

<b>Planning Committee Report Item A</b>	<b>27<sup>th</sup> July 2016</b>
<b>PLANNING COMMITTEE</b>	

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

# **ITEM A**

**Lands surrounding 25 and 25(a)  
Tullaghans Road Mullans  
Ballymoney Co Antrim. Land  
begins approximately 430m  
South of 27 Tullaghans Road  
approximately 280m West of 89  
Mullan Road approximately 600m  
North of 15 Slievenagh Road  
and approximately 360m  
Southeast of 190 Finvoy Road.**

**LA01/2015/1045/F**

**Full Planning**

**27<sup>th</sup> July 2016**

<b><u>No:</u></b>	<b>LA01/2015/1045/F</b>	<b><u>Ward:</u></b>	<b>Cloghills</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>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</b>		
<b><u>Proposal:</u></b>	<b>Construction &amp; operation of a solar farm with a total generating capacity of 25MW. Development comprises photovoltaic panels, mounting frames, 1 no. substation, 20 no. inverter stations, 12 no. inverter stations, 12 no. CCTV cameras (3 meters high) and ancillary construction works including perimeter fencing (2.4 meters high), internal service tracks and 1 no. temp construction compound.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>18.12.2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b>Agent:</b>	<b>RPS, Elmwood House, 74 Boucher Road Belfast</b>		
<b>Applicant:</b>	<b>Elgin Energy Esco Ltd Broad Quay House Prince Street Bristol</b>		
<b>Objections:</b>	<b>1</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 49 hectares located 3.7km to the north of Rasharkin village, covering 18 agricultural fields (with intersecting hedgerows)

most of which consists of fairly good quality pasture. The site incorporates lands located between the Finvoy Road to the west, Mullan Road to the east Slievenaghy Road to the south and the Tullaghans Road to the north. Access is proposed from Tullaghans 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 58 – Long Mountain Ridge which is described as a distinct rounded ridge shaped by glaciation and orientated north-south with complex and undulating side slopes and a strong horizontal landform when viewed from east to west. This LCA also states that the gentle convex shape of the ridge and its relative simplicity of character tend to reduce the landscapes sensitivity with close range views generally filtered by existing vegetation.

- 2.2 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, generally falls considerably from the eastern boundary of the site to the western boundary with a more pronounced drop in levels from the western boundary towards the Finvoy Road. The site is located at a level considerably above that of the Finvoy Road (minimum 15m), is set back 261m from the Finvoy Road and 458m from Tullaghans Road. Levels across the entirety of the site drop considerably (approximately 25m east to west) while levels are much more consistent north to south across the site.
- 2.3 The site comprises a block of land to the immediate west and south of No 25 Tullaghans Road and does not bound any public roads. The site is traversed by a small undesignated watercourse and is also within proximity of two State Care and Scheduled monuments as well as archaeological monuments and protected species. It is located over 6km away from a designated Special Conservation Area.
- 2.4 The wider locality is generally rural in character although the site is within the vicinity of a small group of development to the west accessed off Finvoy Road (Hebron Heights and Greymount Road). 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/2014/0181/F

Proposal: Construction and operation of a Solar Farm with a total generating capacity of 18MW

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

Decision: Granted

Decision Date: 12.06.2015

#### D/2014/0234/F

Proposal: Installation and operation of a Solar Farm and associated infrastructure

Address: Lands to the West of 289 Finvoy Road, Rasharkin.

Decision: Granted

Decision Date: 10.08.2015

#### D/2014/0115/F

Proposal: Change of turbine from that previously approved under D/2012/0120/F to a turbine with a 40m hub height and 27m blades.

Address: 250m West of 71 Mullan Road, Ballymoney.

Decision: Granted

Decision Date: 17.11.2014

#### LA01/2015/0580/DETEIA

Proposal: Request for Determination under Regulation 7 of the Planning (Environmental Impact Assessment) Regulations (NI) 2015 in respect of a proposed Solar PV Farm

Address: Located on Lands South of Tullaghans Road and to the East of Finvoy Road and West of Mullan Road, Dunloy.

Decision: Environmental Statement – Not Required

#### **4.0 THE APPLICATION**

- 4.1 The application proposes the development of the identified site in order to create a solar farm consisting of an array of solar PV panels with the potential to create 25 MW. Each module is mounted in a frame table 1.95m wide at an inclination of between 15 and 25 degrees with the higher edge extending to between 2.4m – 3.0m in height. Each frame table will incorporate either 24 or 48 panels and each row of panels will be a minimum of 3m apart and in some instances greater than this depending on topography, as such the agricultural land can remain. No concrete foundations are proposed with the frame posts embedded in the ground, with no changes to ground level or cover proposed. The proposal also includes a sub-station comprising a flat roofed, steel clad structure 6m x 3.4m x 3.3m high and 20 PV inverter stations consisting of small structures 3 metres in height 7m x 2.5m, perimeter fencing (2.4m paladin fencing), CCTV security cameras and stoned access tracks (3.5m wide) within the site to provide access to inverter stations.
- 4.2 A 5m 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.
- 4.3 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:

- Solar farms in temperate, non-desert areas other than on roofs, are in conflict with good timber and wildlife production.

**Internal:**

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

**NIEA Natural Heritage:** No concerns subject to conditions.

**NIEA Historic Monument:** No objection subject to conditions.

**NIW Strategic Applications:** No objection.

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

**Rivers Agency:** No objection.

**Belfast International Airport:** No objection subject to condition.

**NIE:** No objection subject to condition regarding provision of easement and information regarding harmonic data.

**Shared Environmental Services:** 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:

- 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.

## 7.0 RELEVANT POLICIES & GUIDANCE

Strategic Planning Strategic Planning Policy Statement for NI (SPPS).

PPS21 – Sustainable Development in the Countryside -Policy CTY1.

Planning Policy Statement 18 – Renewable Energy Policy.

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

## 8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 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**

- 8.2 The site is located within the rural area of Ballymoney as defined by the draft Northern Area Plan 2016.



- 8.3 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**

- 8.4 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;**

- 8.5 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 at the properties / receptors identified.
- 8.6 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. Dwellings exist within the proposed solar farm including Nos 25 and 25a Tullaghans Road as well as a further unoccupied dwelling which appears to represent a genuine replacement opportunity. These dwellings are all indicated as being within the control of the applicant.
- 8.7 Numerous dwellings exist within the wider vicinity including a small group of dwellings to the north-west at Hebron Heights and Greymount Road as well as a number of individual dwellings accessed off the surrounding public road network. Although there is no specific separation distance to such a proposal outlined in policy or guidance, it is noted that neighbouring properties beyond those referred to above fall a minimum of 285m from the site boundaries of the proposal. 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.

- 8.8 In 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. There are structures located within confines of the site serving connection to the grid and also for management of the solar installation. These are located at 20 locations within the site and include 1 primary substation which is larger than the remainder of the structures. However, this is a considerable distance from any existing dwellings and again these structures are unlikely to impact residential amenity.
- 8.9 The main potential impact on residential amenity would appear to be as a result of construction works, particularly in relation to the movement of materials and equipment. However, the existing access is utilised and no other occupied dwellings appear to be affected (No 27 at the access point appears to be unoccupied). Such construction works have a temporary impact on amenity.
- 8.10 Works will also be required on all boundaries to erect security fencing and CCTV cameras as well as within the site to provide the main access and access tracks. However, these works are temporary and due to the separation distance to neighbouring properties it is unlikely that a significant residential amenity issue would result from either the construction or operating phase. The introduction of CCTV cameras may raise some concerns. However, these are directed towards the site and as such should not introduce a privacy issue.
- 8.11 Transport NI has no objection to the access arrangements and the local Environmental Health Department has also proposed conditions regarding

noise as well as highlighted the need for mitigation of dust emissions during construction.

8.12 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 to support this application which indicates that as the solar panels are designed to absorb sunlight, 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**

8.13 The Supplementary Planning Guidance referred to in Policy RE1 identifies the site as being within the northern extent of LCA 58 – Long Mountain Ridge which is described as a distinct rounded ridge shaped by glaciation and orientated north-south with complex and undulating side slopes and a strong horizontal landform when viewed from east to west. This LCA also states that the gentle convex shape of the ridge and its relative simplicity of character tend to reduce the landscapes sensitivity with close range views generally filtered by existing vegetation.

8.14 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.

8.15 In terms of the wider environmental, economic and social benefits, the applicant has outlined the European Union targets regarding the reduction in energy use and reduction in greenhouse gases as well as local targets stating that the proposal will aid in meeting these wider governmental targets regarding renewable energy.

- 8.16 Travelling west along Tullaghans Road the site is completely obscured until just east of the junction with Mullan Road due to topography (Tullaghans Road traverses Long Mountain). This vantage point comprises a considerably elevated position in relation to the proposed solar farm. However, views beyond the roadside are intermittent due to extensive roadside vegetation and where they do exist the proposal is generally well screened due to intervening vegetation along field and property boundaries.
- 8.17 Continuing along Tullaghans Road very short distance views exist around the access point. However, the proposal is located three fields back from the public road with a strong belt of mature trees forming the site boundary, therefore, views of the proposal from this position would be non-existent. Beyond the access point travelling west, roadside vegetation becomes a little more sporadic over a short distance. However, the intervening field boundary vegetation coupled with the distance set back from the public road will significantly limit any potential visual impact.
- 8.18 Travelling south along Finvoy Road (west of the site) the proposed site is considerably elevated above the public road and is completely obscured up to and beyond the junction with Tullaghans Road due to topography and existing vegetation. Just beyond this point (north-west of the site) views are further obscured due to existing built form comprising a small group of development. From No 190 Finvoy Road (travelling south) views of the rising land to the east become more open (although still intermittent due to roadside vegetation). Where views do exist the separation distance to the proposed site is over 300m away with much of the western site boundary comprising mature boundaries and is located beyond the sloping landscape visible from the public road.
- 8.19 The most critical view exists to the south-west of the site from Finvoy Road. From here a small area of the proposed solar farm may be visible from the public road due to lesser quality field boundary vegetation and a greater proximity to the public road combined with rising levels. However, the vast majority of the proposal would appear to be beyond the landscape horizon

as viewed from Finvoy Road and if views of the proposal are apparent these would relate only to a very small portion with no visual linkage with the remainder of the site, as such even from this critical view the visual impact of the proposal would be very limited.

8.20 Slievenaghy Road is located approximately 700m to the south of the proposed site and comprises a fairly minor road which rises quite steeply from the junction with Finvoy Road in an easterly direction where towards Mullan Road. Roadside vegetation along the northern roadside boundary is extensive comprising mature trees and hedgerows which completely obscure any views of the site / land to the north.

8.21 Mullan Road is located approximately 640m to the east of the proposed site and runs fairly parallel to the eastern site boundary in a north / south direction. Mullan road is considerably elevated above the proposed site (approximately 30-40m). However, it also benefits from considerable roadside vegetation which limits views to the lower lands to the west. While there are some areas where roadside vegetation is less extensive, the considerable drop in levels combined with intervening vegetation and field boundaries between the public road and the proposed site is sufficient to ensure that the proposed solar farm would be fairly imperceptible from Mullan Road.

8.22 From the wider road network a combination of intervening vegetation and changes in levels combined with road topography and orientation will limit any wider public views.

8.23 There will be a limited visual impact of the proposed substation, transformers, inverter stations and security cameras. It is considered that the fencing and solar panels will have the greatest potential impact. However, due to existing extensive mature vegetation it is not anticipated that the landscape impacts are fatal to the proposal.

- 8.24 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.
- 8.25 A Landscape and Visual Impact Assessment for this proposal was prepared and submitted with this application and includes a number of photo-montages of the proposal as well as a map indicating the zone of theoretical visibility. The submission appears accurate and highlights a number of key views of the proposal from the public road network. The information submitted indicates that the effects upon landscape character are expected to be restricted to the immediate vicinity of the site boundaries and are therefore limited.
- 8.26 Two other extant approvals exist for solar farms to the north and west of Rasharkin village (approximately 3km from the current proposal and as detailed in Section 3). No visual linkage exists between these extant approvals and the current proposal.

### **Biodiversity, nature conservation or built heritage interests**

- 8.27 An ecological appraisal has been submitted which identifies the bulk of the site as being improved grassland with smaller areas of semi-improved grassland as well as fairly substantial areas of semi-natural woodland along the western boundary and mixed woodland along the northern boundary.
- 8.28 The site is also traversed by a small undesignated watercourse and two further small streams. The information submitted indicates that these waterbodies do not support juvenile fish although river corridors generally form important habitat. The assessment identifies a number of species (including some protected) on site and consultation with NIEA Natural heritage has been carried out to assess the potential impact on biodiversity and nature conservation.

8.29 NIEA has identified the site as being located on the archaeologically rich north-western slopes of Long Mountain which includes a number of significant early Christian sites within the immediate vicinity of the current proposal. NIEA raised concerns regarding the potential visual impact on two specific sites and as a result the proposed site area was reduced to take account of this issue. Historic Monuments Unit has now recorded no objection subject to a developer-funded programme of archaeological works in order to identify and record any archaeological remains.

8.30 NIEA – Natural Environment Division (NED) has identified the site as not effecting any designated sites but notes the existence of protected species. The limited effect on existing trees is noted as being unlikely to effect the local bat population and based on the Ecological Appraisal and further information submitted NED is content with any potential impact on local protected species subject to proposed conditions.

8.31 Shared Environmental Services has assessed the potential impact of the proposal on Special Protection Areas, Special Areas of Conservation and RAMSAR sites in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) and confirm that the proposal would not be likely to have a significant effect on the features or conservation objectives of any European site.

8.32 An Environmental Impact Assessment determination was carried out on the need to provide an Environmental Statement in accordance with Regulation 10 (1) of the 2015 EIA Regulations. After screening with relevant consultees, it was determined on 08 January 2016 that the environmental impacts were unlikely to be significant and as such an Environmental Statement was not required.

### **Local natural resources, such as air quality or water quality**

8.33 In terms of the potential impact on pluvial ponding and soil scour due to runoff from the panels the agent has stated that there is zero increase in surface run-off effects from Solar farms to existing waterways. The site is currently affected by both pluvial ponding and flooding and a Flood Risk Assessment has been provided.

8.34 NIEA Natural Heritage, NI Water and Rivers Agency have all been consulted. NIW have raised no concerns with regard to the proposal any adverse impact on the water quality.

8.35 Rivers Agency has responded with no objection in principle providing all relevant statutory permissions for this development are obtained. In terms of air quality solar PV are seen as being 'clean' and will therefore have no impact on this natural resources. 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**

8.36 The application proposes amendments to existing access arrangements utilising the existing laneway. Internal stoned accesses are proposed to serve the necessary infrastructure. However, these are informal. Transport NI has no objections raised in relation to the proposal subject to conditions.

### **Other Matters**

8.37 N. Ireland Electricity has identified the site as incorporating existing 11kV overhead lines with the potential for further infrastructure required to provide connections for additional renewable energy projects. As a result NIE Networks requires the applicant to enter into a Grant of Easement on NIE standard terms permitting retention of the lines and defined access corridors to each supporting structure. NIE has also requested the



submission of harmonic data to be agreed in writing prior to the commencement of development. Both these issues can be dealt with by way of condition.

8.38 In relation to the objection, the issues raised appear to relate to general concerns regarding solar farm renewable energy projects and the potential impact on forestry and wildlife. The relevant consultations and policy consideration has been completed. While the issues raised by the objection are material, these are outweighed by the presumption in favour of such renewable energy projects by planning policy.

## **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 effect on residential amenity, effect on heritage interests and layout/ appearance. Approval is recommended.

## 10 CONDITIONS/ INFORMATIVES

### 10.1 Regulatory Conditions:

- 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.

- 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 No development shall take place within the approved site until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Drawing No. 09 bearing the date stamp 22 April 2016. 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 to the development 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 / landowner 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 the previous condition 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 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.

- 8 No development activity shall commence on site until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres as shown on drawing number 02C date stamped 09-JUN-2016. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within those protection zones without the consent of the Planning Authority. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers, which are a protected species, and their setts on site.

- 9 No piling shall occur within 50m from main sett structures at Tullaghans Road, prior to the granting of a wildlife licence from NIEA Wildlife Team.

Reason: To protect badgers, which are a protected species, and their setts on site.

- 10 Noise from the permitted development shall not exceed the predicted noise levels for daytime hours (07:00 – 23:00 hours) as stated within Table 1 of Document Reference NI1628/N/PP02, titled “Response to EHS Comments on Noise Impact Assessment for Proposed 25 MW

Solar PV Development at Lands Surrounding 25 -25A Tullaghans Road, Mullans, Ballymoney (Document: NI1628/N/01/03 date stamped, 22nd April 2016) at identified receptor locations identified within Table 5.3 of the Noise Impact Assessment Report (Document 6, date stamped 8th December 2015).

- 11 Noise from the permitted development shall not exceed the target noise limits (rated noise levels) during night-time hours (23:00 – 07:00 hours) as detailed within Table 2 below, at Locations 1 - 4 as identified within the Noise Impact Assessment Report (Document 6, date stamped 8th December 2015 “Table 4.2 – Summary of Night-Time Noise Monitoring”

Table 2 – Target Noise Limits (Rated Noise Levels) – Night-time : (23:00 – 07:00 hours)

Location	Target Noise Limit (Rated Level $L_{Ar}$ )
1	33.9
2	33.3
3	37.6
4	32.5

- 12 No site works of any nature or development shall take place until a programme of archaeological work (including geophysical assessment) has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Planning Authority. 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.

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

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

- 14 No existing tree to be retained as identified on drawing No 02C which was received on 09-JUN-2016 shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 1989. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

- 15 All planting as indicated on drawing 04B which was received on 09-JUN-2016 shall comprise native species hedgerow/trees of mixed woodland species and 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 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.

- 5 For further information on pollution prevention please contact Northern Ireland Environment Agency, Water Management Unit (Telephone: 028 9262 3100).
  
- 6 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.

- 7 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.
  
- 8 All construction plant and materials shall be stored within the curtilage of the site.
  
- 9 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.
  
- 10 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.

- 11 If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

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 the otter (*Lutra lutra*). 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 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

- 12 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.



It is therefore advised that tree and hedge loss should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

- 19 Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.
- 20 The undesignated watercourse which lies (within / bounds) the development site, requires improvement works to (facilitate increased storm runoff / to enhance protection against flooding) and such works will be undertaken at the developer's expense.
- 21 The applicant is advised that it is an offence under section 47 of the Fisheries Act (Northern Ireland) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.
- 22 If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe.
- 23 The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means. Water Supply Requirements.
- 24 A construction plan shall be specified and effectively implemented on site, in accordance with the details as stipulated within Section 6 of the Noise Impact Assessment report, Document 6, date stamped, 8<sup>th</sup> December 2015.
- 25 Noise and dust emissions from the site preparatory and construction phases of the development shall be effectively mitigated to minimise disturbance to sensitive properties.