecological Impact Assessment: Flora Fauna & Habitats for Cam Burn County Londonderry. This shall be maintained until all works are completed.

Reason: to protect the raised bog from works

- 10.26 No work shall commence on site until a Habitat Management Plan has been submitted and agreed in writing to the department and all onsite habitat management shall conform to the Habitat Management Plan.

Reason: To mitigate for impacts on peatland habitat.

- 10.27 There shall be monitoring of the Habitat Management Plan in years 1, 3, 5 and 10 after construction. The reports shall be submitted to the Department within 6 months of each monitoring year.

Reason: To mitigate for impacts on peatland habitat.

- 10.28 No work shall commence on site until a construction method statement has been submitted and agreed in writing to the Council and all works shall conform to the method statement.

Reason: To avoid disturbance of breeding birds and to ensure the mitigation outlined in the EIA is undertaken

- 10.29 Prior to works commencing between 01st April and 31st July, a bird survey of active nests within the site shall be carried out by a competent ornithologist and submitted to the Department in writing.

Reason: to protect nesting birds

- 10.30 Construction on site during the bird breeding season shall be monitored on a weekly basis by an ornithologist. All monitoring, timings and findings shall be detailed in reports which shall be submitted in writing to the Council no later than mid June and mid September in any year.

Reason: To protect breeding birds.

- 10.31 There shall be bird monitoring through surveys in the year of construction, and years 1, 2, 3, 5 and 10. The reports shall be

submitted to the Council within 6 months of each monitoring year.

Reason: To monitor impact of turbines on sensitive bird species in light of tree felling.

- 10.32 Habitat parcel 58 as indicated on figure 8.6 Habitat Map within as indicated on figure 8.6 Habitat Map within section 8, Ecological Impact Assessment: Flora Fauna & Habitats in the Environmental Impact Statement for Cam Burn County Londonderry shall have all construction materials, infill and spoil removed and there shall be replanting of native trees within one year of electricity generation commencing. There shall be no reseeded of this habitat parcel

Reason: to ensure impacts to the peatland habitat are temporary

- 10.33 Prior to commencement of electricity generation on site, there shall be a bat corpse monitoring plan submitted to the department which shall be agreed and implemented and shall be reviewed in five years. There shall be monitoring of turbines 1, 3 and 4 each year.

Reason: to ensure the proposal does not significantly impact on the local bat population

- 10.34 There shall be no turbines located within 70 metres of western boundary of land ownership demise as indicated on site layout drawing no 03 Rev (b) date stamped received on 7th August 2013.

Reason: to ensure micro-siting does not reduce the bat buffer along a forestry edge

- 10.35 There shall be no micro-siting of turbines 1 and 3 unless agreed in writing with the department

Reason: micro-siting of these turbines may cause an interaction with areas of high bat activity

10.36 There shall be an area of 70 metres around each turbine base in which no trees shall be planted.

Reason: to ensure a tree plantation is not replanted around turbines and potentially increase bat use near the turbines.

10.37 There shall be no storage of spoil within 50 metres of watercourses on site

Reason: to limit sediment release from the proposal

10.38 The Cam burn crossing shall be by a clear span bridge structure

Reason: to mitigate impacts on the in-stream habitat and its wildlife

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. When making this decision the Department has taken into consideration environmental information within the terms of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (as amended).
4. 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.

5. It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.
6. All construction plant and materials shall be stored within the curtilage of the site.
7. It is an offence under the Water (NI) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and/or 3 months imprisonment.
8. 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.
9. 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.
10. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
11. 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.

12. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes otters and all species of bat. It is also an offence;
- (a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
  - (b) Deliberately to disturb such an animal in such a way as to be likely to;
    - (i) affect the local distribution or abundance of the species to which it belongs;
    - (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
    - (iii) Impair its ability to hibernate or migrate;
  - (c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
  - (d) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat and/or otter activity on the site, all works must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605. To avoid any breach of The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), prior to any works commencing on the bridge, the site and surrounding area, up to a distance of 30 metres from the proposed works, should be checked for the presence of otters by an experienced ecologist or mammal surveyor.

13. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection. 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. Any works within 25 metres of a badger sett will require a wildlife licence to be obtained from the NIEA Wildlife Inspector. Licence applications should be made to the Wildlife Inspector, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

14. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild bird. It is also an offence to intentionally or recklessly: take, damage or destroy the nest of any wild bird while that nest is in use or being built; or take or destroy an egg of any wild bird. If any person intentionally or recklessly disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or disturbs dependent young of such a bird they shall be guilty of an offence. 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.
15. Any water discharge from works is consented by Water Management Unit, EHS, under the Water (NI) Order 1999.