



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report Item G	23rd March 2016
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Shane Mathers
Cost: (If applicable)	N/a

ITEM G

**Lands 850m South East of 64
Cullyrammer Road, Garvagh**

LA01/2015/0651/F

23rd March 2016

<u>No:</u>	LA01/2015/0651/F	<u>Ward:</u> Kilrea
<u>App Type:</u>	Full Planning	
<u>Address:</u>	Lands 850m South East of 64 Cullyrammer Road Garvagh	
<u>Proposal:</u>	Substitution and relocation to existing planning approval C/2011/0082/F. Change in turbine hub height from 30m to 40m and change in rotor diameter from 30m to 40m. Height ground to tip is 60m.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 14 September2015
<u>Listed Building Grade:</u>	N/A	
Agent:	Advent Wind, 138 Slaght Road, Ballymena	
Applicant:	Alan McIlroy, 60 Cullyrammer Road, Garvagh BT51 5JJ	
Objections:	2	Petitions of Objection: 0
Support:	0	Petitions of Support: 0

Drawings and additional information 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 sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 This site incorporates a site on a field which is accessed through an existing farm complex on an existing agricultural lane that runs from the Cullyrammer Road. The lane meanders through the landscape and falls over a stream and then rises to the site for the turbine that is located on the crest of a hill. The site is situated within the south east corner of a field. A small portion of new lane is required within the field from the existing lane. The land falls to the north, east and west, with land rising

to the south. The site is situated at an elevation of 90 metres above sea level. The summit of Moneydig Hill rises to the south at 100 metres above sea level. There are hedges to the boundaries of the field. The field is within a surrounding context of elevated agricultural pasture land. The site is positioned within a drop zone for the Wild Geese Parachute Centre. The drop zone extends 1.5 Nautical miles (2778 metres) from the Wild Geese centre at Movenis Airfield.

- 2.2 The area is within the countryside as zoned in the Northern Area Plan 2016. The character is rural agricultural land with several farms set up laneways back from the road with undulating hills in the locality.

3.0 RELEVANT HISTORY

C/2011/0082/F Erection of 1 no 250kw wind turbine with hub height of 30m. 1 Km South East of 64 Cullyrammer Road Garvagh Approved 12.03.2012

4.0 THE APPLICATION

- 4.1 Planning permission is sought for the substitution and relocation of planning approval C/2011/0082/F. This includes an increase in turbine hub height from 30m to 40m and a change in rotor diameter from 30m to 40m. The proposed turbine would be relocated 40 metres to the west.
- 4.2 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This was carried out by Shared Environmental Services (SES) on behalf of the Council. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

5.0 PUBLICITY & CONSULTATIONS

External

- 5.1 There are 2 letters of objection from 1 objector. Both letters state that the Wild Geese Parachute Centre has an area of air

space of 2778m (1.5 nautical miles) from the drop zone at Movenis Air Field which is protected. The parachute centre is a member of the British Parachute Association (BPA). Both the BPA safety manual and the Civil Aviation Authority (CAA) policy and guidelines, state that the landing area of the drop zone is 1.5 nautical miles. The main issues include the safety of parachutists who land within the drop zone and it states that wind turbines are classed as special hazards as they are over 15m in height and produce wake turbulence which affects the safe landing of parachutes. The other main concern is the economic impact if the business had to be curtailed as a result of mitigation. It states that the economic impact would also be felt by local business' which provide hospitality for the customers of the Wild Geese Centre.

Internal

5.2 **Transport NI:** No objection.

Westica Communications Ltd: No technical safeguarding objection.

Arqiva: No objection.

NATS Safeguarding: No safeguarding objection.

NI Water: No objection.

Belfast International Airport: No objection.

DOE NIEA Natural Heritage: No objection.

Shared Environmental Services: The site is not wholly or partly in or likely to effect a European site.

Civil Aviation authority: advice provided

UK Crown Bodies: No objections

Environmental Health: No objections

6.0 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local

development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 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.

7.0 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS 2: Natural Heritage

PPS 3 Access, Movement and Parking

PPS 18 Renewable Energy

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

PPS 18 Best Practice Guidance

Wind Energy Development in Northern Ireland’s Landscapes-
supplementary Planning Guidance to accompany PPS18
'Renewable Energy'

CAA Policy and Guidelines on Wind Turbines.

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: the principle of the proposed development; public safety/ residential amenity; planning history; visual amenity & landscape character; nature conservation / built heritage interests; public access to the countryside and; environmental, economic and social benefits.

Principle of Development

- 8.2 The site is located within the rural area as defined by the Northern Area Plan.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations within the natural environment. It states that particular care should be taken when considering the potential impact of all renewable proposals on the landscape.
- 8.5 PPS 18 is a permissive policy which supports proposals for generating renewable energy, provided the facilities are sited in appropriate locations. The main objectives of the policy are to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed. This is assessed by considering whether the proposed turbine will result in an unacceptable adverse impact on a number of criteria as set out in the paragraphs below.

Public Safety / Human Health, Residential Amenity

8.6 The site is on agricultural land sited a sufficient distance back from any dwellings to cause any unacceptable adverse impact on the neighbouring houses. A Noise Impact Assessment has been carried out and Environmental Health has been consulted as the competent authority on this matter. Environmental Health has not raised any issues with regards to noise and the

assessment carried out is satisfactory and complies with the guidelines. Furthermore given the location and distance from surrounding properties, there should not be any shadow flicker on neighbouring dwellings.

- 8.7 However, in relation to public safety and human health, the site is located within a drop zone of the Wild Geese Parachute Centre on the Movenis Road. This is the only parachute club within Northern Ireland. An objection has been received from the Wild Geese Centre, on the basis that the site is located within the 1.5 Nautical miles drop zone.
- 8.8 The Civil Aviation Authority has guidance on parachute drop zones - CAA Policy and Guidelines on Wind Turbines CAP 764 (Feb 2016). This is a material consideration in the planning process as it takes into account the Parachute Landing Area (PLA) and Drop Zones (DZ) of parachute centres. It states that there are potential hazards to PLAs which are categorised as Minor, Major, and Special Hazards. Wind turbines of a height greater than 15m to blade tip at its highest point are considered to be Special Hazards.
- 8.9 Paragraph 3.42 explains that parachutists drop from heights up to 15,000ftAGL within a published Drop Zone (DZ), normally out to a minimum of 1.5 NM/2.8 km radius from the centre of the PLA. This proposal is approx. 1.6km from the Wild Geese Centre, well within the 2.8km stated in the Guidance. Notwithstanding the previous approval at this location, both sites are within this landing area which should be protected. It goes on to state that wind turbines pose a special risk to parachutists due to the physical structure and rotating blades and the wake turbulence which affects the air flow in the area and beyond. It states that if parachutists were to come into contact with one, it may result in serious or fatal injury. Relevant to this case, para 2.3 of SPPS, states that the basic question of planning is whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Given that the Drop Zone, is an existing use of land at this location, it ought to be protected in the public interest.
- 8.10 The British Parachute Association purpose is to organise, govern and further the advancement of sport parachuting in the

UK and maintains and promotes the highest standards of safety and training in the sport. It is governed by an elected Council. This Council controls all aspects of skydiving on behalf of the Civil Aviation Authority.

- 8.11 As turbines are considered a rotating special hazard, if these are located within a designated Drop Zone (DZ), this would likely result in restrictions being placed upon any parachute activity within that DZ. As the Wild Geese is an aviation stakeholder, it is entitled to object on the basis of impact on safety for the parachutists and the economic impact on their business as a result of any mitigation measures which, if possible, it may need to operate under. A relevant planning appeal in England (APP/H1325/A/06/2008033) considered a similar issue. In this case the Inspectorate considered the distance between a wind turbine and a Parachuting Landing Area and decided not to encroach into the 1.5Nm/2.4km landing area.

Planning History

- 8.12 There is a previous approval for a turbine at this location with a hub height of 30m. This was granted on 12 March 2012 and remains live until 11 March 2017. During processing of this earlier application the issue of the parachute Drop Zone was not considered as this issue was not made known to the Planning Authority. While it is recognised that the approved turbine is a valid fall back position for the applicant, the potential harm to human life now known to the Planning Authority carries more weight as a material consideration to justify refusing the subject application.

Visual Amenity & Landscape Character

- 8.13 This is not a sensitive area and the site is not within the AONB, SAC, ASSI or SPA. The character of the area is rural and remote and due to local topography the main critical views are from the Cullyrammer Road. The proposed turbine is to be sited close to the top of a drumlin within an undulating landscape. There are critical views of the site for a significant portion of the nearby Cullyrammer Road (from the junction with Carrowreagh Rd to the south) for a considerable distance. There is a further

view from Carrowreagh Road, close to the junction with Cullyrammer Road, to the east for some distance. From these critical views, the proposal would be viewed on the summit of the drumlin and would be detrimental to the visual amenity of the area. There are also wider critical views from long distances throughout the countryside especially to the east and north east.

- 8.14 Supplementary planning guidance - Wind energy Development in N. Ireland's Landscapes provides a landscape character assessment. The site is positioned within LCA 51 Garvagh Farmland. The area is described as low lying hills and small scale landscape pattern. The terrain is undulating with rounded drumlins. The enclosure character is hedgerow pattern with drumlin landscape, many small copses and woodland blocks, most prevalent to the east of Garvagh.
- 8.15 The overall sensitivity is stated as High to Medium. The rounded gently undulating terrain and small scale of the drumlins (which are approx. 40m in height at most), along with the settled character of this landscape, make much of the area highly sensitive to wind energy development. There are areas less sensitive but need careful siting. It states that Drumlin summits should be respected.
- 8.16 Therefore, the proposal is sited in an area which is classified as high to medium sensitivity and which has an undulating landscape in which case the drumlin summits should be respected. The new proposal comprises a 40 metre high hub and further 20m blade, resulting in a development with ground to tip height of 60 metres. The previous approval was for a turbine of 30 m hub and 15 blades giving a total ground to tip height of 45m. This proposal represents an increase of 15 metres. This increase of height at this location is critical in terms of visual amenity.
- 8.17 The proposed turbine height would be detrimental to the visual amenity of the area given the siting near the summit of a drumlin and the critical views offered from the Cullyrammer Road and the Carrowreagh Road and wider road network. A visual zone of influence, wireframe assessment and visual assessment have not been submitted as part of the application.

Biodiversity, nature conservation / built heritage interests

8.18 NIEA's Built and Natural Environment Divisions have been consulted on this proposal and raise no objections in this regard.

Public Access to the Countryside

8.19 The proposal is using the existing access lane which serves the field in which the new turbine will be located. The agent has indicated on the P1 Form this is to remain unaltered. Transport NI has no objections. The proposal will not impact on public access to the countryside.

Environmental, economic and social benefits

8.20 The SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight. No specific benefits have been presented for consideration in this case. Notwithstanding that, having regard to the harm to visual amenity set out above, general environmental, economic and social benefits associated with such proposals are considered to be substantially outweighed.

9.0 CONCLUSION

9.1 Given the prominent location of the turbine and the fact that there will be critical views of the development from various vantage points, the proposed turbine of this scale will have a significant detrimental impact on the visual amenity and landscape character of the surrounding area. The proposal is within the 2.8km of the centre of the parachute landing area of the Wild Geese Parachute Club and would result in a significant safety issue of any parachutist using this facility. This issue takes precedence over the fall back position of erecting the previously approved wind turbine. Refusal is recommended.

10.0 Refusal Reasons:

10.1 The proposal is contrary to paragraphs 6.224, 6.225 and 6.230 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy RE 1 of Planning Policy Statement 18: Renewable Energy in that the development would, if permitted, have an

unacceptable adverse impact on visual amenity through the size, scale and siting of the proposed turbine.

- 10.2 The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement and Policy RE1 of Planning Policy Statement 18: Renewable Energy in that it has not been demonstrated that the proposal will not cause significant harm to the safety of the public, as the site is within the designated Drop Zone for the Wild Geese Parachute Club.