

Appeal Decision

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Appeal Reference:	2023/A0099
Appeal by:	Renewable Energy Systems Ltd.
Appeal against:	The refusal of full planning permission
Proposed Development:	Construction of a Wind Farm (with a generating capacity of between 21.6 MW and 24 MW) comprising up to 6 No. Wind Turbine (Max. of 149.9m to blade tip) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, energy storage area, (up to 5 MW), newly created site entrance (Opp. 59 Magheramore Road), new and upgraded on-site access tracks, turning heads and all other associated ancillary works. During construction and commissioning there will be a number of temporary works including enabling works compound and construction compound with car parking, temporary parts of crane hardstanding, welfare facilities and off-site road widening into 3 rd party lands on the Banagher, Carnanbane and Magheramore Roads.
Location:	Lands Opp. entrance to 59 Magheramore Road, Dungiven, in the townlands of Carnanbane and Magheramore, Approx. 4km south of Dungiven
Planning Authority:	Causeway Coast and Glens Borough Council
Application Reference:	LA01/2019/0922/F
Procedure:	Hybrid Informal Hearing on 30 th April 2025
Decision by:	Commissioner Gareth Kerr, dated 31 st July 2025

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.
2. An Environmental Statement (ES) accompanied the planning application. The Appellant submitted other environmental information in November 2021 and February 2022 which they referred to as "Further Environmental Information" and "Further Environmental Information Addendum February 2022" respectively. During the appeal process, "Further Information – August 2024" was submitted to the Commission. In reaching my conclusions, I have, as required by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, taken into consideration all environmental information presented in relation to the planning application and appeal proposal.

Preliminary Matters

3. Early in the appeal process, the Appellant's solicitor wrote to the Commission requesting a minor change to the project description. The development originally applied for included the words, "comprising up to 6 No. Wind Turbine (Max of 149.9m to blade tip with a max rotor diameter of 112m and max hub height of 94m)". They requested that the words "with a max rotor diameter of 112m and max hub height of 94m" be deleted. Their reasoning was that if the appeal was allowed, there are a range of turbine models with the tip height proposed, but with different ratios between hub height and rotor diameter. It was noted that this ratio could instead be regulated by a condition if deemed necessary. If the developer were then to select a turbine model with hub and rotor dimensions beyond the limits set in the condition, it could apply to vary the condition. However, if the limits were in the description of the development, then this option would be closed to them in accordance with the principles set out in *Finney v Welsh Ministers & Others (Rev 1) [2019] EWCA Civ 1868*. That case, which concerned an approved wind turbine which the developer wanted to increase in height, determined that an application to vary conditions could not be used to change the description of the development which included the tip height.
4. The Appellant also made reference to principles set out in a Commission ruling on appeal 2014/A0062 which determined that changes to a wind farm proposal at Castlerock were not admissible at appeal stage. In it, the Commissioner summarised the legal principles governing amendments to planning applications at appeal stage under four headings:
 - (i) whether the substance of the proposal would be altered;
 - (ii) the stage the application has reached;
 - (iii) whether there would be prejudice to interested parties; and
 - (iv) the effect of the enlargement of the appeal site.It was submitted that none of the above factors were offended by the change now proposed. As the Environmental Impact Assessment (EIA) has assessed the range of options, it was considered lawful, in accordance with the Rochdale Principle, to grant consent with some in-built flexibility.
5. The proposed change was discussed at the hearing. The Council and third parties were of the view that the description should not be altered. They felt it would change the substance of the development, would undermine the public consultation that has taken place and could result in different noise or natural heritage impacts. The drawings and photomontages would become inaccurate. The Appellant pointed out that the turbine elevation drawing (No. 07) only includes a dimension for the tip height, not for the height of the hub or the rotor diameter. In response, the Council stated that the drawing was scalable and these dimensions could be measured. Replying to the third parties' concerns that it would be easier to change conditions, Counsel for the Appellant acknowledged this and suggested that instead of making it a condition, I could specify 117m rotor diameter in the description. This would effectively change the proposal without public consultation and would be prejudicial. Therefore, this approach must be ruled out.
6. I must consider the request to alter the project description in its legal and evidential context. Its purpose would be to allow a small degree of flexibility in implementation of the permission if the appeal is allowed, but if this flexibility was

employed, the development would still comprise six wind turbines in the approved positions with the same overall maximum height of 149.9m. A 5m increase in the rotor diameter within the same overall height would result in the hub height being lowered slightly. Such lowering of the bulkiest part of the structures could be argued to marginally reduce their visual impact and would certainly not increase it. As most public views of the wind farm would be from medium to long distances, it is doubtful whether such a change would even be discernible. The request before me is therefore quite different from that in the Castlerock proposal under appeal 2014/A0062 where all but one of the turbines would have been in a different position and their elevation would have differed by up to 20m, which led the Commissioner to conclude that it would have been a different scheme. Some flexibility in the ratio between hub height and rotor diameter in this appeal would not, in my judgement, amount to a different scheme.

7. It follows from the above that the minor nature of the change proposed could not be considered a side-stepping of the statutory function of the first instance planning authority. The scheme remains for six turbines of 149.9m in height in the locations considered and refused by the Council. As there is no new layout, the deletion of these few words from the project description would not usurp the Council's statutory function, nor would I be determining a proposal which was never before the Council. The proposal does not require any enlargement of the appeal site.
8. The final factor I must consider is whether there would be prejudice to interested parties. In *Bernard Wheatcroft Limited v Secretary of State for the Environment and Another* (1982) 43 P & CR 233, Forbes J said that the main but not the only criterion on which judgment should be exercised is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. The appeal proposal has the potential to affect a range of environmental interests and has attracted comment from hundreds of individuals and groups. While I consider it reasonable to remove the stated dimensions from the description to permit flexibility in implementation, this should not result in the Appellant being able to make changes without any further public consultation. I therefore consider that the dimensions, as originally applied for, should be the subject of a planning condition if approval is granted.
9. Section 54 of the Planning Act (Northern Ireland) 2011 makes provision for applications to develop land without compliance with conditions previously attached. By placing the hub/rotor ratio in a condition rather than the description, it would afford the Appellant the opportunity of changing the ratio post consent without breaching the prohibition set out in *Finney*, but would still afford the Council and third parties the opportunity to consider and comment upon any proposed change to the condition. If a larger rotor diameter was to result in different noise characteristics, these could then be assessed through a Section 54 application. Such an application would not re-open the question of the principle of the development, but would allow for any change to the dimensions specified in the condition to be considered. Having regard to the case law and the specifics of this proposal, I conclude that it is proper to remove the said words from the description of the development provided they are part of a planning condition of any approval which could be varied only after statutory public consultation has

taken place. I have therefore deleted the hub height and rotor diameter from the description on page 1 of this decision and included them in condition 12.

10. At the hearing, the Appellant requested that the drawing entitled "Access Track Typical Details" (stamped No. 27 by the Council) be removed from the list of drawings on which this decision is based. They stated that it is a technical figure from the ES and it was not listed in the package of drawings originally submitted to the Council. The Council was of the view that it should be included as it had been in their decision. I note that the drawing is not to scale and is simply indicative of how the tracks would be made up in normal or soft ground. It would appear to sit better with the ES and the principles therein would be followed if the tracks were to be constructed even if it is not treated as a planning drawing. As the location of the existing and proposed tracks is shown on Drawing No. 6, I consider that Drawing No. 27 can be removed from the list of appeal drawings on the basis that it remains part of the ES which would direct the implementation of the development if approved.

Reasons

11. The main issues in this appeal are the potential impact of the proposal on:
 - visual amenity and landscape character in the Sperrins Area of Outstanding Natural Beauty (AONB);
 - the setting of historic monuments;
 - tourism and tourist assets in the area; and
 - public access to the countryside;and the significance of the economic and other benefits of the proposal. A number of other issues were raised by third parties and these will also be considered.

The Proposal

12. The development comprises six three-bladed, horizontal axis wind turbines, each up to a maximum of 149.9m to tip height. Other works would include access tracks and crane hardstandings, a control building and substation compound, an energy storage area, electricity transformers, underground cabling and drainage works and a temporary construction compound. The site is located approximately 4km south of Dungiven in the north eastern part of the Sperrins AONB. The turbines would be positioned around the south and west slopes of Teeavan Hill, a rounded hill on the northern edge of the Sperrins which rises to some 329m OD in height. The western slope of Teeavan Hill is also known as Carnanbane Hill and these names appear to be used interchangeably in the environmental information presented. The majority of the site, including the locations of the proposed turbines, comprises improved agricultural land used for grazing. There are some areas of marshy open mountainside and a number of mature coniferous shelter belts, parts of which would be removed to facilitate the proposal.
13. The site includes two potential access routes, both from Magheramore Road to the west. Much of the routes comprise existing farm lanes which would be upgraded and extended to serve the development. Of 4.3km of necessary access tracks, 2.1km are existing lanes which will be upgraded. There would be improvements to the access radius and visibility at the main site entrance which is opposite 59 Magheramore Road and there would be modest road widening at three other locations to facilitate the delivery of large components.

14. The site is open and exposed to the north, but is bounded to the south by the Altnaheglish River and associated broadleaf woodland within Banagher Glen. Further south, there are extensive areas of commercial conifer forestry in Banagher Forest. A popular walking route along Banagher Glen to Altnaheglish Reservoir passes within around 300m of the nearest proposed turbine.

Planning Policy Context

15. Section 6 (4) of the Planning Act (Northern Ireland) 2011 requires the appeal to be determined in accordance with the Local Development Plan (LDP) unless other material considerations indicate otherwise. Section 45 (1) of the Planning Act requires that regard is had to the LDP, so far as material to the application, and to any other material considerations. As the Council has not yet adopted a Plan Strategy for the Causeway Coast and Glens area, the Northern Area Plan 2016 (NAP) operates as the relevant LDP for the area wherein the appeal site is located. However, it offers no specific policies in respect of renewable energy development. In it, the site is located in the countryside and is identified as being within the Sperrins AONB. LDP policies relating to trees and public rights of way will be considered later in this decision.
16. The Strategic Planning Policy Statement for Northern Ireland: Planning for Sustainable Development (SPPS) is material to all decisions on planning applications and appeals. It sets out transitional arrangements that will operate until a Plan Strategy is adopted for the council area. The policy provisions of certain documents are retained during the transitional period. Retained policies of relevance in this appeal include:
- Planning Policy Statement (PPS) 2: Natural Heritage;
 - PPS 3: Access, Movement and Parking;
 - PPS 6: Planning, Archaeology and the Built Heritage;
 - PPS 16: Tourism;
 - PPS 18: Renewable Energy;
 - PPS 21: Sustainable Development in the Countryside;
 - Best Practice Guidance to PPS 18: Renewable Energy (BPG); and
 - Supplementary Planning Guidance on Wind Energy Development in Northern Ireland's Landscapes (August 2010) (SPG).
- Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.
17. As the appeal site is in the countryside, the provisions of PPS 21 apply. Policy CTY1 thereof states that there are a range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development. These include renewable energy projects in accordance with PPS 18. PPS 18 aims to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. The SPPS shares the same aim in relation to renewable energy, but adds, "without compromising other environmental assets of acknowledged importance".

18. Policy RE1 – Renewable Energy Development of PPS 18 states that 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.
- It goes on to specify seven additional criteria for wind energy development and indicates that the retained BPG and SPG referred to above will be taken into account in assessing proposals. It also states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight (my emphasis) in determining whether planning permission should be granted.
19. The SPPS, which is a more recent iteration of policy than PPS 18, follows a similar approach including the same five main criteria, but 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 (my emphasis) in determining whether planning permission should be granted. In light of the transitional provisions in the SPPS, this weighting direction must take precedence over that contained in PPS 18.
20. At the hearing, the Appellant accepted that “appropriate” was the operative word, but stated that the word “appropriate” doesn’t preclude me from giving the benefits significant weight, especially given the evolution of climate change and energy policy since the application was made. The Council stated that in considering the appropriate weight to be given to the benefits of the proposal, they attributed significant weight to them but not determining weight as they judged the benefits to be outweighed by other factors.
21. Ultimately, what constitutes appropriate weight is a matter of planning judgement for the decision maker in the specific circumstances of the case. It is possible that certain unacceptable adverse effects on the relevant criteria could be outweighed by the environmental, economic and social benefits of the proposal. Conversely, it may also be the case that any harms identified are found to outweigh the stated benefits. The policy requires that I undertake a planning balancing exercise, and this can only be completed once the benefits and disbenefits have been set out and assessed on their merits.

Climate Change and Energy Policy

22. The Appellant contended that since the application was first submitted in 2019, the declaration of a “climate emergency” by the Northern Ireland Assembly in 2020 and the adoption of legally binding targets for greenhouse gas reduction and renewable energy generation in primary legislation in 2022 increase the weight that should be afforded to these matters in the overall planning balance. The Climate Change Act (Northern Ireland) 2022 sets a target of at least 100% reduction in greenhouse gas emissions by 2050 for Northern Ireland (i.e., net zero emissions by 2050) compared to a 1990 baseline, along with interim targets including at least 48% reduction in net emissions by 2030. The Act also sets a

target that at least 80% of electricity consumption in Northern Ireland should come from renewable sources by 2030.

23. Prior to the above Act coming into force, the Energy Strategy for Northern Ireland was published by the Department for the Economy (DfE) in December 2021. It proposed a renewable energy consumption target of 70% by 2030 (which was increased to 80% by the 2022 Act). The Appellant argued that the Council had referred to the lower target of 70% in its planning report in error. However, the Council's final position, as reflected in its evidence to the appeal, notes the 80% target. The Energy Strategy notes that energy accounts for almost 60% of Northern Ireland's greenhouse gas emissions and that only 25% of energy-related emissions have been tackled, bringing into focus the scale and pace of action that will be required to deliver the ultimate goal of net zero emissions by 2050. It said that in order to meet the then proposed 70% target, there would be a requirement to double renewable energy generating capacity.
24. *"Doing What Matters Most"*, the Executive's Programme for Government 2024 – 2027 (PfG) was adopted in February 2025. The Appellant acknowledged that it was not "energy specific", but said it contained statements of intent regarding the expansion of renewable energy development and wider aspirations for green growth which are relevant to the appeal. It declares the intention to decarbonise the economy and become self-sufficient in affordable renewable energy, it aims to increase renewable electricity capacity by 40% by the end of the current mandate in 2027 and it supports the delivery of the 80% renewable electricity by 2030 target by the intention to publish a final design of a Renewable Electricity Support Scheme.
25. The PfG recognises the need to take urgent action to reduce carbon emissions. Under the sub-heading "Decarbonisation", the PfG states, "We will seek to achieve self-sufficiency in our own clean and affordable energy. We have the natural resources including wind, biomethane, and geothermal to break the link with global energy prices, and not only supply our own consumers' energy needs, but also to become a net exporter of renewables. This will unlock carbon emissions reduction and economic growth." It goes on to speak of the transformation needed to reduce emissions and meet our net zero obligations. Figure 2 in the PfG sets out the proportion of electricity consumption that has been renewably generated in the last decade. While this grew steadily from 17.3% in 2013 to 49.2% in 2020, this growth has now stalled and the renewable contribution was lower in 2023 than in 2020. The Appellant argues that growth should currently be accelerating fast to achieve the 80% by 2030 target. Neither the Council nor third parties wished to comment on the PfG at the hearing. Whilst it is not a planning policy document and is necessarily aspirational in nature, as a statement of the Executive's approach to climate change and renewable energy, it is of relevance in the determination of the appeal.
26. United Nations (UN) Gap Reports regularly compare where greenhouse gas emissions are heading, against where they need to be. The latest Gap Report, *"No more hot air ... please!"*, was published in October 2024. It notes that emissions reached a new high in 2023 and says the magnitude of the challenge is indisputable, but notes abundant opportunities for accelerating mitigation action.

27. An update to electricity consumption and renewable energy generation statistics was published by the Department for the Economy on 6th March 2025. I was advised at the hearing that for the 12-month period ending in December 2024, 43.5% of electricity consumed in Northern Ireland was generated from renewable sources. This represents a decrease of 2.3% on the previous 12 months and continues a downward trend from a peak of just over 50% in 2022. In 2024, 81.7% of all renewable electricity generated within Northern Ireland was generated from wind.
28. At the hearing, the Council stated that there are consented wind farm schemes within the Causeway Coast and Glens district that are yet to be developed and that could contribute to meeting the renewable energy targets without the appeal development. They made reference to a re-powering scheme at Rigg Hill, east of Limavady, re-powering of Corkey Wind Farm near Cloughmills and a new scheme at Dunbeg on Coleraine Mountain. However, no details of the additional generation capacity were provided and the Appellant stated that re-powering schemes typically do not provide as much uplift as a new scheme like the appeal proposal.
29. In the absence of any information on the generation capacity of these schemes and the likelihood of their implementation, their consented status would not weigh against the appeal proposal. In light of the ambitious targets for 2030 and 2050 in the Climate Change Act, which is primary legislation, the recent stalling of growth in renewable generation since the beginning of this decade is a significant concern and there is merit in the Appellant's position that much needs to be done to achieve the 80% target within five years.
30. Third parties argued that the scheme was speculative rather than necessary to meet existing deficiencies in the electricity network and pointed to the high level of "dispatch down" on the network. Dispatch down refers to occasions when renewable energy generators are instructed to shut down or reduce their output to ensure stability of the power grid, whether due to local constraints or system-wide reasons. The Save Benbradagh Group referred to figures from System Operator for Northern Ireland (SONI) which stated that the rate of dispatch down was over 30% in 2024. They provided a spreadsheet of historical dispatch down rates which, for wind energy in Northern Ireland in 2024, was 28.4%. This was up from 18.6% in 2023. They noted that the rate of dispatch down was higher in Northern Ireland than in the Republic. They also stated that at levels of dispatch down above 10%, renewables schemes become economically unviable.
31. At the hearing, I asked the Appellant whether these figures indicate that turbines are being turned off because there is already too much electricity in the local grid. I was advised that SONI has recently published a Dispatch Down Draft Action Plan dated December 2024. It acknowledges the renewables industry's significant concerns in relation to the high levels of dispatch down of renewables. It sets out both short- and longer-term solutions to address the issue. Given the relevance of this document to the issue raised in the appeal by third parties, I agreed to accept it and allow the parties to submit comments on it post hearing.
32. The Draft Action Plan states that SONI is committed to working with government and all stakeholders across the energy system to enable Northern Ireland's

renewable energy ambitions. It is important to acknowledge the relatively new, but very significant shift, in policy ambition in this respect. It is also important to acknowledge that the transformation of the power system required to support these ambitions is unprecedented in its scale, pace and level of complexity. It further explains that “dispatch down of renewable electricity is a complex issue, and it is influenced by a range of factors, prevailing market forces and operational challenges as we endeavour to maximise the use of non-synchronous renewables into our power system and grid infrastructure”. A major factor in the recent high level of dispatch down appears to be lower energy prices in Europe which has resulted in dominant flows into the Irish Single Electricity Market (SEM). Such imports are beneficial in the suppression of wholesale electricity prices. It remains SONI policy to support a power system capable of 80% Renewable Electricity on an annual basis. The Draft Action Plan concludes “SONI is committed to actively doing are (sic) part in accelerating delivery of infrastructure to support the delivery of renewable energy complimentary to DfE’s Energy Strategy and the renewable electricity targets as laid out in the Climate Change Act NI (2022).”

33. In post hearing evidence, the Save Benbradagh Group commented that the SONI Draft Action Plan is of no significant help in the determination of the appeal. They acknowledged that some of the actions in the plan should lead to reductions in dispatch down for existing renewable generator assets. They say the largest beneficial impact upon the problem will come from the introduction of long duration storage (multi-hour battery schemes) and new interconnectors. However, there is little certainty that either will be delivered within the next five years. They argue that the grid cannot cope with the existing penetration of renewables and with 420MW of wind energy consented and ready to soak up capacity in the grid as it becomes available, new small schemes in the west of Northern Ireland where the grid is weakest are unlikely to achieve grid connection. They raised the prospect of offshore wind solutions from 2030 onwards, for example, the North Channel Wind scheme could deliver 1000MW into the grid in the east of the province where it is most desirable, diminishing the need for small onshore schemes. They said the current reliance on onshore wind (82% of renewable generation in 2024) is contrary to the Executive’s Energy Strategy which calls for a diverse mix of renewable resources by 2030.
34. The dispatch down data submitted by the Save Benbradagh Group suggests that higher levels of dispatch down have only been a problem in the last few years rather than longer term. It is apparent from the SONI Draft Action Plan that the recent spike in dispatch down has been driven by wider market factors across Europe and is not solely a result of deficiencies in the local grid. It must be acknowledged that major upgrades to infrastructure will be required to get electricity from where it is generated to where it is required including new technology for longer-term battery storage. Many of the improvements required, such as the provision of interconnectors, are not within the sole control of SONI. A second North-South Interconnector, when developed, would deliver an additional +/-900MW of additional flexibility in the SEM. Nevertheless, the Draft Action Plan demonstrates that the issue of dispatch down is being taken seriously and a range of solutions are being brought forward to reduce it.
35. While major investment in the grid and energy storage will be required to make the best use of renewable electricity, ultimately, I am not persuaded that present

market conditions and deficiencies in the grid weaken the case for additional renewable generation. The targets in the Climate Change Act are legally binding and require a step change in renewable generation within the next five years. Northern Ireland cannot afford to wait until the grid is upgraded before new schemes are consented. Indeed, the evidence suggests that the grid will not be upgraded until there are consented generation schemes that could make use of it. The recent stalling of growth in renewable generation and the need to double renewable generating capacity persuades me that significant weight must be attached to the emission reductions the scheme could provide. I consider the recent issue with dispatch down to be a significant challenge, but one that must be overcome in order to meet the statutory targets. The issue of “need” for the scheme must be judged against the legally binding targets in the Climate Change Act and not the recent dispatch down data which has been driven by a range of factors, some of which are not Northern Ireland-specific. I conclude that while dispatch down is a relevant issue in the electricity grid, it is being addressed and it does not weigh against the appeal proposal.

36. With regard to the energy mix and the current reliance on onshore wind, there are no current offshore wind schemes that could deliver the scale of change required to meet Northern Ireland’s renewable obligations and while alternative technologies such as solar photovoltaics, hydro or tidal schemes can play a part, they could not double renewable generation without a significant contribution from onshore wind. The Regional Development Strategy 2035 recognises the need for a significant increase in all types of renewable electricity installations, including both onshore and offshore, to meet the region’s needs. It states that development of Northern Ireland’s renewable energy sources is vital to increase its energy security, help combat climate change and achieve the renewable energy targets. It notes that this is likely to mean an increase in the number of wind farms both onshore and offshore and goes on to state that additional renewable energy is expected to come “primarily” from onshore wind.
37. The Appellant made reference to a recent judgement of the High Court in Dublin relating to Coolglass Wind Farm (*Coolglass Windfarm Limited v An Bord Pleanála [2025] IEHC 1*). Planning permission for a 13 turbine scheme in County Laois was refused on appeal by An Bord Pleanála (as it was then called) based on visual impact considerations. The applicant appealed to the High Court on the basis that An Bord Pleanála had a duty to ensure that climate considerations would take priority over visual concerns under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, which places a duty on public bodies to have regard to (*inter alia*) the objectives of mitigating greenhouse gas emissions and adapting to the effects of climate change. The Court concluded that “if climate goals take precedence over visual impacts and the like, then logically they must take precedence over development plan provisions that are motivated by visual impacts.” The Council argued that this judgement carried limited weight given the different jurisdiction, legislation and policy context. Third parties stated that An Bord Pleanála has refused other wind farms in the Republic since the Coolglass judgement. No details of any such decisions are before me.
38. While the Appellant recognised that the *Coolglass* decision is not binding in Northern Ireland, and will likely be subject to further appeal, they submit that it shows the seriousness with which public bodies should act in weighing climate

change factors into the decision-making process. They noted that Section 52 of the Climate Change Act (Northern Ireland) 2022, “Duties to ensure targets are met”, places a duty on Northern Ireland departments to exercise their own function so far as is possible to do so in a manner that is consistent with the objective of achieving net zero greenhouse gas emissions by 2050.

39. Neither the Council, nor the Commission are a “Northern Ireland department” for the purposes of Section 52, so the statutory duty does not apply to either in the way it does to An Bord Pleanála in the Republic of Ireland. Nevertheless, the targets for reduction of greenhouse gas emissions in the Climate Change Act are a material consideration that must be weighed in to the overall planning balance. I consider that the scale of uplift in renewable energy generation required to meet the 80% by 2030 target in particular is a significant consideration in the appeal.

Benefits of the Proposal

40. Chapter 13 of the ES sets out the socioeconomic benefits of the proposal. It argues that the development will offer a much-needed impetus to the local and regional economy. The economic benefits of the proposal (given in 2016 prices) include the following:

- investment during construction (estimated at £18.46 million, of which £4.88 million will be spent in Northern Ireland, e.g. through use of local haulage or crane companies);
- employment (37 - 48 direct job years during construction);
- £1.04 - £1.40 million of additional direct wages in the Northern Ireland economy during the construction phase (12 months);
- additional income to the national, regional and local government through business rates collected and tax (an estimated £11.45 million over the project lifetime);
- Gross Value Added (GVA) contributions (£2.64 – 3.41 million total GVA contributions during the development phase with a further £350,000 per annum during the operational phase).

It also points out that funding for the development is project-specific and if the development does not take place, the benefits are unlikely to be realised elsewhere in the Northern Ireland economy.

41. In addition to the economic benefits there will be a significant contribution to CO2 emission reduction targets with approximately 40,000 tonnes being saved over 30 years and a significant contribution to energy supply and renewable energy targets by providing renewable electricity to approximately 22,700 homes. The Council did not dispute the benefits outlined, but simply the weight to be afforded to them.
42. The Appellant’s evidence in the appeal stated there was no reason to believe that the figures based on 2016 prices would have changed materially in the interim. At the hearing, I asked how this could be the case given the rate of construction inflation, wage growth, etc. since then. A witness for the Appellant from Oxford Economics acknowledged that inflation has been running high and that the figures, if given in 2025 prices, would be considerably higher. He explained that economists try to strip out the effects of inflation or price changes and the use of 2016 figures was more reflective of the benefits at the time the application was submitted. He advised that if adjusted for today, all of the benefits in monetary terms would increase. I accept his reasoning that the exercise is essentially

comparative, but it is unfortunate that I have not been provided with more up-to-date figures to assist my assessment.

43. At the hearing, third parties questioned whether the contribution to business rates was based on the full capacity of the proposed scheme. The Appellant stated that it was based on a combination of installed capacity and output. Third parties also asked whether the cost to the public purse of any subsidies offered to the wind farm was taken account of in the figures. The Appellant advised that no public subsidies are currently available. The Save Benbradagh Group was of the opinion that the stated spend of £4.88 million in the Northern Ireland economy was not all that significant and that remote management of the installation during operation would not account for many additional jobs. They therefore argued that the economic benefits of the proposal were not so significant as to justify the harm caused by the development.
44. I consider that the stated economic benefits of the scheme are relatively modest, but not insignificant to a small regional economy like Northern Ireland which is comprised of many smaller parts. I agree with the Council and Appellant that if the appeal was allowed and the permission implemented, the actual figures would be higher by the time of construction and operation. However, the benefits are not only economic or monetary, but environmental. The saving of 40,000 tonnes of CO₂ emissions over 30 years and the scheme's ability to supply renewable electricity to approximately 22,700 homes are significant factors that weigh in favour of the proposal under the current legislative and regulatory context where a climate emergency has been declared and a doubling of renewable energy generation is required in the next five years to meet statutory targets for emissions reduction. I conclude that these benefits, as a whole, weigh strongly in favour of the proposal, but must be balanced against any unacceptable adverse impacts that are identified. Therefore, I will now consider the harms identified by the Council and third parties before undertaking a planning balancing exercise.

Impact on Visual Amenity and Landscape Character

45. The Council's first reason for refusal states that the proposal would have an unacceptable adverse impact on visual amenity and landscape character due to its size, scale and siting. Concerns about visual impact were also raised in the majority of third party objections.
46. Criterion (b) of Policy RE1, which applies to all renewable energy development, requires that there is no unacceptable adverse impact on visual amenity and landscape character. Two of the additional criteria for wind energy development are also of relevance to this issue:
 - (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; and
 - (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.
47. The Justification and Amplification to Policy RE1 states that the landscape and visual effects of particular renewable energy developments will vary on a case by case basis according to the type of development, its location and the landscape

setting of the proposed development. Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, it is recognised that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that some of these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines. It then makes reference to the SPG document 'Wind Energy Development in Northern Ireland's Landscapes', which identifies landscape characteristics that may be sensitive to wind turbine development. This document provides supplementary planning guidance on the landscape and visual analysis process, and the indicative type of development that may be appropriate. While the SPG will be taken into account in assessing all wind turbine proposals it is not intended to be prescriptive.

48. Both the SPPS (at paragraph 6.230) and the BPG to PPS 18 (at paragraphs 1.3.21-22) indicate that it will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects. Wind farm developments are by their nature highly visible, yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.
49. The Appellant made repeated reference to the absence of any concern about the impact of the proposal on the Sperrins AONB in the Council's refusal reason. The Council clarified at the hearing that it did have concerns regarding the impact on the AONB, but stated that it was not specifically mentioned in the refusal reason because AONBs are not mentioned in Policy RE1. Regardless of the Council's position, impacts on the AONB were raised by third parties and are therefore a matter for my consideration. Policy NH6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and three criteria are met including:
 - a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape.
50. As stated above, the SPPS is material to the appeal decision and it states at paragraph 6.223, "A cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty ... and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets." The same approach is taken in paragraph 1.3.23 of the BPG to PPS 18. The SPPS also states the following with reference to AONBs in paragraphs 6.187 and 6.188: "Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, and be in the accordance with relevant plan

policies. In assessing proposals, including cumulative impacts in such areas, account will also be taken of the Landscape Character Assessments and any other relevant guidance including AONB Management Plans.” This accords with the approach of PPS 2 as set out above. While the relevant policies require the adoption of a cautious approach to wind energy development in AONBs, they do not amount to an embargo on such development.

51. The Appellant pointed out that the specific reasons for the designation of the Sperrins AONB in 1968 (under the Amenity Lands Act (Northern Ireland) 1965) were not published and that there is no current management plan for it. The Council did not wish to speculate on what these qualities were, saying it was a matter for the Northern Ireland Environment Agency (NIEA). They stated that reference should be made to the descriptions of landscape character in the SPG.
52. The Save Benbradagh Group contended that the special qualities of the Sperrins consisted in their wildness, vastness and remoteness, their unspoilt nature, majestic landscapes of high scenic value, their rich history, folklore and archaeology and their high recreational value. I consider that these factors accord with the amplification text in paragraph 5.15 of PPS 2 which states, “The quality, character and heritage value of the landscape of an AONB lies in their tranquillity, cultural associations, distinctiveness, conservation interest, visual appeal and amenity value.” A third party made reference to the development of an AONB Management Plan by the Sperrins Partnership and provided a copy of a consultation document dated August 2024. As this work is at a very early stage, it does not constitute a management plan that would carry any weight in the appeal.
53. The BPG recognises that there are no landscapes into which a wind farm will not introduce a new and distinctive feature, but “given the Government’s commitment to addressing the important issue of climate change and the contribution expected from renewable energy developments, particularly wind farms, it is important for society at large to accept them as a feature of many areas of the Region for the foreseeable future”. However, it also states that this is not to suggest that areas valued for their particular landscape and/or nature conservation interest will have to be sacrificed. It provides a general guide to the effect of distance on the perception of wind farms in an open landscape, stating that they are likely to be a prominent feature in views from up to 2km, relatively prominent in views from 2km to 5km and prominent in clear visibility and seen as part of the wider landscape in views from 5km to 15km.
54. In SPG, Northern Ireland has been divided into 130 different Landscape Character Areas (LCAs) which are then assessed for their key landscape characteristics and their sensitivity to wind energy development. It provides broad strategic guidance, but each development proposal is unique and requires detailed site-specific consideration of the landscape and visual impact of the proposal. With specific regard to the North West, it includes among issues that need careful consideration, impacts on the A6 transport corridor.
55. The appeal site falls within LCA 29 – Sperrin Mountains, an elongated area stretching from the edge of Strabane in the west to the Glenshane Pass in the east. It incorporates the main east-west spine of the Sperrin Mountains with summits averaging 500m in height and also lower slopes and valleys. The

guidance describes the LCA as the heart of the Sperrin AONB and notes that the mountains are an iconic feature in views west and south from the A6 Belfast to Derry road. It determines that the LCA has an overall high sensitivity to wind energy development, assessing its potential in the following terms:

“The scale and landform of at least parts of the area are in theory well-suited to wind energy development. However, this is generally outweighed by the sheer visual prominence of the Sperrin Mountains over a wide area of Northern Ireland. This is an iconic landscape of immense appeal for tourism and recreation; its core landscapes are highly sensitive to any wind energy development. In addition, it has a strong wild character and many natural and cultural features that are highly vulnerable to the introduction of wind turbines and associated access tracks and infrastructure. Hence the majority of this landscape is highly sensitive to wind energy development, notwithstanding the presence of existing and consented wind farms.”

56. Under the sub-heading, Location, siting, layout and design considerations for LCA 29 it states:

“Owenreagh, in the west of this LCA, is the specific area in this LCA that is most suited to wind energy development. Consideration could be given to siting turbines on hill flanks where they might be seen against a backdrop of land. Care should be taken to avoid adverse impacts on skylines, views and the visual amenity, recreational value and wild character of this LCA. Open exposed slopes and ridgelines should be respected as should natural and cultural heritage landscape interests. Care should be taken to ensure that wind energy developments do not dominate and flatten this topographically complex landscape.”

57. The Appellant’s Landscape and Visual Impact Assessment (LVIA) analysed the impact of the proposed development on the study area and identified 22 viewpoints (VP) which were said to be representative of typically occurring views within the study area, views experienced by key visual receptors and views from specific locations that contribute to the landscape and visual quality of the area. The ES breaks the chosen VPs down into five categories:
- a) Views from rural roads in proximity to the development;
 - b) Views from Dungiven and approaches to the town;
 - c) Elevated views from within the Sperrin AONB;
 - d) Elevated views from within the Binevenagh AONB; and
 - e) Views overlooking the Roe Valley and the landscape in the north west of the study area.
58. Figures provided with the ES show the cumulative zones of theoretical visibility of existing and proposed wind turbines within 30km of the site. Screening provided by sweeping upland areas and forestry mean that views of the development are mainly limited to within the Roe Valley to the north. The evidence indicates that only 14% of the Sperrin AONB would experience theoretical visibility of the wind farm and this would be further reduced when the effects of vegetative screening are accounted for. Existing and consented wind farms are already visible from 88% of the study area. The development would be theoretically visible from 18% of the 30km study area. Only 0.14% of the study area would experience visibility of

the development where there is no visibility of other wind farms. The LVIA concludes that the development would have no significant landscape effects and a significant visual effect on only one of the 22 VPs.

59. The Council was concerned about the impact of the proposal on visual amenity and landscape character when viewed from stretches of the A6 both east and west of Dungiven. They were critical of the absence of VPs from the new A6 Dual Carriageway. They considered that the size, scale and siting of the turbines would unacceptably despoil scenic views of this part of the Sperrins AONB. They highlighted the large number of receptors on the A6 given that it forms the primary route between the two principal cities in Northern Ireland and said this serves to heighten the public interest and the unacceptability of the proposal.
60. It should be noted that the new A6 Dual Carriageway was not a public viewpoint when the application was submitted to the Council in 2019 as the road did not open until 2023. However, delays in the determination of the application mean it is now a public route that I must consider. The Appellant provided a new figure in its August 2024 FEI assessing the visual impacts on the A6 Dual Carriageway. The Council provided a map indicating transient viewpoints of the proposed development along the A6 which are only occasionally interrupted for short periods by roadside vegetation. I travelled along the A6 in both directions to assess these transient views. The Council also raised concern about other specific viewpoints provided by the Appellant including VP11 (Garvagh Road / Legavallon Road), VP15 (Benbradagh Mountain) and VP21 (Drum Road near Altahullion).
61. Third parties acknowledged that Teeavan Hill itself is not remarkable, but is prominent in transient views when descending Glenshane. They said it was a low-key but ever-present and important feature of the landscape in views from Dungiven town and the wider Roe Valley. They referred to the domineering effect of the large Altahullion Wind Farm on the western side of the Roe Valley and the series of turbines on its eastern escarpment from Binevenagh to Benbradagh. The southern end of the Roe Valley in the vicinity of the appeal site is the only remaining area of the surrounding upland that is free from wind farm development. They were concerned that the scale of the development would have a flattening effect on the landscape and that it would tower over Dungiven town.
62. The third party objectors were critical of the Appellant's choice of VPs, arguing that they portrayed the area unfavourably and omitted views, particularly from the north, the North Sperrins and Roe Valley scenic drives and approaches to Banagher Glen. They provided their own photo visualisations from two locations and a list of additional viewpoints that they asked me to consider. The Appellant was content that I did so. The third parties also criticised the photographic techniques used, such as showing the wind farm through the centre of an electricity pylon in VP3, with a salt bin in the foreground in VP6 and intermingling the turbines with floodlighting columns in VP11.
63. Existing development such as buildings, pylons and lighting columns are part of the baseline environment into which the development would sit and cannot be discounted from any assessment of visual impacts. During my site visits, I assessed the VPs provided by all parties to the appeal, not only with reference to the photomontages, but the written descriptions of the LVIA in the ES and my own

on-site observations of the area. The ability to stand within a landscape and look in all directions adds a depth to the assessment that cannot exist in a photo facing in a particular direction. It would not be possible to analyse every possible viewpoint of a development of this scale, but having assessed all of the VPs suggested by the parties, I am satisfied that the Appellant's LVIA was suitably representative of the types of views available from different landscapes and distances from the development, but the addition of those referred to by the Council and third parties makes for an even more comprehensive assessment. I will now examine the VPs in the categories suggested by the Appellant's LVIA, adding those referred to by other parties where appropriate.

a) Views from rural roads in proximity to the development

64. Category a) VPs are short range and are reflective of the impact from nearby properties, the surrounding minor road network and amenity areas. They are all within the Sperrin AONB. VP1 is the closest to the development at a distance of just 0.5km from the nearest turbine. It is taken from an area of hardstanding adjacent to Banagher Dam. While it is not an adopted road, it is an area which is accessed and well used by the public for recreational purposes. It is inevitable that turbines of the scale proposed will be a dominant feature in views from this distance. However, the area is already dominated by man-made infrastructure associated with the dam. The ES describes the area immediately surrounding the dam as utilitarian and relatively unattractive and points out that the foreground landscape is entirely formed by man-made structures and alterations to the environment for the purpose of harnessing natural resources. In this context, I consider that the proposed wind farm for the same purpose would not appear out of place in this environment. I will consider the impact on public recreation in this area later in this decision.
65. VP2 is 2.8km south west of the development on Glenedra Road, an elevated part of the North Sperrins Scenic Drive. Five turbines would be visible from here with one screened by Banagher Forest. On travelling along this route, it is apparent that the view is only available along a short stretch of the road before it is concealed by forestry. The turbines would appear to sit at the far edge of a flattish heathland landscape and the higher land of Benbradagh and Binevenagh is visible beyond the appeal site, as are a series of other wind farms, particularly the expanse of turbines in the Loughermore Cluster to the north west. The proposal would only impact on a small part of a wide panorama. Although not shown in the photomontage, views of the higher Sperrins in the opposite direction from this point are dominated by towering pylons carrying high voltage power lines.
66. VP3 is located near the village of Feeny, 4.7km from the development. From here, the development would appear to be located on peripheral uplands at the edge of the main Sperrin uplands which are visible further to the right (south). The turbines would appear to sit on a farmed landscape rather than open mountainside. While third parties criticised the pylon in the foreground of this VP, it is a feature that draws the eye and reduces the visual impact of the proposed turbines at greater distance. However, I also observed the site from surrounding vantage points where the pylon did not intervene and am satisfied that there would be a low magnitude of effect from this area given the low profile of Teeavan Hill and other filtering features such as trees and buildings in the foreground.

67. VP4 is from Banagher Old Church, a State Care Monument at the junction of the Magheramore and Carnanbane Roads, 1.5km from the nearest proposed turbine. Its position on an elevated mound affords panoramic views in all directions and many existing wind turbines are visible from it. From here, the development would again appear to sit atop a farmed landscape with the higher Sperrin Mountains further to the right. Nevertheless, the development would form a prominent feature beyond the rounded skyline formed by Teeavan Hill. I agree with the ES that views north and west from here are longer and more scenic, so are likely to be the focus of a visitor's attention. The Save Benbradagh Group provided their own photomontage of a similar view from the Carnanbane Road at the entrance to the church which shows a similar impact to the Appellant's VP4. The church already sits in the context of modern roads, signage, electricity wires, phone lines and farm sheds. The turbines would sit beyond an agricultural landscape in the foreground. I will consider the impact on the setting of the church as a monument later in this decision.
68. VP5 is 1.7km west of the site on Banagher Road. Views when travelling along this road would be intermittent due to the obscuring effect of trees and topography. Where views do open up, the turbines would appear prominent on the skyline. As views are only occasional along this stretch of road and dominated by commercial forestry in the foreground, I consider the visual impact of the turbines to be of a medium magnitude.
69. VP6 on Magheramore Road near the site entrance is quite close to VP4. As there is no panoramic view to the north due to its lower elevation, the main view is south east towards the appeal site, affording one of the clearest close-range views of the proposal. The turbines would be just over 1.5km away and would dominate views from this part of the road. The foreground landscape is pastoral. From this close VP the higher Sperrins are not visible beyond the site. I agree with the ES that there would be a high magnitude of effect from this location as views are focused solely in the direction of the appeal site. However, the VP represents a relatively short section of Magheramore Road. Other parts of the road are more constrained by roadside trees and hedgerows, or afford more expansive views of the wider landscape which would reduce the effect of the wind farm.
70. Teeavan Road is the nearest road to the north of the appeal site at a distance of around 2km. Views of the development along most of the road would be side-on rather than directly in front of the direction of travel. Although there are mature hedges along many parts of the road which would filter or screen views, two VPs (7 and 8) have been selected where there are direct views towards the site. From VP7, the wind farm would sit on the other side of the hill with the tops visible above it, looking across a farmed landscape. The landscape is characterised by rough grazing land, forestry and some large farm buildings. Altahullion wind farm is clearly visible above the roofs of nearby farm buildings. The proposed turbines would be evenly spaced in proportion to the scale of the landscape. I agree with the ES that views in the opposite direction (looking towards Benbradagh and Carnatogher) are more scenic and likely to be the main focus. In light of the above factors, the effect of the proposed turbines would be of a medium magnitude.
71. VP8 is on a section of Teeavan Road which travels south directly towards the site. This section, before the road turns eastward, would be one of the most prominent

views of the proposal. Third parties criticised the chosen location for VP8 as the view opens up more when traversing round the corner. I have based my consideration upon this entire stretch of road. To the right of the appeal site, the higher Sperrins including Mullaghash and Sawel are visible. There is a long-range view to the north east towards Altahullion Wind Farm, but this would be less apparent to a driver facing south. Therefore I disagree with the Appellant's analysis that the impacts from here are only of medium magnitude. I consider them to be high. Third parties also raised potential harm to the amenity of dwellings on this part of Teeavan Road. The ES notes that residential properties near here are orientated to face northwards rather than towards the appeal site to take advantage of the most scenic area of views. I agree that this is the case for some, but not all of the properties. However, I am not persuaded that the proposal at a distance of 2km would unacceptably harm the amenity value of properties that do face the appeal site or make them an unattractive place to live as there are already many other groups of wind turbines in the surrounding landscape.

b) Views from Dungiven and approaches to the town

72. Category b) VPs include those within Dungiven and its approaches along the A6 corridor. After snaking over the Glenshane Pass the A6 descends steadily into Dungiven, then climbs eastward towards Derry. The focus of views changes with the direction of travel and orientation of the road and also due to the nature of the road corridor which is frequently in cuttings with dense belts of trees and hedgerows on embankments which prevent views into the wider landscape. The ES states that the east-west alignment of the road corridor channels views in the direction of travel. Views along the A6 already take in existing clusters of wind farms including Carntogher (with the blades of Evishagaran particularly prominent on descent from the summit of Glenshane towards Dungiven), Loughermore and Slievekirk. The Carntogher and some of the Slievekirk turbines are within the AONB. In addition, consented wind farms at Ballyhanedin and Barr Cregg will be in relatively close proximity to the A6 corridor. Therefore, wind energy development is not an uncommon feature along the uplands lining the route of the A6. However, vehicles pass the individual wind farms relatively quickly, particularly on the dual carriageway section, and it is still possible to appreciate the magnificent upland landscapes they sit in. The Council and third parties stated that the A6 is used by 10,000 vehicles per day and this high number of receptors increases the degree of public interest.
73. VPs 12, 13 and 14 are selected locations where the development would be visible on approach to Dungiven from the east, though such views are not constant on this route due to roadside vegetation. The development would be 7.3km from VP12 and would read on the skyline of a lower outlying hill, but with the higher Sperrins and other wind farms at greater distance. The ES considers that this middle-distance VP does not impinge upon either the remoter foreground upland landscape or the more distant scenic views towards the Slievekirk uplands. VP13 is 5.7km from the development. Although closer, Teeavan Hill is less distinct due to the lower elevation and a complex pastoral landscape in the foreground. VP14 is 4.7km from the appeal site and represents the nature of glimpsed views that may be obtained through gaps in the more frequent roadside vegetation along this stretch. Although the turbines would sit on the skyline from here, the complex foreground landscape occupies a greater proportion of the view and is more dominant. As a small element in a wider context of sequential views, I agree with

the Appellant that the wind farm would have a medium magnitude of effect from these locations.

74. The Appellant's only chosen VP on the A6 corridor west of Dungiven was VP9 on the original A6 at its junction with Killunaght Road, 5.3km from the development. Views from here are somewhat limited by roadside vegetation. The new A6 Dual Carriageway runs in a cutting approximately 150m south of the old road. The cutting will ensure that views of the development are limited from this part of the new road. However, the elevation afforded by the Killunaght Road overbridge would enable clear views of the appeal development, though this road appears to be lightly trafficked.
75. At the request of the Council and objectors, I travelled in both directions along the new A6 Dual Carriageway as far as Claudy to assess the visual impact of the development on this route. On travelling west along the route, the site was generally behind me. The main views were when heading east. I found that views were generally transient or intermittent due to the nature of the road line which was often in cuttings and vegetation which will mature further following completion of the road scheme. Along the stretch from Claudy to Foreglen, the consented Ballyhanedin Wind Farm would be closer to the road corridor and much more obvious than the proposal at Magheramore. Travellers would previously have experienced the wind farm clusters at Slievekirk and Loughermore. In comparison, the appeal proposal at greater distance from the Council's identified transient VPs would not significantly affect views across the landscape and into the AONB.
76. Along the section of the A6 near Foreglen where the proposed development would be most visible, it would form a small part of a wide panoramic view of the landscape and it would sit on lower land flanked to the right and left by the higher Sperrins and Benbradagh. From the lowest section of the Dungiven bypass, east of the Feeny Road junction, the development would appear prominent atop a pastoral landscape as from this low point on the A6 route, there are no longer views from here into the heart of the AONB. The Appellant highlighted at the hearing that the busyness of the road does not equate to a high sensitivity of receptors and that the A6 itself was not a designated scenic route. Considering the overall length of the A6, there would be views of the development from a relatively small proportion of it. In light of my findings of the transient and intermittent nature of views along this corridor and the array of existing and consented wind farms that are already part of this landscape, I consider that the magnitude of visual effects on the A6 would be no more than medium.
77. Turning to the impacts on views from Dungiven town, any views from the Main Street are limited by the orientation of the street and buildings. VP10 is located at the River Roe bridge at the western edge of the town. At 4.2km from the site, it would appear as a relatively small element in a wider view that includes the north western edge of the Sperrin foothills and the Glenshane uplands to the south east. As it would be appreciated in the context of road corridors and urban settlement, I agree with the Appellant that the development would only have a medium magnitude of effect.
78. VP11 is located 5km from the site entering the town on the Legavallon Road. From here the turbines would sit on a hill overlooking Dungiven and would read with the

context of the built development on the north side of the town. The Council argued that the development would appear oppressive to the setting of the town. The urban development of the town and roadside vegetation on the stretch of road approaching the settlement tend to limit wider views of the Sperrin uplands. The dominant landscape feature is Benbradagh to the east. Third parties at the hearing criticised the choice of VP which mingles the turbines with floodlighting columns at a playing field in the foreground, but these features are part of the built development of the town and I consider the chosen point to be the clearest view of the appeal site on this portion of the Legavallon Road. Moving closer to the site, the development would become less visible due to a dip in the landscape.

79. The Save Benbradagh Group provided their own photomontage of the development from a closer point on the Garvagh Road at its junction with Station Road. They consider that the turbines would significantly harm the visual and landscape setting of the town from here, including the appreciation of Dungiven Castle. They say the turbines would tower over the hill above the town and would become a dominant feature of the view and skyline and would change the setting of Dungiven. As their photomontage is only the width of the proposed development without the wider context that would be apparent to the human eye, I consider that it accentuates the impact that the wind farm would have on the landscape around the town. While the proposal would introduce a striking new feature on the skyline above the town, the foreground of the view would be comprised of other built structures and road corridors. For these reasons, I consider that impacts on views from the town, as represented by the Appellant's VP11 and the third party photomontage on Garvagh Road, would be of a medium magnitude. I will consider the impacts on Dungiven Castle, a Grade B1 listed building, later in this decision along with other historic environment concerns.
80. The Save Benbradagh Group requested that I consider further viewpoints from the three main approach roads to the north of the town: Drumrane Road, Ballyquin Road and Legavallon Road, each of which are designated scenic drives. I drove towards the town on each of these roads to assess the impact of the proposal. Drumrane Road and Ballyquin Road run parallel along the Roe Valley either side of the River Roe and link Dungiven to Limavady. When travelling south through the Roe Valley on both of these routes, the valley appears to be broad and is lined to both sides by wind farms including the Rigged Hill Cluster to the east and the Loughermore Cluster to the west. There are also a significant number of single wind turbines, particularly to the east of Dungiven. However, given the distances involved, all of these groups of turbines are still relatively small features in views of the overall landscape.
81. The closer one gets to Dungiven on both routes, the appeal proposal would become more prominent on the hill beyond the town, though it would read less with the other groups of turbines which are now behind the viewer. Views would remain intermittent rather than constant due to the changing nature of roadside vegetation and topography and where the development would be visible, so too are the higher expanses of Benbradagh to the left and the higher Sperrins to the right. On Legavallon Road approaching from Garvagh, its south-westerly orientation means one is more aware of Altahullion wind farm to the right. The appeal proposal would become more prominent as the road turns to enter Dungiven town around VP11. As the proposal would appear well separated from

other groups of wind farms on each of these scenic drives and all views are intermittent and from more than 5km, I am not persuaded that the proposal would cause unacceptable harm to visual amenity or landscape character from these routes or that the proposal would make the town feel surrounded by wind turbines.

c) Elevated views from within the Sperrin AONB

82. This group of VPs includes those from elevated locations within the Sperrin AONB that are not associated with the A6 road corridor or the approaches to Dungiven. VP15 is from near the summit of Benbradagh approximately 6.5km north east of the development. A steep road from Dungiven leads up to this point which is on the Ulster Way and forms a prominent landmark at the southern end of the Binevenagh range of uplands where it converges with the Sperrins and Glenshane uplands. The elevated position affords spectacular views across much of the North West of the island. It has clear views of the summits in the heart of the Sperrin AONB. From here, the proposed wind farm would be seen at the far edge of a pastoral landscape with the backdrop of the higher Sperrins beyond.
83. While the views are spectacular, they are over a landscape moulded by humans and include towns, roads, modern agriculture and existing wind turbines in almost every direction. The proposal for 6 turbines would not appear out of place in this context, especially given a number of single turbines in the foreground and the very close proximity of the wind farm at Evishagaran which comes into view as one ascends the hill further. The ES deemed the magnitude of effect to be low because it would occupy a peripheral location in a view that already includes a number of larger clusters of wind farms at varying distances and which are all more prominently located on or near the skyline. However, because receptors at this VP are more likely to be tourists who have come specifically to enjoy the view and would be of high sensitivity, the mitigating factors set out above would in my view result in a medium magnitude of effect. Nevertheless, the proposal would not unacceptably detract from the overall expanse of the 360° view, nor would it prevent appreciation of the convergence of the Binevenagh, Sperrins and Glenshane ranges.
84. VP16 is from Plantation Road near Park village, 10.8km west of the appeal site and just within the northern edge of the AONB. While there would be few clear views of the proposal from this general area due to the topography and heavy tree cover, the development would be seen in clear visibility from the upper part of the road. The view would be dominated by the closer and higher mountain of Mullaghash which rises to 480m and the wind farm would sit beyond this on lower land. As the proposal would occupy a discreet position in the view and would be subordinate to the closer higher summits, there would be a low magnitude of effect.
85. VPs 17 and 18 are located in the far west of the study area between 21 and 27km from the development. There are existing and consented wind farms across the view, but the appeal development would be barely discernible at this distance, even in clear weather. There would be a negligible magnitude of effect.
86. Third parties requested that I consider the impact on views from Birren Road, a minor road along the eastern side of Banagher Forest, approximately 3km east of the site. This elevated route has picturesque views across the Sperrins and as one

begins to descend towards Dungiven, Evishagaran wind farm comes into view, followed by the single turbines around Dungiven and then the Altahullion and Glenconway wind farms. The appeal development would be closer, but to one's left rather than in the direction of travel which would reduce its impact. I consider that there would be a medium impact on this route.

d) Elevated views from within the Binevenagh AONB

87. Two VPs in the far north of the study area fall within the Binevenagh AONB to the north of Limavady. From VP19 on Keady Mountain, the development some 19km to the south would sit against the backdrop of the higher Sperrins. It would appear well separated from other wind farms in the view and would be difficult to discern with the naked eye at this distance. VP20 is on the Binevenagh scenic loop at Lisnagrib, 22.5km from the site, a similar view to that from Keady Mountain. The proposal would be barely visible at this distance and if it was, would have the backdrop of higher land to the rear. Both of these VPs would have a negligible effect.

e) Views overlooking the Roe Valley and the landscape in the north west of the study area

88. This final group of VPs represents the lower-lying parts of the Roe Valley. VP21 from Drum Road near Altahullion is 6.5km from the site and from the same direction as VP9. The Council was concerned that the turbines would sit prominently and detract from the unbroken view of the landscape. Standing at this location, wind farms and single turbines are already visible in most directions around the Roe Valley and the proposal would not therefore appear out of place. From here, the proposal would be quite prominent, but the higher Sperrins would appear to sit well beyond the site. The hill on which it is located would appear to relate more to the foreground pastoral landscape. I agree with the ES that there would be a medium effect from this location.
89. VP22 is from the edge of Drumsurn village, 12km north of the appeal site. The proposal would have a very limited visual effect at this distance compared to closer developments such as Evishagaran and most of the development would have a backdrop of the higher Sperrins beyond. There would therefore be a low magnitude of effect.

Cumulative effects

90. Under criterion (ii) of Policy RE1, the development must have 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. The ES clearly presents the location of the above categories of wind farms in a helpful colour-coded manner throughout the LVIA. A third party criticised the inclusion of the proposed Mullaghclogher Wind Farm within the baseline as it had not yet been submitted to planning and six of the eleven turbines would be within a soon-to-be-adopted Special Countryside Area. I was advised at the hearing that the Mullaghclogher proposal had been submitted, but was not yet validated, and that it was likely to be in the process by the time the appeal decision was made. Whether or not this is the case, it is located at significant distance from the appeal proposal and they are unlikely to be intervisible. Therefore, I am satisfied that whether or not it is included in the

baseline as an undetermined proposal is unlikely to be of much consequence in the appeal, but it is better that it has been highlighted for completeness.

91. Third parties raised concerns about the impact of the development on the Roe Valley generally because it already has turbines to both its east and west sides and the proposal would introduce them at its southern end which is the only existing relief from wind energy development. The Appellant replied that visibility from the majority of the Roe Valley is negligible and views south along the valley are dominated by Benbradagh.
92. As discussed above, the multitude of wind farms already surrounding the valley means the proposal would not appear out of place. Wind farms are already a common feature around the edges of the Roe Valley and towards the outer edges of the Sperrins AONB. Against this background, the development would not introduce a wind farm into an area where there are none at present but will build upon the existing baseline character. It also maintains good separation distances from other wind farms in the study area and would invariably appear as a single isolated feature within an otherwise extensive undeveloped landscape which is noted in BPG as being acceptable in principle.
93. SPG suggests a separation distance of at least 6km for smaller sites in landscapes with some enclosure, an apt description of the appeal proposal and its surroundings. Conversely, wind farms less than 3 to 5km apart may be seen as a cluster or single coherent group. The proposal would be around 7km from the nearest wind farm at Evishagaran to the north east, though that development is not visible from many points in the Roe Valley due to the enclosure provided by Benbradagh. It would be a similar distance from the proposed site at Brishey. The proposal is also around 6.5km from the consented wind farm at Ballyhanedin to the west and around 9km from the Altahullion and Glenconway wind farm to the north west. As such, it would not read as part of the same groups and the landscape would reduce their intervisibility. I am satisfied that the siting of the proposal has taken account of the cumulative impact of existing, consented and proposed wind turbines and that it respects the relevant guidance on separation distances from other wind farms including those in neighbouring LCAs.

Conclusions on landscape and visual impact

94. The SPPS and BPG recognise that visibility of wind energy development does not inevitably result in negative effects on landscape character and visual amenity. Policy also recognises that impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines. The Appellant pointed out that there is a degree of physical separation between Teeavan Hill, on which the development would be located, and the wider Sperrins, due to the presence of the Altnaheglis River and Reservoir between them. I agree that this is the case in physical terms, though it is less apparent in views from the north where Teeavan Hill sits against the backdrop of the higher Sperrins with little sense that there is a valley behind it. Notwithstanding this, it is lower and of a different character and land use, being predominantly agricultural. It does not read as one of the key peaks in the main east-west spine of the Sperrin Mountains, but as an outlying hill more connected to the agricultural landscape to its north than the wild country to its south.

95. The landscape setting of the site is such that the development would not be prominent over a wide area of Northern Ireland. Most possible viewpoints are from a northerly direction. From many viewpoints, the turbines would have a backdrop of higher land. I have found that there would be a high magnitude of effect on two of the identified VPs, both along relatively short stretches of minor roads in close proximity to the development. As there would be a lesser impact from most other VPs which were identified (including the main A6), and no views from a large proportion of the study area, it is evident that the surrounding landscape has a certain ability to absorb the development.
96. The site does not display the wild character evident in the core of the LCA. The turbines will generally sit on improved agricultural land rather than open mountainside and a significant proportion of the required access tracks are already in place as farm lanes and would only need widening. Whilst I acknowledge that the size and scale of the individual turbines would be significant, they would remain lower than prominent summits such as Benbradagh. Their small number compared to other wind farms in the North West and their siting on the flanks of Teeavan Hill would ensure that they can be accommodated in their landscape setting without unacceptable detriment to the visual amenity or landscape character of the area. I am not persuaded that a scheme of the scale proposed would dominate the hill in its own right, or appear to flatten it in views across the wider landscape. The wind farm would be smaller and would occupy a lower and more subordinate position in the landscape than other surrounding wind farms such as Evishagaran and Craigore. Overall, I consider Teeavan Hill to be one of the less sensitive parts of LCA 29 and suitable in principle for the appeal development.
97. With regard to the AONB, I have already found that while the relevant policies require the adoption of a cautious approach to wind energy development in AONBs, they do not amount to an embargo on such development. The Appellant argued that there is already an established pattern of positioning wind farms and wind farm clusters on the outer-facing upland edges of AONBs. From the information before me, I agree that there is evidence of such a pattern in the Sperrins in particular. I have insufficient data to assess whether it is also the case in the Binevenagh and Causeway Coast and Glens AONBs as suggested by the Appellant. However, even if there was a widespread pattern of such development, every site and proposal is unique and must be assessed in its own landscape and visual context.
98. In this appeal, it is significant that only 14% of the Sperrin AONB would experience theoretical visibility of the wind farm. Wind farms are already visible from most of the AONB and the additional theoretical visibility caused by the proposal where there is no visibility of existing wind farms would be less than 0.2%. Such a minor increase would not render the AONB designation redundant as suggested by third parties. Nevertheless, views into the AONB, particularly from the Roe Valley and A6 to the north have also been considered. Teeavan Hill is an outlying hill in the context of both LCA 29 and the AONB as a whole. Due to its lower elevation and land use, it relates more to the agricultural landscape around it than the higher Sperrins to the south. The area is significantly less sensitive than the core landscape of the higher Sperrins. In light of this, I consider the proposal to be appropriately cautious in relation to the AONB. It would not compromise its

landscape value or natural heritage assets, nor would it compromise special qualities of the AONB identified by third parties such as its wildness or remoteness. I am therefore satisfied that the development would be suitably sympathetic to the special character of the AONB in general and of the particular locality and it would not result in adverse impacts upon features of importance to the character, appearance or heritage of the landscape.

99. In summary, I am persuaded that the proposal satisfies the range of landscape and visual policy requirements set out in Policy RE1, its associated BPG and SPG, and Policy NH6 of PPS 2. The Council's first reason for refusal and related third party concerns have not been sustained.

Impact on the Setting of Historic Monuments

100. The Council's second reason for refusal states that the proposal would have unacceptable adverse impacts upon the integrity of the settings of Banagher Old Church State Care Monument and upon two scheduled monuments. The scheduled monuments are Magheramore Court Tomb and Magheramore Portal Tomb. The Appellant acknowledges that the development would be visible in the setting of all three of these monuments. However, they consider that the impact of the development would not be sufficient to affect the integrity of the setting of the monuments. In addition to the above sites, several other built heritage sites were raised by third parties.
101. Criterion (c) of Policy RE1 of PPS 18 requires that renewable energy development will not result in an unacceptable adverse impact on factors including built heritage interests.
102. PPS 6 sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage. Its introduction states that archaeological and historic features such as tombs and churches are significant sources of information about our past, and are often landmarks in our present surroundings. It recognises that our landscape will continue to change in response to the needs of society and states that the planning system aims to resolve any conflict between conservation and development to secure mutual benefit as well as to prevent development that is detrimental to our heritage. Paragraph 3.3 states that in all cases, the desirability of preserving an archaeological site or monument and its setting is a material consideration in determining planning applications. Decision makers must consider whether a development proposal would damage or destroy the site or monument, result in inappropriate change to its setting or whether the existing quality and character of the site or monument would be retained. It is recognised that it is not always possible to save all archaeological remains.
103. The key policy within PPS 6 for the purposes of this appeal is Policy BH1. It operates a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances. The Justification and Amplification to the policy indicates that State Care and scheduled monuments

together represent those archaeological sites and monuments which are of greatest importance within Northern Ireland. It is particularly important that they are preserved in situ and within an appropriate setting. Exceptions to this policy are likely only to apply to proposals of overriding importance in the Northern Ireland context. The Appellant stated that the requirement for an “appropriate setting” does not mean that no change whatsoever should take place within the setting of these assets.

104. The Preamble to PPS 6 states that it outlines the main criteria that will be employed in assessing proposals which affect the archaeological or built heritage. These policies, however, should not be read as the only tests of acceptability for such development proposals. Proposals must be assessed against all planning policies and other material considerations that are relevant to them. It is generally recognised that occasionally there will be circumstances where other material considerations may outweigh these policies. In particular it recognises that where a policy is a negative definition, i.e. stating what will not be permitted, such a policy provides a general guideline but cannot be an absolute bar to a decision beneficial to the citizen. Each case must be considered on its merits to see whether an exception would be justified. In its evidence, the Council recognised that there is tension between the policies as Policy RE1 clearly allows for some level of adverse impact on built heritage interests provided it is deemed “acceptable”.
105. The Appellant stated that there is no specific reference to “setting” or “integrity” in paragraph 6.224 of the SPPS or Policy RE1 of PPS 18 which both set out the five main criteria for renewable energy development. However, I consider this to be of little consequence in the appeal given the transitional arrangements set out in the SPPS which provide that PPS 6 is of continuing relevance until a Plan Strategy is adopted by the Council. In any case, paragraph 6.8 of the SPPS refers to the integrity of the settings of State Care and scheduled monuments in similar terms to PPS 6. The impact on the setting of these monuments is therefore a key consideration in the appeal.
106. There was disagreement between the parties as to the precise meaning of the sentence in the Policy BH1 headnote, “Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances”. The Appellant said this meant that whilst any adverse effect on the actual monument would not be permitted unless there were exceptional circumstances, some degree of adverse effect on the setting would be permitted as long as it is not so great as to affect the integrity of that setting. The Council’s consultee, Historic Environment Division (HED), appeared to rely on the first sentence of the policy headnote in maintaining that no degree of adverse effect on setting would be acceptable. But the Appellant contended that the use of the word “or” in the final sentence introduced a second test relating to setting.
107. My reading of Policy BH1 as a whole, along with its Justification and Amplification, is that the words “or the integrity of their settings” would permit some change in setting provided this did not cross the threshold of harming its integrity. I am reinforced in this view by the words “or would have an adverse impact on their setting” in paragraph 3.5, immediately below the policy headnote and the words “inappropriate change to its setting” in paragraph 3.3. Therefore, impacts on

setting which were less than adverse would not fall foul of the policy requirement. The question of whether impacts cross this threshold is a matter of planning judgement. At the hearing, the HED witness agreed with the Appellant that change in the setting of an archaeological site is not inherently harmful and that it is only inappropriate change in setting that should be resisted.

108. Paragraph 3.6 of PPS 6 states that monuments in State Care are protected and managed as a public asset on behalf of present and future generations. They represent that part of the rich archaeological and historic heritage of Northern Ireland which is presented for public access, education and enjoyment. In assessing proposals for development in the vicinity of these monuments the Department will pay particular attention to the impact of the proposal on:

- the critical views of, and from the site or monument;
- the access and public approaches to the site or monument; and
- the understanding and enjoyment of the site or monument by visitors.

Therefore, in assessing the impact of a development on the setting of an archaeological site where public access is promoted, the assessment should take account of how visitors experience, understand and enjoy the site in its setting. At the hearing, the Appellant and HED agreed that a critical view is one that makes a substantive and specific contribution to the significance of the asset that can be identified and explained.

109. The parties made reference to a HED publication entitled, “Guidance on Setting and the Historic Environment” dated February 2018. It defines setting, identifies those key aspects of setting which can contribute to the significance of a heritage asset, and outlines a three-stage process for assessing the impacts of change upon setting. It states that it was produced in consultation with a range of stakeholders in the historic environment sector. In it, the term “setting” applies to the physical space that is part of – and contributes to – the significance and distinctive character of a heritage asset, and through which the asset may be seen, experienced, understood and enjoyed. While this guidance may amplify the policy provisions regarding setting in PPS 6, it is not supplementary planning guidance and it cannot derogate from anything in PPS 6 or introduce constraints on development which are not already found in PPS 6. Accordingly, PPS 6 is the principal basis for consideration of setting in the appeal.

Banagher Old Church

110. Banagher Old Church is a scheduled monument and a monument in State Care thought to date to the mid-12th Century. Although now a ruin, the walls survive extant to roof / eaves height. It is sited on a small but prominent local hill and sits within a graveyard which includes a small mortuary house, traditionally Saint Muiredach’s burial place. Although the date 474 is cut in a stone at the west door, this is believed to have been done in the 1730s. The site was abandoned as a place of worship in the early 17th Century. Its present-day appearance stems from conservation work undertaken in the 1970s. There is a stone termon cross at the eastern end of the graveyard and another outside the site and 100m to the west on the opposite side of the Carnanbane Road. Immediately north of the site is a modern farm complex which is prominent in views of and from the site.
111. Banagher Old Church is one of the earliest surviving medieval churches in Northern Ireland, with important architectural details including the decorated

windows in the south walls of the nave and chancel and the remarkable west door with its massive lintel and inclined jambs. The Appellant states that its grouping together with the mortuary house makes it the most architecturally accomplished example of a small group of similar structures. The church and mortuary house, taken together with the other surviving medieval features and the confirmed archaeological potential of the site, form a group of structures that are evidence for the development of a medieval church centre of considerable wealth and importance.

112. The Council consulted HED on the proposal and it was represented at the hearing. HED concluded that the wind farm would have an adverse impact upon the following aspects of the setting of Banagher Old Church:

- The visitor approach and arrival at the monument along Carnanbane Road;
- Critical views from the graveyard and mortuary house;
- Critical views from the southern window; and
- The visitor experience of the site's current distinctive character.

The Appellant argued that HED's assessment relies heavily on an assumption that visual change in views of or from the church would result in an adverse impact without offering an assessment of how setting contributes to significance, the result being to overstate the degree of impact. The Appellant's archaeologist was of the view that the HED response was based heavily on the 2018 guidance on setting rather than the policy. He said it was difficult to understand how they arrived at their conclusions and he emphasised the need to understand the setting of the monument in the round, not simply to focus on what is affected.

113. The Appellant's FEI states, "The cultural significance of this asset derives largely from its intrinsic architectural and archaeological value and its potential to increase our knowledge of ecclesiastical practices in the medieval period. As a church the building also derives cultural significance from its function as a recognisable place of worship. The additional contribution that setting makes to this significance relates to an appreciation of the wide views afforded by [the] hilltop location chosen for the church." It also states, "The church is located on a small hillock with extensive views in a wide arc from the hills of the northern Sperrins in the north-east over the Roe Valley through the low agricultural lands to the west to the spire of Banagher Church of Ireland in the south-west. These views have been partly blocked by the building of a farm to the immediate north of the church, however the wide panoramic view can still be appreciated. Views from the south-west through east to the north-east are less extensive and are restricted to the rising ground of the surrounding hills. Although located on a hilltop this church is no longer a prominent feature in the surrounding landscape and is only visible from the immediate surrounding land."

114. The Appellant's evidence in the appeal states, "the contribution that setting makes to the significance of Banagher Old Church relates to the chosen site for the church on the top of a small hill. The church would originally have been a prominent structure in this location, making it both a visual and spiritual focal point in its parish and illustrating the central role of the church in the life of the community. Partial collapse of the now-ruined structure means that it is much less prominent and the church is only readily noticed in very short-range views (up to 200m on Magheramore Road). As a result, views in towards the church make little contribution to its significance. However, the elevated graveyard still provides long-

range panoramic views out over the surrounding settled landscape, allowing visitors to experience and appreciate the historic connection between church and community. It is these views that contribute to the significance of this asset.” The FEI further states, “the appearance of the turbines to the rear of the church in views from, and on approach to, the graveyard to the rear of the church, and in the view from Magheramore Cross towards the church will introduce a degree of visual distraction to the immediate setting of the assets. This would slightly diminish but not remove the ability to understand and enjoy the asset.”

115. The proposed wind farm would be located on rising ground to the south east of the church at a distance of 1.5km. The Appellant says it would appear as a prominent but relatively distant feature on the south east horizon. The Council and HED were of the view that the proximity of the farm buildings to the immediate north of the church makes the southern aspect all the more important. They said, “views from the church towards the graveyard and mortuary house – and views from the graveyard and mortuary house across the southern hills – are critical to the integrity of the setting of the church and contribute positively to visitor experience. The proposed development would breach this skyline with large moving structures, and would transform the nature of the landscape, thereby having an adverse impact upon these critical views.” At the hearing, the Save Benbradagh Group described visiting the church with a group of local people as part of a heritage tour. They noted that visitors would be constantly facing the wind farm site when reading the interpretive signage and would be distracted by large-scale moving elements on the hill in front.
116. Given the scale of the proposed turbines, I do not agree that they would appear distant. They would seem quite close when looking south east from the church. I accept that the current condition of the church is now apparent in shorter-range views on approach from three different directions. On approach from the south on Magheramore Road, it sits prominently amongst a pastoral landscape with the striking presence of Benbradagh straight ahead and with the expanse of the Altahullion Wind Farm on the left horizon. The appeal proposal would be behind you as the church comes into view from this direction. Those approaching from the north on Magheramore Road (from Dungiven) would already have experienced intermittent clear views of the proposed wind farm to the left. The church is less apparent from this direction due to the shape of the mound it is built on and the presence of the adjacent farm and residential properties. At the point where the church becomes more clearly visible (near the farm entrance), there are mature trees on the left side of the road which would screen views toward the development site. Visitors looking towards the church from here to the entrance on Carnanbane Road would have their back to the development.
117. The greatest impact of the development would be on visitors approaching from the west on Carnanbane Road. The wind farm would be visible when ascending the hill, though the church does not come into view until one rounds the corner close to the entrance to the church and farm. The Appellant pointed out that the proposal would simply be another element of visual distraction to a sequential experience that already includes the public road, signage, vehicles (potentially) and modern farm buildings. They describe this as a minor reduction in the quality of the experience of the church. I consider that for a visitor arriving from this direction and parking in the layby, the prominence of the wind farm would be such

that it would have a medium impact on their experience, but I would not categorise the impact as high due to the other distractions already present as set out above. When walking into the site from the layby, one would first be facing away from the appeal site and then upon turning into the farm lane, attention would be drawn to the farm sheds, often home to inquisitive cattle, and the church hill itself would screen views on towards the south east. There are also interpretive panels near the entrance which many visitors are likely to stop at and study.

118. Arriving at the church from all directions, it is apparent that it is an ancient feature in a modern landscape of roads, houses, steel clad sheds and signage. Even the view towards the appeal site bears signs of man's influence in the pattern of agricultural fields and the stands of coniferous non-native forestry. To my mind, these features are signals that the church has stood for many centuries among a community of people and while the landscape has developed over time, the church walls have been an ever-present reminder of spiritual realities that unite generations. In this sense, I agree with the Appellant that views north and west from the church across the settled landscape it would have served are more important than the shorter-range upland views to the south east within which the appeal development would be seen.
119. The existing views across the landscape from the church, graveyard and mortuary house take in settlements, roads, modern agriculture, large wind farms and power lines, but I do not consider that these features of modern life reduce one's ability to experience and appreciate the historic role of the church as an important place in a settled landscape that has evolved around it for almost a millennium. Similarly, the addition of the proposed wind farm to the south east would not diminish a visitor's understanding of the historic fabric and significance of the church, or of its architectural and archaeological interest. Wind farms are already present in views from the church and therefore a further wind energy development of six turbines 1.5km away would not have an unacceptable detrimental impact on a visitor's experience of the monument or the integrity of its setting, considered in the round. The church and its associated historic features would remain fully understandable as the substantial remains of a medieval parish church with architectural interest. The impact of the wind farm would be much less than that of the farm buildings in the immediate environs of the church.
120. The parties debated the importance and cultural significance of the southern windows in the church facing the appeal site, particularly the one in the chancel which would have been added in the early 13th Century. It is one of few examples of transitional architecture between Romanesque and Gothic. The Appellant pointed out that as an architectural detail, the carving on the outside of the window is of most importance and when studying it from the outside, one would be looking away from the wind farm. They also stated that the window with its wide reveals was for letting in light, not affording a view out. While this may have been the original intention, the experience of contemporary visitors looking out through the window cannot be disregarded.
121. Views out are made somewhat more difficult by the relatively low floor levels in relation to the window sill level and the presence of a stone retaining wall outside the window. Therefore, views out through the window are generally upwards towards the sky with only limited appreciation of Teeavan Hill and the higher

Sperrins beyond. What can be seen of Teeavan Hill is essentially a man-made landscape of fields, hedges and walls and angular conifer plantations or shelter belts. The Appellant's evidence stated, "Depending on where a visitor is standing within the church, they might be able to see a wind turbine through the openings, but this would have no impact on their ability to appreciate these interesting architectural details of the medieval church." Given the above factors and as the most interesting and culturally significant architectural detailing is on the outside looking inward, I am not persuaded that the introduction of the appeal development would unacceptably compromise critical views from the southern window, such as to harm the integrity of its setting.

122. HED confirmed at the hearing that the detached termon cross on the other side of the Carnanbane Road is a scheduled monument, but on private land. It would have marked the extent of parish land. The cross currently sits within an overgrown area of whin bushes and is difficult to spot despite being close to the roadside. When looking for the cross, one would not be facing the wind farm site. HED was concerned that when looking from the cross to the church, the proposal would affect the view. However, the effect would be limited by the bend in the road and the presence of the tall whin bushes. There are not clear views between the cross and church at present. Having studied the existing intervisibility of the church and detached termon cross on site, I am not persuaded that the visual change introduced by the wind farm would harm one's ability to understand their relationship or the overall visitor experience of the monument.
123. HED criticised the absence of any assessment of the current sense of ambience, remoteness and tranquillity. Third parties argued that noise from the wind farm would harm the experience of visitors to the church. The ES indicates the possibility that low-level noise in the range of 35 – 40 dBA may be heard at the church in certain conditions. However, the Appellant's noise expert pointed out at the hearing that there are many other sources of noise in the area such as the farm, traffic, etc. There is also an active quarry nearby. The Council pointed out that road noise would be intermittent whereas the wind turbine noise could be more constant. While the area is typically rural, it is not a silent environment and I noticed a range of other noise sources from transport, industry and agriculture on the occasions when I visited the church. Third parties were concerned about the potential for amplitude modulation (AM) which can be explained as the rhythmic whoosh of the blades. A planning condition can provide for the investigation and remediation of AM if it occurs. Accordingly, I am not persuaded that the noise impact on visitors to the church is a determining factor in the appeal.
124. In summary, having regard to the criteria set by PPS 6, while there would be some impact on the wider landscape setting of the church, when its setting is appreciated in the round and existing development is considered, I am not persuaded that the change to its setting should be judged inappropriate or unacceptable, nor would it be sufficient to breach the threshold of harming its integrity.

Magheramore Court Tomb and Magheramore Portal Tomb

125. Magheramore Court Tomb and Magheramore Portal Tomb are located on the upper north-facing slopes of Carnanbane Hill, with the Portal Tomb 75m downslope from the Court Tomb. As they are part of the same scheduled

monument and share the same setting, they are considered together. Nevertheless, HED has pointed out that assessing each monument in its own right, and their relationships with each other and the surrounding landscape, is essential to an appropriate understanding of their heritage significance and the impacts of the proposal upon them. Neither example is well preserved due to heavy robbing of stone from their cairns and chambers in the early 19th Century. Identification of tomb type is probable rather than certain. Although there are hundreds of similar examples in Northern Ireland, the siting of two in such close proximity is quite rare. The close proximity of the two Neolithic tombs is thought to be deliberate by their builders, some of the first farming communities to arrive in this part of Ireland. From the cairns there are wide panoramic views north, east and west over the rural agricultural landscape to the plains of Derry, Lough Foyle and the northern Sperrins. The view from the tombs to the south is limited by the rising ground of Carnanbane Hill.

126. The FEI describes court tombs as typically comprising an elongated stone cairn with a concave, semi-circular façade of large set stones (or ‘megaliths’) at one end creating a partially enclosed area or ‘court’. A gap at the mid-point of this façade on the long-axis of the cairn allows access to a line of two or more rectangular megalithic chambers. Court tombs are the earliest type of megalithic tomb recorded in Ireland dating from the Early Neolithic Age (3700 – 3570 BC) with some seeing reuse into the Early Bronze Age. The Magheramore Court Tomb conforms to the basic model; its cairn survives 20m long and up to 8m wide, orientated north-west to south-east with the court at its north-west end. There are two circular depressions in the middle of the cairn which are possibly the remains of two chambers however the highly disturbed nature of this cairn makes it difficult to confidently describe the tomb further.
127. Portal tombs are generally considered to be derived from court tombs. They typically comprise a megalithic chamber based on a tripod design with tall upright entrance (portal) stones and a lower backstone, supporting a massive capstone, set with its heavier end above the entrance. Historically, and colloquially, this style of monument is referred to as a dolmen. Excavated portal tombs have typically produced similar grave goods to court tombs providing them with a similar early Neolithic origin date. The Magheramore portal tomb has been heavily disturbed and is therefore difficult to classify. It survives as a small collection of stones 3.7m long and 3.2m wide orientated north-west to south-east with the portal at the north-west end. The morphology of the stones with taller stones at the front and low back and side stones have been used to suggest this is the remains of a portal tomb. It is located downslope from the court tomb and shares with the court tomb both a common long-axis and a north-west orientation for the entrance.
128. The FEI summarises the cultural significance of the tombs in the following terms: “the cultural significance of these tombs derives primarily from their fabric and its potential to increase our knowledge of funerary practice in the Neolithic [Age] and the relationship between different types of tomb. The additional contribution that setting makes to this significance relates to an appreciation of the relationship between the two monuments, their relationship with the immediate surrounding landscape on which the builders of the cairns would have been active, their common alignment and the experience of panoramic long-range views from their

entrances to the north-west, suggesting a deliberate orientation of the tombs in this direction.”

129. HED evidence argued there would be adverse impacts on the following aspects of the setting of the tombs:

- The critical views between the two tombs;
- The critical view along the alignment of each tomb; and
- The ambience and distinctive character of the tombs.

At the hearing, the Appellant’s archaeologist said that the three main considerations in relation to the setting of the monuments were:

- The relationship between the two tombs;
- Their relationship with the surrounding landscape (‘dwellings for the dead’ overlooking the place where the living community was active); and
- The north west to south east alignment of the tombs, the importance of which may not yet be fully appreciated.

130. The nearest proposed turbine would be Turbine 3 at a distance of 201m to the south-east of the scheduled area. Turbine 4 would be 227m to the south-west of scheduled area with the remaining four turbines partially visible over the summit of Carnanbane Hill to the south. The predicted appearance of the wind farm from the Magheramore tombs was illustrated in photomontages. The FEI acknowledges that Turbines 3 and 4 would be dominant features in any views looking south or west from the tombs with the other turbines as prominent features slightly further away. The turbines would have no effect on the viewer’s ability to appreciate the long-range views from the east through north to west from these tombs and, in particular, none of the turbines would be in the key view from the entrances of the tombs to the north-west.

131. The FEI reaches the following conclusion regarding the impacts of the development: “The proximity of the turbines would introduce a degree of visual distraction to the immediate setting of the assets, and particularly in the view from the portal tomb south-east towards the court tomb. This would diminish, but not prevent, the appreciation of the relationship between these Neolithic funerary monuments. The landscape setting of the tombs would remain essentially open and unenclosed, despite the proximity of the closest turbines. To the limited extent that the view to the south-east between and across the tombs contributes to the cultural significance of this asset, this change would slightly diminish that positive contribution. It is considered that this would be an adverse impact of low magnitude, resulting in an effect of minor significance on the Magheramore portal and court tombs.”

132. HED made reference to the critical view upslope from the portal tomb towards the court tomb and the summit of Carnanbane. However, the Appellant’s archaeologist stated that the view uphill from the court tomb ends at a false summit less than 100m away, well short of the actual broad summit ridge. He highlighted the already limited visibility of the tombs in the landscape and their placement on a featureless upper slope on an alignment that does not relate to any identifiable landscape feature. He said there was uncertainty regarding the reason for the proximity of the tombs and our understanding of their relationship to the wider landscape is frustratingly limited. In response, the HED witness said the proximity of the tombs suggests they had a meaningful functional relationship and he

referred to potential relationships with the sun and stars and the general interest in high places in Neolithic cosmology and argued that the skyline (which would be interrupted by the appeal development) was more important than the summit. Both parties accepted that the siting and orientation of the tombs are matters of speculation. While the Appellant acknowledged a degree of impact on the existing setting of the tombs, they considered that the presence of the appeal development would not limit the ability to speculate further concerning these matters.

133. Third parties at the hearing argued, based on the alignment of the tombs, that the main approach route from the lower ground was the critical view and this would be hugely impacted by the proposed development. The sound of the turbines (50-55dB at the monuments) and their movement and differing heights would be harmful to the tombs' setting and could put people off visiting them. The Appellant's archaeologist stated that due to their condition the tombs were relatively uninformative to visit, except to a specialist. He also noted that they are on private land and scheduling doesn't confer any right of public access. He therefore argued that the ambiance of the setting of the tombs does not make a substantive contribution to their significance. HED argued that the tombs are readable in the landscape and the policy makes no distinction based on the condition of a monument.
134. The current poor condition of the remains of the monuments and the level of archaeological speculation required to interpret sites dated to over 5500 years ago means that conflicting evidence regarding their siting and viewpoints should not be surprising. Having considered all of the archaeological evidence presented and having visited the monuments to consider the experiential aspects of their setting, I have reached the following conclusions. There appears to be significance in the orientation of the tombs which share an alignment facing to the north west over the lowlands on which those buried there likely lived and worked during their lifetime. The absence of any notable feature or well-defined summit on Carnanbane suggests that the view upslope from both tombs is less important than the panorama to the north west. Nevertheless, I accept that in studying the relationship between the two tombs, the view from the portal tomb up towards the court tomb makes a contribution to their setting, as does the view along the alignment of each tomb from its supposed entrance. The view north west would be unaffected by the proposal in visual terms, though a visitor would experience noise from the wind farm. The less important view from the portal tomb south east to the court tomb and along the alignment of the tombs would be significantly altered by the presence of the wind turbines on the skyline just over 200m beyond the court tomb.
135. The remains of the tombs are essentially small piles of large stones among the peat and heather and they form relatively small features in the broad upland ridge that is Carnanbane. They can be picked out only when in relatively close proximity to them and are not visible from areas of public access. The courts themselves are no longer visible, nor are any burial chambers, the existence and precise location of which is a matter for academic debate. As these features cannot be seen or appreciated on site, they cannot be an important element of the setting. While this makes them no less important in archaeological terms, the absence of public access to the monuments and their poor appearance to anyone but a specialist means that visiting the sites is relatively uninformative. Other than being able to

appreciate the views to the north west (and to a lesser extent, the south east) the ambience of their setting makes a relatively small contribution to their significance.

136. The monuments already sit in a 21st Century landscape and modern development including wind farms are visible from them. Despite these man-made interventions, one can still appreciate that it is an historic landscape due to the topography and archaeological features. Although the view to the south east towards the appeal development is less important, it is not unimportant, and I agree that it would be diminished by the introduction of the wind farm in such close proximity. I consider the magnitude of change to be medium, but not high when understood in the overall landscape context which includes other similar development, albeit at greater distance. In light of the lesser importance of the south eastern outlook, I agree with the Appellant that the overall impact on the setting of the tombs would be of minor significance. While the monuments could still be appreciated and speculated upon with the wind farm nearby, I consider the minor impact on their setting to be an adverse effect of the development which must be weighed in the overall planning balance.

Other Built Heritage Sites

137. Third parties raised concerns regarding the impact of the proposal on several other built heritage sites. Dungiven Castle is a Grade B1 listed building, built in the neo-Gothic style in 1839 on the site of an earlier structure. Although kept as a country house for decades the building was not regularly used, but it has subsequently seen many uses including as a base for American troops during World War II, as a hostel and a hotel. It has been renovated by the local community in recent years. The Castle is currently in use as an Irish language school. Third parties highlighted that the Castle is a key part of the masterplan for regeneration of Dungiven and is to be the starting point for a new heritage trail.
138. The Castle is appreciated primarily from the entrance to it on the Main Street and from this point, where it is set behind a car park and an agricultural shed, the turbines would not be in the background, but to the left of the view. I also viewed it from high points in the Castle Park to the south and from the Magheramore Road where its backdrop is formed by Benbradagh, but from both of these points, the viewer would have their back to the appeal site. The Castle is situated in the middle of a modern town which forms its immediate setting and I am not persuaded that the appeal proposal at a distance of some 3.9km would harm the appreciation of the Castle, nor that it would compromise the potential regeneration of the town. The ES assessed the impact on its setting as negligible and I agree. I note that HED had no concerns regarding the impact on its setting.
139. Drumcovit House on Feeny Road is a Grade B+ listed building approximately 4.3km west of the site. It was originally built in the 17th Century as a farmhouse and at the end of the 18th Century a large Georgian facade was added to the house. The house remains part of a working farm while outbuildings have been converted to holiday accommodation. The house is largely screened in views to the south and east by surrounding mature trees and outbuildings and views out of it towards the appeal site are obscured by the same trees. Given the distance and existing screening, I agree with the Appellant that the proposal will have no impact on the setting of Drumcovit House.

140. A range of other historic buildings and monuments were considered in the ES and no adverse impacts on setting were identified. In summary, I consider that there would be no unacceptable adverse impact on the integrity of the setting of Banagher Old Church State Care Monument, but there would be a minor adverse impact on the setting of Magheramore Court Tomb and Magheramore Portal Tomb. I will return to this matter later in the decision.

Tourism

141. Many of the representations in objection to the proposal argued that a wind farm on the site would be detrimental to the tourist industry and experience of visitors to this part of the Sperrins.
142. Policy TSM8 of PPS 16 concerns safeguarding of tourism assets. It states that planning permission will not be granted for development that would in itself, or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset such as to significantly compromise its tourism value. For the purposes of the policy, a tourism asset is defined as any feature associated with the built or natural environment which is of intrinsic interest to tourists. The Justification and Amplification to the policy gives AONBs and historical and archaeological sites as examples of features which are of intrinsic interest to tourists. It also indicates that “adverse impact” will include visual impact, but notes that what constitutes “adverse impact” and the determination of the extent of its influence are matters of planning judgement and each case will be assessed on its merits. It goes on to state that the policy is not intended to prevent all development. Development that will not significantly compromise the overall tourism value of the asset may be facilitated. Where the tourism asset is large scale, for example an AONB, key locations of tourism value at a local level should also be safeguarded. I agree with third parties that Banagher Glen is also a tourism asset.
143. The Save Benbradagh Group stated that there is a significant and growing tourism industry in the locality with approximately 470 – 490 tourist bedspaces within a 4.3 mile radius of Dungiven. Many of the host properties were marketed for their scenic views and tranquillity. The majority were located within or north of Dungiven town. They raised concerns about the adverse impact on views in the countryside, harm to scenic quality when travelling along the A6 Glenshane Pass, the Draperstown – Dungiven road and at Banagher Old Church. They also felt it would undermine the impressive views from the top of Benbradagh, would diminish the intrinsic remote character of the landscape and would remove a key incentive to visit the area which in turn would deter new investment in tourism. They referred to impacts on the Roe Valley Scenic Drive, the North Sperrins Heritage Trail, the Limavady Sculpture Trail, the North Sperrins Scenic Drive, the Ulster Way and the International Appalachian Trail. At the hearing they stated that the Wild Atlantic Way, which traverses the west coast of Ireland, is being extended to this area. They also referred to Peace Plus funding for the development of tourism around Benbradagh and argued that allowing the appeal would counter this funding initiative.
144. Some individuals who had previously stayed at tourist accommodation in the area claimed they would not return if the wind farm was erected. However, a letter of support from the owner of tourist accommodation referred to some tourists who

had gone to see existing wind farms in the district. I acknowledge that wind farms can elicit diverse opinions and that they would put off some tourists, but it cannot be said that this would always be the case. Many of the objections refer to the beauty of features such as Banagher Dam, Banagher Forest and the walking paths along the Glen, but these too are man-made features just as the turbines would be.

145. BPG to PPS 18 recognises the contribution of recreation and tourism to the local economy and its relationship to the quality of the environment. It states, "It is not considered that wind energy developments are necessarily incompatible with tourism and leisure interests, but it is acknowledged that care does need to be taken to ensure that insensitively sited wind energy developments do not impact negatively on tourism potential. The results of survey work conducted in 2003 in the Republic of Ireland indicate that tourism and wind energy can co-exist happily."
146. The Council stated there is no evidence to suggest that wind farms have impacted on tourism in the area. The Appellant argued that there was no evidence that wind farms lead to deterioration in tourism quality or numbers of visitors. They referred to a study of wind farms by the Northern Ireland Tourist Board (NITB) in August 2011 which noted that people's perceptions of wind farms and tourism were broadly positive. Those who show negative sentiment towards wind farms were described as a small minority. The study concluded that the impact of wind farm development on tourism may not be as severe a threat as thought by the tourism industry.
147. There have been no more recent studies in Northern Ireland, but the issue has been considered in Scotland, most recently in 2021 by Biggar Economics. It looked at trends in tourism employment in the localities of 44 wind farms developed in recent years across Scotland and found that in the majority of cases, tourism-related employment in the vicinity of wind farms had outperformed the trend for Scotland as a whole and for the local authority area in which the wind farm was based. Third parties pointed out that Northern Ireland is a different and more settled landscape than Scotland where wind farms tend to be in wilder places. Nevertheless, as the most recent analysis of the relationship between tourism and wind farms, I find the study to be of value regarding the question of whether there would be an adverse impact on the tourism industry.
148. Wind farms are already a common feature in the wider area surrounding the appeal site and there is no evidence that this has adversely impacted on tourism assets or overall numbers of visitors. There would be no views of the development from the iconic Glenshane Pass section of the A6 and I have already found that on other parts of the A6 closer to Dungiven, the proposal would read with other wind farms in the wider area or with a backdrop of the higher Sperrins to the south. While the development would be visible from waymarked routes including the Roe Valley Scenic Drive, the North Sperrins Scenic Drive (including the Draperstown – Dungiven road) and the Ulster Way, it is not particularly close to these routes and would not appear as a significant feature in wider views of the landscape. The Appellant pointed out that many existing parts of the Ulster Way pass by wind farms and some walkers may find them to be an impressive feature as they do with the engineering at Banagher Dam. I see no reason why a significant number

of tourists would cease use of these picturesque drives or walks if the wind farm was to be erected.

149. Views from prominent summits in the North West such as Benbradagh and Sawel are 360° panoramas within which the wind farm would be a minor feature in a small part of the view at significant distance. Existing views from Benbradagh in particular take in a well-developed landscape with dozens of existing turbines visible and I am not persuaded that the proposed small wind farm at a distance of some 7km would significantly compromise the value of this asset for tourists. I do not accept that the proposal is contrary to the aims of Peace Plus funding for tourism initiatives. In light of the evidence before me, I am not persuaded that the proposal would cause significant harm to the tourism industry in the area. The tourist assets in the area would remain attractive to many tourists and evidence suggests that they can happily co-exist with wind farms and the area could outperform the trend for the wider region even when wind farms are present.
150. PPS 16 sets a relatively high bar in respect of the safeguarding of tourism assets. The evidence indicates that only 14% of the whole AONB would experience theoretical visibility of the wind farm. While it would be visible in other views into the AONB, particularly from the north, I am not persuaded that the development would, in itself, or in combination with existing and approved development in the locality, have an adverse impact on the AONB as a tourist asset such as to significantly compromise its tourism value. While Banagher Glen may be regarded as a key location of tourism value at a local level, I am satisfied that the appeal site to the north of it on a lower outlying hill compared to the main sweep of the Sperrin Mountains would not require safeguarding under Policy TSM8. The proposal would not impinge on the Glen itself. The proposal satisfies Policy TSM8 and third party concerns regarding the impact on tourist assets have not been sustained.

Public Access to the Countryside

151. Many individual third parties and several hillwalking clubs or organisations raised concerns about the impact of the proposed wind farm on public recreation, particularly the walking routes along Banagher Glen, an ancient woodland. It is apparent from the letters of objection that this walk is enjoyed by people from the local area and from much further afield. People highlighted the beautiful scenery and tranquillity of the area and its folklore and history. They referred to recent investment of £60,000 in signage, interpretive panels, waymarking and trail furniture to attract walkers to the area. They were concerned about the scale and proximity of the turbines to the path, the distraction they would cause and the noise they would emit.
152. Criterion (e) of Policy RE1 requires that there is not an unacceptable adverse impact on public access to the countryside. Policy OSR1 of the NAP states, "Permission will not be granted for development proposals that would have an adverse impact on the route, character, function or recreational value of ... public rights of way or permissive paths".
153. On one of my visits to the area, I completed the walk up Banagher Glen to Altnaheglish Dam. I enjoyed the beautiful views alongside the river and the natural surroundings. Despite it being during a school holiday period, I only met a few other walkers in several hours of walking. I assessed the impact that the proposed

wind farm would have on the walk. On the first half of the walk from the car park east along the Glen, the path is immersed in the trees at a relatively low level compared to the steep-sided valley. Due to these natural and topographical features, it is not possible to see the hills to the north and one would have no visibility of the proposed wind farm.

154. On the second half of the walk, as the path rises towards the upper part of the Glen, it is possible to see the open landscape beyond and the proposed turbines would appear prominent along this stretch leading to the reservoir, with one as close as 300m from the path. I agree that walkers are likely to experience noise from the turbines at this distance, particularly if the wind was from the north. They would also be detrimental to scenic views across the landscape. However, this part of the walk is not currently an unspoiled landscape. There is multiple evidence of man's influence on the local environment from the concrete structures of the dam and associated infrastructure, access roads which widen on approach to the dam, steel railings and barriers, various exposed water pipes and prominent overhead electricity lines. The regimented conifer plantations and shelter belts on the hillsides and the fenced fields used for grazing also point to human intervention in the landscape. I consider that when these existing man-made features are taken into account, the magnitude of change that the wind turbines would introduce is less significant. To take in the most scenic views from this path (to the south), one would have their back to the wind turbines.
155. I also found that the existing noise environment was not as tranquil as some third parties suggested. On one of the days when I was in the area, the sound of motorbikes at a nearby motocross track dominated the air. On another day, the sound of plant and machinery at work, possibly in a local quarry, was apparent.
156. Based on my observations of the walk along Banagher Glen, I am of the view that the wind farm would not cause adverse impacts on the experience of walkers along the lower-lying and most picturesque part of the Glen to the west. I accept that there would be some adverse impact on the upper part of the walk approaching Altnaheglish Reservoir due to the closer proximity and limited tree cover on this section, but this area of the countryside is already significantly affected by various items of civil engineering. With the exception of possible short-term impacts during construction, the proposal will not prevent access along this path and in light of the factors I have identified, I do not judge the adverse effects where the turbines would be visible or audible to constitute an unacceptable adverse impact on public access to the countryside. There will be no diversion or closure of routes. As the upper part of the walk is already dominated by civil engineering infrastructure, I am not persuaded that there would be an adverse impact on the character of the walk or its recreational value. Therefore, the proposal satisfies Policy RE1 (e) and Policy OSR1 and the objections in this regard are not sustained.

Noise

157. Third parties raised concerns regarding the noise impact of the wind farm. It was argued that noise pollution from the turbines would be detrimental to the peace and quiet of the area, affecting residents' well-being, sleep quality and overall quality of life. Several objectors also contended that the noise created would have a greater effect on those with sensory issues and some referred to low frequency

sounds and vibrations that may affect nearby properties. Reference was made to potential noise impacts on birds.

158. Criterion (vi) of Policy RE1 requires that the development will not cause significant harm to the safety or amenity of any sensitive receptors arising from certain factors including noise. For the purposes of this policy, sensitive receptors are defined as habitable residential accommodation (although not necessarily occupied), hospitals, schools and churches.
159. Chapter 10 of the ES dealt with noise in both the construction and operational phase. BPG to PPS 18 states that noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be masked by wind-generated background noise. Current good practice for assessing wind turbine noise is set out in "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97) and is based upon the application of noise limits, relative to the background noise level, at the nearest noise-sensitive properties. Separate noise limits should apply for day-time and for night-time as during the night the protection of external amenity becomes less important and the emphasis should be on preventing sleep disturbance. The nearest occupied dwelling is 1km from Turbine 6 and here limits may be marginally exceeded in relatively rare northeasterly wind directions when wind speeds are between 6m/s and 8m/s during day-time hours. The turbine can be managed in these rare circumstances to ensure no adverse impacts. Following assessment against the ETSU-R-97 standards, the Council's Environmental Health Department was satisfied that noise levels at sensitive receptors could be adequately controlled by site-specific noise conditions.
160. Several third parties at the hearing criticised the reliance upon ETSU-R-97 and referred to other studies of wind turbine health effects, but these were not provided for my consideration. ETSU-R-97, despite its vintage, remains the standard against which I must consider the noise impacts. With regard to ecological receptors, the Appellant's evidence stated there is no indication that species exist at the proposed development that would be considered particularly sensitive to sound and vibration that it may generate.
161. BPG to PPS 18 states that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. The Appellant's noise expert at the hearing stated that he had not seen any evidence of negative effects from low frequency noise in over 35 years. FEI was provided with regard to noise associated with the Battery Energy Storage System (BESS) including low frequency noise. The nearest property to the proposed BESS is at a distance of 1.4km. The proposal was found to meet low frequency noise criteria by a significant margin and would not result in any adverse impacts to amenity nor any disturbance. It was agreed at the hearing that because of the lower noise level of the BESS, the standard noise conditions for the development as a whole would protect residents without the need for separate noise conditions relating to the BESS.
162. The Appellant stated that there was no evidence to suggest that those with sensory issues would be more or less sensitive to noise associated with the operation of wind farms. Relevant research into these matters was considered in

Appendix 10.2 of the ES. I asked the third parties whether they had any evidence to the contrary and they did not, but they stated that some parents were worried about the impacts and some people would not walk in proximity to wind farms. I acknowledge, that some individuals may be more sensitive to wind turbine noise than others, but from the environmental information before me I am satisfied that there will be no harmful health effects.

163. A number of third parties were concerned about noise from the wind farm impacting walkers on the path to Banagher Dam. There is no policy or guidance for the impacts of wind turbine noise on walkers in Northern Ireland. Both ETSU and Institute of Acoustics guidance are concerned with protection of residents. Maps of the predicted noise footprint of the development in the ES indicate that walkers on the Banagher Dam path are likely to experience noise levels between 45 and 50dBA. Whilst this is not insignificant, I was advised that it would still be easy to hold a conversation.
164. The Appellant stated that the response to the noise of the proposed development by people using public paths around the site will be entirely subjective. They stated that there are numerous existing wind farms in the United Kingdom where similar operational noise levels are expected along walking / access routes for which no disbenefits have been reported. Furthermore, the existence of certain wind farm sites has sometimes increased the use of certain routes. Given the lack of any assessment methodology for measuring impacts on walkers, my earlier observations about the existing noise environment in Banagher Glen and the totality of the environmental information on noise before me, I must conclude that there will be no significant harm to the amenity of walkers on the Banagher Glen path. Objections concerning the noise impact of the development have not been sustained.

Natural Heritage

165. PPS 2: Natural Heritage sets out policies for the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage and aims to further sustainable development. A further objective is to take actions to reduce our carbon footprint and facilitate adaptation to climate change. Decision-makers are required to ensure that appropriate weight is attached to designated sites of international, national and local importance, priority and protected species and biodiversity and geological interests within the wider environment.
166. Policy NH1 of PPS 2 provides that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site (such as a Special Area of Conservation (SAC)). Under Policy NH2, planning permission will only be granted for a development proposal that is not likely to harm a European protected species, or any other statutorily protected species and which can be adequately mitigated or compensated against. Policies are also provided for the protection of sites of conservation importance (for example, Areas of Special Scientific Interest (ASSI)) and other habitats, species or features of natural heritage importance (such as active peatland).

167. The appeal site is in close proximity and hydrologically linked to the following national, European and international designated sites:
- Banagher Glen SAC and River Roe and Tributaries SAC which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
 - Banagher Glen ASSI and River Roe and Tributaries ASSI, which are declared under the Environment Order (Northern Ireland) 2002.
- In addition, the Lough Foyle Special Protection Area (SPA) is approximately 24km downstream. A third party stated that Banagher Glen Nature Reserve is the last remaining ancient woodland in Northern Ireland. It was confirmed at the hearing that this is not the case. Nevertheless, it is a habitat worthy of protection. SPG states that upland oakwood at Banagher Glen forms the largest intact block of semi-natural woodland in Northern Ireland.
168. Several individual objectors raised concerns that the development would be detrimental to natural heritage interests including nesting birds, bats and other wildlife. Although they did not identify specific policies that would be offended, I will summarise the relevant environmental information. The ES considered in detail potential impacts on ecology, ornithology and fisheries. Assessments were made for a wide variety of species including badger, red squirrel, otter, common lizard, smooth newt, bats, marsh fritillary and argent and sable moths. Assessment of habitats including blanket bog were also undertaken. It was found that there is no regular usage of the area by otter, red squirrel, smooth newt, marsh fritillary or argent and sable moth. No badger setts were found. The habitat management and enhancement measures that accompany the project would prove beneficial for the common lizard.
169. A third party claimed that estimates show more than 200,000 bats die at wind turbines in Germany every year. She said a study published in Germany (2024) found that bats avoided an area of lakes and ponds up to 5km away from wind turbines where they would normally drink water and catch insects. In open spaces, foraging bats at water bodies decreased by 53 percent and the activity of bat species adapted to hunting in narrow vegetation decreased by 63 percent. Details of the study itself were not provided and so I must rely on the site-specific survey information in the ES. The overall potential of the area for foraging and commuting bats was found to be low and mitigation measures such as the positioning of turbines with a 50m stand-off distance between blade tip and bat habitat features will ensure that any potential impact on bats will be neutral.
170. Policy RE1 states that wind energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest. Most of the turbines would be located in improved grassland. Only one of the six turbines would be sited within an area of degraded blanket bog which was considered to be of low conservation value. The proposed habitat management plan including 1.13ha of natural woodland regeneration contiguous with Banagher Glen will ensure compensation for areas of NI Priority Habitat lost under the footprint of the development and should also result in the enhancement of the local site ecology. The ES found that the cumulative impacts on the habitats and fauna of the area would not be significant. There is no evidence that the proposal will harm the ancient woodland of Banagher Glen.

171. Policy ENV3 of the NAP states that development that would result in the loss of trees, hedges or other features that contribute to the character of the landscape, or are of nature conservation value, will not be permitted unless provision is made for appropriate replacement planting and the creation of new features. The removal of 2.1km of hedgerow for widening the site access tracks will be compensated for by equivalent new hedging comprising native species of local provenance. In place of 1.77ha of coniferous plantation which is to be removed, 1.1ha of native woodland will be created. I am satisfied that the replacement planting and new features are appropriate, that they will retain landscape character and that they represent an environmental gain. A third party at the hearing questioned the intended restoration of blanket bog, stating that this takes thousands of years to form, but the Appellant's ecologist highlighted that the peat is already in place and the habitat improvements can be initiated by reducing grazing pressure and blocking drains to re-wet the area.
172. The ornithology surveys considered a range of species with regard to both displacement and collision risk. 31 bird species were identified during the breeding season and 33 bird species during winter. The Northern Ireland Environment Agency (NIEA) Natural Environment Division (NED) was consulted and is satisfied that the project is unlikely to have a significant adverse impact, either in isolation or in combination with any other projects, on any regional bird populations, including ornithological selection features of the Banagher Glen ASSI, provided mitigation measures are conditioned. An Ornithological Mitigation Strategy (OMS) can be conditioned to ensure no adverse effects on bird communities including those occurring within the adjacent Banagher Glen ASSI / SAC. The development would have a potential net beneficial effect on certain moorland passerine species through management of 15.5ha of land under a low-intensity grazing regime. The Royal Society for the Protection of Birds (RSPB) was consulted by the Council and was content with the proposal subject to conditions.
173. Mitigation measures to reduce sediment runoff into watercourses will avoid adverse effects on fish stocks and habitats in the River Roe catchment. It follows that the development will have no effect on Atlantic Salmon as the primary selection feature of the River Roe and Tributaries ASSI / SAC. The Loughs Agency, as the statutory body charged with the conservation, protection and development of inland fisheries within the Foyle system, was consulted by the Council and had no objections subject to conditions controlling runoff.
174. Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 requires a competent authority, before deciding to give permission for a plan or project which is likely to have a significant effect on a European site in Northern Ireland (either alone or in combination with other plans or projects) and which is not directly connected with or necessary to the management of the site, to make an appropriate assessment (AA) of the implications for the site in view of its conservation objectives. As jurisdiction has passed to the Commission, it is now the competent authority for the purpose of the above Regulations.
175. The Council consulted its Shared Environmental Service (SES) which carried out a Habitats Regulations Assessment in respect of the appeal development. This comprised a Stage 1 Assessment of Likely Significant Effects and a Stage 2

Appropriate Assessment. It considered impacts on the selection features and conservation objectives of the SACs and SPA including old sessile oak woods, Atlantic salmon, otter, waterbird assemblages and water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation. Subject to the mitigation measures proposed in the ES which can be conditioned, SES found that the project would not have an adverse effect on the integrity of any European site, either alone, or in combination with other plans or projects. Having studied the AA and the environmental information and consultation responses that informed it, I accept and adopt its conclusions. I am satisfied that the project will not harm natural heritage interests and the concerns raised in this respect by third parties have not been sustained.

Battery Energy Storage

176. As referred to earlier, the proposal includes an associated BESS. The BESS will be located centrally on the site between turbines 2 and 5. It is a containerised scheme involving lithium ion battery technology and will include 4 battery containers (with up to 5 MWh provided). FEI submitted details the components of the energy storage system. The lithium ion batteries will be enclosed in steel shipping containers. The enclosures will be mounted on concrete foundations.
177. The Appellant's FEI dated August 2024 stated at paragraph 1.9 that the BESS had been removed from the proposal. I asked why this was the case at the hearing and was informed by both the Appellant and the Council that the BESS remained part of the proposal. The above statement was said to be an error in the FEI.
178. The Save Benbradagh Group had noted the removal of the BESS from the proposal in their evidence and on this basis made no comment on it. Like me, they were somewhat surprised the find at the hearing that it remained part of the scheme and they referred to certain concerns regarding containment of contaminated water resulting from fire suppression and potential pollution of air and drinking water as a result of it. They would have raised these concerns in their evidence had they known that the BESS had not been removed. It was disappointing that the Appellant did not correct the error before the hearing and had no one available at the hearing to respond to the BESS issues raised by the third parties, so I agreed, in the interests of fairness, to allow their concerns to be considered in writing post hearing. The Save Benbradagh Group was given two opportunities to put their concerns regarding the BESS in writing after the hearing, but did not respond by the deadline given. However, for the purposes of thorough consideration, the Commission invited the Appellant to respond to the concerns that were raised orally at the hearing.
179. The Appellant's post hearing evidence on the BESS stated that the use of enclosures rather than buildings for the batteries allows more effective control over the systems and decreases the likelihood of fire propagation. In the unlikely event of a fire in one of the battery enclosures, water would be applied to adjacent equipment (for boundary cooling) rather than directly on the damaged battery enclosure, as such reducing any risk of polluted water run-off to very low. There would be an emergency shut-off valve installed in the site's drainage system which could be closed in the unlikely event of a fire. Vertical migration to groundwater would be prevented by the inclusion of an impermeable liner beneath the stone layer that forms the base of the BESS compound. The gravel sub-base will store

water within its voids, providing a total storage capacity greater than the minimum recommended 228m³. This figure aligns with guidance from the National Fire Chiefs Council and represents best practice, as advocated by SES for BESS developments in Northern Ireland. A Fire Safety Management Plan will be developed if permission is granted. I am satisfied that these features will ensure that any potentially contaminated water used in fire suppression is contained safely on site.

180. With regard to pollution of air and drinking water, the Appellant advised that in the event of a thermal run-away incident, hydrogen fluoride gas will be produced. If released, this gas will form a cloud surrounding the battery enclosure that presents a toxicity hazard. As part of the Fire Safety Management Plan, a toxic cloud assessment will be included which will show that no occupied premises are located in proximity to the equipment, and that therefore the potential risk to the public is low. In such an incident, the quantity of hazardous substances on site would not exceed the limits laid out in The Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (COMAH). In relation to drinking water, and specifically Altnaheglish Reservoir, the entire footprint of the proposed development lies outside and hydrologically downstream of the reservoir's catchment. There is no surface water or groundwater connection between the site and the reservoir, and therefore no risk to the public water supply. The development has been sited to avoid any other sensitive watercourses. I am satisfied that the Appellant has taken appropriate measures to mitigate any risks emanating from the BESS and third party concerns regarding this are not sustained.
181. The Appellant requested a further minor change to the description of the BESS. It had originally stated "energy storage area, (up to 5 MW hours)". They asked that "hours" be removed because it was appropriate to reference the capacity of the BESS, not its yield. I consider this minor change to be acceptable and as the request was made at the hearing, prejudice is unlikely to arise as a result. I have therefore deleted "hours" from the project description on page 1 of this decision.

Grid Connection

182. The SPSS states that the grant of planning permission does not guarantee grid connection. The ES states that the connection of wind farms to the electrical grid typically follows a separate consenting process and it is normally the responsibility of the network operator to progress the relevant consent. While routing of such lines is ultimately a matter for the network operator, BPG states that developers will generally be expected to provide details of indicative routes and method of connection. The Appellant has indicated a likely option to connect to Agivey Cluster Substation southwest of Garvagh following public roads through Dungiven via a combination of overhead line and underground cables.
183. Third parties raised concerns about the feasibility of such a connection. They claimed that the substation had zero remaining capacity. They raised the potential impact of the grid connection on two sensitive rivers. They stated that the decision of the judicial review of the Commission's first decision on Mullaghturk Wind Farm indicated that the ability to connect a scheme to the electricity grid was a material consideration of determining weight. However, the decision of the court was not appended to their evidence and so I am unable to compare it contextually with the

current appeal. The Save Benbradagh Group further argued that technological advancements such as battery storage and more efficient use of electricity are resulting in a reducing effect on the need to generate electricity.

184. The Appellant stated that grid connection was not a material consideration in the appeal because it was subject to actions outside of its control and it would be unable to get a grid offer without planning approval. If the chosen substation was at capacity, there would be potential to upgrade it. As the grid connection is not part of the proposal before me and would be subject to separate regulatory processes, it does not weigh against the proposed wind farm. If consent for the wind farm was granted and then it was not possible to secure a grid connection, it is unlikely that the permission would be implemented. Third party concerns about sensitive rivers stem from an SES consultation response which also sets out options for avoidance of adverse impacts (such as enclosure within bridge structures or underground directional drilling). Provided such measures were adopted, there is no evidence that any harm would be caused to watercourses or fisheries. Third party concerns regarding grid connection have not been sustained.

Regional Balance

185. Several third parties raised issues of regional balance in the siting of wind farms and argued that the Sperrins had too many wind farms compared to other areas of Northern Ireland where there is more demand for electricity. They criticised a perceived over-reliance on onshore wind to meet renewable energy targets and said a more diverse range of renewable energy sources was required. They considered that most wind farms being in the North West of the Province was discriminatory. The Appellant pointed out that there are no regional quotas or ceilings to wind farm development and wind farms must, by their nature, be located in windy places. They also highlighted that this proposal complies with SPG advice on separation distances from other wind farms.
186. Whilst it is apparent from the Environmental Information before me that there is a concentration of wind farms around the Sperrins, I was not provided with comparative data for other upland regions of Northern Ireland. I am aware that the Commission has been tasked to report on other major wind farm proposals in Counties Antrim and Down. However, every case is considered on its merits in its own evidential context. I have not been provided with evidence to demonstrate a greater concentration of wind energy development in the Sperrins and even if such evidence was before me, it would not represent a bar to the development if it was found to comply with relevant legislation and policy. Concerns regarding regional balance in the distribution of wind farms do not weigh against the grant of planning permission.

Precedent

187. The Save Benbradagh Group argued that if the proposal is approved, it will signal that this entire local area of the Sperrins AONB is available to be exploited for wind energy development. They claimed that the Appellant already has additional lands at Teeavan Hill and Tamniarin Hill under option for a much more extensive scheme.
188. This decision relates solely to the scheme before me and I was given no evidence of any other future plans. No two sites are the same and every application must be

considered on its own merits in the evidential and policy context then prevailing. I do not accept that approval of this development would open up other areas of the AONB to successive developments.

Other Matters

189. Third parties alleged that the proposal would reduce the capacity of the ground to absorb water and would result in runoff and flooding. However, the Appellant replied that they have taken sufficient measures to mitigate any such risks. Sustainable Drainage Systems (SuDS) are embedded in the design and silt management will prevent pollution of watercourses. The drainage system will be designed to ensure that discharge to waterways does not exceed the greenfield equivalent rate. Adherence to an agreed Construction Environmental Management Plan (CEMP) and Pollution Prevention Plan (PPP) will prevent adverse effects on the water environment. Third party concerns regarding the water environment are therefore not sustained.
190. It was claimed that the proposed wind farm would result in devaluation of local properties as they would be less attractive to potential buyers. Although this was stated to be a well-documented trend, no documentary evidence was provided in support of the assertion. There is a significant separation distance between the wind farm site and residential properties and there is no evidence before me to suggest that there would be any diminution of property values at these distances from the site.
191. An objector argued that construction and maintenance of the wind farm would be detrimental to local air quality due to vehicle emissions and dust. The CEMP would include measures for dust suppression and I am not persuaded that construction of a relatively small scheme over approximately 18 months would result in significant or lasting harm to air quality.
192. Criterion (iv) of Policy RE1 requires 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. A range of organisations that operate communications links were consulted by the Council and no objections were received. However, when the Commission consulted on the FEI Received in August 2024, the Joint Radio Company returned an objection due to insufficient information. I was advised at the hearing that this objection was withdrawn in a further email dated 13th March 2025 which was subsequently provided. On this basis, I am satisfied that criterion (iv) of Policy RE1 is not offended.
193. A third party argued that the community should be protected from wind farm development under the Rural Needs Act (Northern Ireland) 2016. This Act places a general duty on public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and designing and delivering public services. The Commission is not a public authority for the purposes of the Act and in any case, I am not persuaded that the proposal has failed to have regard to rural needs.

Planning Balance and Conclusions

194. I have found that the proposal complies with relevant provisions in the LDP, that it satisfies landscape and visual policy requirements, that it would have a minor adverse impact on the setting of Magheramore Court Tomb and Magheramore Portal Tomb, and that the other concerns raised by third parties cannot be sustained. I have also found that the stated environmental and economic benefits of the proposal and the statutory emissions reduction targets weigh strongly in its favour. It is necessary to weigh the identified harms against the benefits of the proposal to determine whether planning permission should be granted.
195. The development is in such proximity to Magheramore Court Tomb and Magheramore Portal Tomb that it would have some adverse effect on the integrity of their setting. However, the effect is tempered by several factors including the limited public access to the monuments, their ruined condition which results in a low-key appearance in the landscape and the evidence that the view from the monuments towards the appeal site is less important in historical and archaeological terms than the view over the lowlands to the north west. It must also be noted that there is already extensive wind energy development in the surrounding area which is visible from the monuments and there will be no disturbance to the monuments themselves. Therefore, I do not judge the effect of the development on the monuments to be an unacceptable adverse impact on built heritage interests and to this extent, it would comply with the relevant requirement of Policy RE1.
196. I have already noted that there is a degree of tension between the archaeological requirements of PPS 6 and PPS 18. However, despite its more rigorous policy wording, PPS 6 also recognises that there can be circumstances where other material considerations may outweigh the policies contained within it. Although the proposal would not fully conform to Policy BH1, only insofar as it would cause limited harm to the integrity of the setting of the monuments, I consider that this limited harm to archaeological interests is outweighed by the identified benefits of the proposal for society at large. While the monetary benefits are relatively modest (though not insignificant), the potential reduction in emissions of 40,000 tonnes of CO₂ is very significant in the context of the declared climate emergency, the stretching targets for emissions reduction set by the Northern Ireland Assembly in 2022 and the step-change in renewable energy generation that is necessary to achieve them. I consider that these factors should be afforded determining weight in the overall planning balance.
197. As the benefits of the proposal have been found to outweigh the limited harm identified, the Council has not sustained its second reason for refusal regarding impact on the setting of monuments. It follows that the proposal is acceptable in principle in the countryside under Policy CTY1 of PPS 21.
198. BPG to PPS 18 advises that given the Government's commitment to addressing the important issue of climate change and the contribution expected from renewable energy developments, particularly wind farms, it is important for society at large to accept them as a feature of many areas of the region for the foreseeable future. The level of public opposition to the proposal is acknowledged, as is the modest degree of public support. Ultimately, this decision must have regard to the needs of both local communities and the region as a whole, and to

the present and future needs of society. As the proposal represents sustainable development which will help Northern Ireland to mitigate and adapt to climate change, it conforms with the intent of the SPPS and government policy for climate change and renewable energy. In this case these factors outweigh the objections raised by the Council and members of the public. I consider the appeal site an appropriate location in which to realise the benefits of renewable energy. Having regard to all of the environmental information before me, the appeal shall succeed and full planning permission is granted.

Planning Conditions

199. The Council and Appellant undertook some engagement on conditions prior to the hearing, particularly in relation to noise. There was also broad agreement on natural heritage issues, but dispute remained on some other issues. With regard to time limits, the Appellant proposed a standard five year time period for commencement of the development and a further condition providing for a 30-year lifetime for the permission after the date when electricity is first exported to the grid. The Council pointed out that under Section 61 (3) (c) of the Planning Act, five years for commencement of development does not apply to any planning permission granted for a limited period. I also consider that reference to the first export date could lead to uncertainty and that a defined date would be preferable.
200. The Appellant suggested that the lifetime of the permission could be amended to 35 years to allow to allow an extra five years for commencement and a 30-year operational life. As the environmental information before me is based on a 30-year operational life for the development and the development is likely to require significant lead-in time for achievement of other consents, procurement, grid connection and up to 18 months for construction before electricity could be generated, I agree that 35 years from the date of this decision is an appropriate end point for the permission. To ensure enforceability, it is necessary to require the removal of the development as part of this condition. As dates of commencement of development and operation of the development will be important to the construing of other conditions, a condition will require the developer to notify the Council of these dates in writing.
201. A number of further reports are necessary prior to commencement of development including a Construction and Environmental Management Plan (CEMP), a final Habitat Management Plan (HMP), an Ornithological Mitigation Strategy (OMS), an Ornithological Management & Monitoring Plan (OMMP), a Protected Species Management Plan (PSMP) and a Programme of Archaeological Works. Conditions will require that these are submitted to the Council, approved and implemented. A further condition will facilitate archaeological monitoring.
202. There was dispute regarding the need for aviation lighting. I was advised at the hearing that lighting is not required for Civil Aviation if the structures are below 150m in height. However, red flashing lights were requested in a Ministry of Defence consultation response. I consider that a condition should require a scheme for such lighting to be agreed with the Council before any turbines are erected.
203. The parties suggested incorporation of various matters into the condition governing the CEMP. Although a Traffic Management Plan was not specifically

requested by the Council or DfL Roads, the Appellant was willing to provide one and based on the information in the ES, I consider it necessary to include this as part of the CEMP to ensure that traffic management during construction is properly considered. It is also appropriate that a Fire Safety Management Plan for the BESS is incorporated within the CEMP. The Appellant suggested that the requirement to remove temporary compounds could be part of the CEMP. Whilst it may be referred to therein, I consider that a standalone condition is necessary in the interests of enforceability, and that this should also refer to the temporary parts of crane hardstandings.

204. It is necessary to condition provision of the main vehicular access and visibility splays prior to commencement of any other development in the interests of road safety. As the entrance is to be widened significantly for abnormal loads, it is necessary to require reinstatement of this area post construction. It is also necessary to condition operating hours for construction work to prevent adverse noise impacts on nearby properties in the interests of residential amenity.
205. Conditions will set noise limits for the wind farm at nearby sensitive receptors and make provision for noise surveys and submission of data. These conditions will ensure that in the event of a noise complaint, the matter can be investigated and remedial action taken if necessary. Finally, conditions will provide for the decommissioning of the wind farm at the end of its operational life and the restoration of the site in accordance with a scheme to be agreed with the Council. Subject to these conditions (as set out below), full planning permission is granted.

Conditions

- (1) The permission hereby granted shall be for a limited period of 35 years and shall expire on 31st July 2060 whereupon the use shall cease, all above ground structures shall be removed and the land shall be reinstated to its former condition in accordance with a scheme to be agreed in writing with the Council.
- (2) 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.
- (3) No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include the following:
 - a) Construction methodology and timings of works;
 - b) Pollution Prevention Plan, including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - c) Site Drainage Management Plan, including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;

- d) Peat/Spoil Management Plan, including identification of peat/spoil storage areas, management and handling of peat/spoil and details of the reinstatement of excavated peat/soil;
 - e) Water Quality Monitoring Plan;
 - f) Environmental Emergency Plan;
 - g) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities;
 - h) Traffic Management Plan, including all works and improvements required in the public road, the management of all construction traffic and abnormal indivisible loads, a record to be made of the condition of relevant public roads before and after the construction period; and details of proposals for maintenance inspections of haul routes at periodic intervals; and
 - i) Fire Safety Management Plan, including a toxic cloud assessment.
- (4) No development activity, including ground preparation or vegetation clearance, shall take place until a final Habitat Management Plan (HMP) has been submitted to and approved in writing by the Council. The approved HMP shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Council. The HMP shall include the following:
- a) Clear aims and objectives of proposed habitat management/restoration;
 - b) Description of pre-construction, baseline habitat conditions;
 - c) Appropriate maps, clearly identifying habitat management areas;
 - d) Detailed methodology and prescriptions of habitat management/restoration measures, including timescales, and with defined criteria for the success of the measures;
 - e) Details of the prohibition of habitat damaging activities, including agricultural activities;
 - f) Details of the regular monitoring of the effectiveness of habitat management measures using appropriate methodology such as vegetation quadrats in years 1, 2, 3, 5, 10, 15, 20, 25 and 30 post construction; and
 - g) Details of the production of regular monitoring reports which shall be submitted to the Council within 6 months of the end of each monitoring year and which shall include details of contingency measures should monitoring reveal unfavourable results.
- (5) No development activity, including ground preparation or vegetation clearance, shall take between 1st March and 31st August in any year until an Ornithological Mitigation Strategy (OMS) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Council. The approved OMS shall be implemented in accordance with the approved details and all works must conform to the approved OMS, unless otherwise approved in writing by the Council. The OMS shall include:
- a) Details of the appointment of a suitably experienced and competent ornithologist, with the power to halt works, to supervise works during the bird breeding season (1st March to 31st August).
 - b) Details of the timing of ground preparation and vegetation clearance to avoid disturbance to breeding birds;
 - c) Details of bird surveys by a suitably experienced ornithologist prior to the start of any construction work during the bird breeding season to be conducted throughout the construction phase;

- d) Details of appropriate mitigation measures to be implemented before and during the construction phase, including identifying the location of any recorded active nests or breeding activity, the establishment of species specific buffer zones to active nests or breeding territories (to be agreed with NIEA) which must remain in place until chicks have fledged or there is conclusive evidence of the nest having failed, and temporarily halting works to avoid disturbance to breeding birds; and
 - e) Provisions for the reporting of the implementation of the OMS to the Council at the end of each bird breeding season during which works take place.
- (6) No development activity, including ground preparation or vegetation clearance, shall take place until an Ornithological Management & Monitoring Plan (OMMP) has been prepared by a suitably experienced and competent ornithologist and approved in writing by the Council. The approved OMMP shall be implemented in accordance with the approved details and all works must conform to the approved OMMP, unless otherwise agreed in writing by the Council. The OMMP shall include:
- a) Details of a programme of long term monitoring of breeding including both walkover and vantage point surveys to be carried out in the year of construction (Year 0) and in years 1, 2, 5, and 10 of operation;
 - b) Provisions for the implementation of contingency mitigation measures should monitoring reveal significant impacts on birds; and
 - c) Details of the production of monitoring reports to be submitted to the Council within 6 months of the end of each monitoring year.
- (7) No development activity, including ground preparation or vegetation clearance, shall take place until a Protected Species Management Plan (PSMP) has been submitted to and approved in writing by the Council. The approved PSMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved PSMP, unless otherwise agreed in writing by the Council. The PSMP shall include the following:
- a) Details of the appointment of a competent ecologist as an Ecological Clerk of Works (ECoW), with the power to halt works, including their roles, responsibilities and timings of visits with regard to management of protected species;
 - b) Details of a Bat Monitoring & Mitigation Plan (BMMP) to monitor bat mortality at and around the turbines in Years 1, 2 and 3, and the introduction of further control measures should they be deemed necessary;
 - c) Details of updated surveys for protected species prior to works commencing using appropriate methodology, including pre-construction Bat Roost Potential (BRP) surveys of any trees to be removed along the route of the access tracks;
 - d) Details of appropriate mitigation for protected species, including Common Lizards, to be implemented during the site preparation, construction and operational phases, including timing of works, clearance methodologies, wildlife corridors, buffer zones and/or fencing;
 - e) Details of appropriate monitoring of impacts to protected species during construction works; and
 - f) Details of appropriate procedures/measures to be followed should monitoring indicate potential impacts to protected species and/or potential breaches of wildlife legislation.

- (8) 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.
- (9) 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.
- (10) Prior to the erection of any turbines, the developer shall submit and have agreed in writing with the Council a scheme for the installation of aviation lighting comprising a minimum intensity 25 candela omni-directional, flashing red light or equivalent infra-red light. Upon erection of any of the turbines, the agreed lighting scheme shall be installed and operational for the lifetime of the turbines.
- (11) The vehicular access, including visibility splays of 4.5m x 120m onto Magheramore Road, shall be provided in accordance with Drawing No. 26 Rev 1 which was received by the Council on 15th March 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. The widened area to facilitate entry of abnormal loads shall be reinstated within three months of completion of construction of the wind farm and the stone wall and pillars at the entrance shall be re-erected behind the visibility splays.
- (12) No wind turbines shall be erected on site until full details and specification of the proposed wind turbines (including the size, model, external finish and colour) have been submitted to and approved in writing by the Council. The height of the turbines to the blade tip shall not exceed 149.9m, their hub height shall not exceed 94m and their rotor diameter shall not exceed 112m unless otherwise agreed in writing with the Council.
- (13) 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.
- (14) The approved temporary compounds and temporary crane hardstandings shall be removed and the ground reinstated within 18 months from the date of the commencement of the development hereby approved. The measures for ground reinstatement shall be submitted to and agreed in writing with the Council prior to any reinstatement taking place.
- (15) The level of noise immissions from the combined effects of the permitted wind turbines (including the application of any tonal penalty when calculated in

accordance with the procedures described on pages 104 – 109 of ETSU-R-97 and any Amplitude Modulation penalty when calculated in accordance with the procedures described in condition 20) shall not exceed the values set out in Table 1. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in Table 1 shall be represented by the physically closest location listed in Table 1 unless otherwise agreed by the Council. The coordinate locations to be used in determining the location of each of the dwellings listed in Table 1 shall be those listed in Table 2.

Table 1: Permitted Wind Farm 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
Daytime									
H1	34.5	37.5	37.5	38.1	40.9	43.5	43.5	43.5	43.5
H2	27.3	32.0	36.1	36.2	36.3	36.3	36.3	36.3	36.3
H3	30.4	35.1	37.5	37.5	38.7	39.4	39.4	39.4	39.4
H4	30.0	34.7	37.5	37.5	38.7	39.0	39.0	39.0	39.0
H5	29.6	34.3	37.5	37.5	38.6	38.6	38.6	38.6	38.6
H6	29.4	34.1	37.5	37.5	38.4	38.4	38.4	38.4	38.4
H7	29.3	34.0	37.5	37.5	38.3	38.3	38.3	38.3	38.3
H8	30.1	34.8	37.5	37.4	38.1	39.1	39.1	39.1	39.1
H9	28.5	33.2	37.3	37.4	37.5	37.5	37.5	37.5	37.5
H10	27.9	32.6	36.7	36.8	36.9	36.9	36.9	36.9	36.9
H11	27.5	32.2	36.3	36.4	36.5	36.5	36.5	36.5	36.5
H12	27.0	31.7	35.8	35.9	36.0	36.0	36.0	36.0	36.0
H13	24.8	29.5	33.6	33.7	33.8	33.8	33.8	33.8	33.8
H14	24.9	29.6	33.7	33.8	33.9	33.9	33.9	33.9	33.9
H15	23.0	27.7	31.8	31.9	32.0	32.0	32.0	32.0	32.0
H16	21.9	26.6	30.7	30.8	30.9	30.9	30.9	30.9	30.9
H17	20.9	25.6	29.7	29.8	29.9	29.9	29.9	29.9	29.9

H18	19.9	24.6	28.7	28.8	28.9	28.9	28.9	28.9	28.9
H19	23.1	27.8	31.9	32.0	32.1	32.1	32.1	32.1	32.1
H21	20.9	25.6	29.7	29.8	29.9	29.9	29.9	29.9	29.9
H26	29.3	34.0	37.5	37.5	38.3	38.3	38.3	38.3	38.3
H27	29.4	34.1	37.5	37.5	38.4	38.4	38.4	38.4	38.4
H28	28.7	33.4	37.5	37.5	37.7	37.7	37.7	37.7	37.7
H29	28.8	33.5	37.5	37.5	37.8	37.8	37.8	37.8	37.8
H30	28.5	33.2	37.3	37.4	37.5	37.5	37.5	37.5	37.5
H31	26.3	31.0	35.1	35.2	35.3	35.3	35.3	35.3	35.3
H32	25.9	30.6	34.7	34.8	34.9	34.9	34.9	34.9	34.9
H33	25.7	30.4	34.5	34.6	34.7	34.7	34.7	34.7	34.7
H34	29.6	34.3	37.5	37.5	38.6	38.6	38.6	38.6	38.6

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
Night-time									
H1	34.5	39.2	43.0	43.0	43.0	43.1	43.5	43.5	43.5
H2	27.3	32.0	36.1	36.2	36.3	36.3	36.3	36.3	36.3
H3	30.4	35.1	39.2	39.3	39.4	39.4	39.4	39.4	39.4
H4	30.0	34.7	38.8	38.9	39.0	39.0	39.0	39.0	39.0
H5	29.6	34.3	38.4	38.5	38.6	38.6	38.6	38.6	38.6
H6	29.4	34.1	38.2	38.3	38.4	38.4	38.4	38.4	38.4
H7	29.3	34.0	38.1	38.2	38.3	38.3	38.3	38.3	38.3
H8	30.1	34.8	38.9	39.0	39.1	39.1	39.1	39.1	39.1
H9	28.5	33.2	37.3	37.4	37.5	37.5	37.5	37.5	37.5

H10	27.9	32.6	36.7	36.8	36.9	36.9	36.9	36.9	36.9
H11	27.5	32.2	36.3	36.4	36.5	36.5	36.5	36.5	36.5
H12	27.0	31.7	35.8	35.9	36.0	36.0	36.0	36.0	36.0
H13	24.8	29.5	33.6	33.7	33.8	33.8	33.8	33.8	33.8
H14	24.9	29.6	33.7	33.8	33.9	33.9	33.9	33.9	33.9
H15	23.0	27.7	31.8	31.9	32.0	32.0	32.0	32.0	32.0
H16	21.9	26.6	30.7	30.8	30.9	30.9	30.9	30.9	30.9
H17	20.9	25.6	29.7	29.8	29.9	29.9	29.9	29.9	29.9
H18	19.9	24.6	28.7	28.8	28.9	28.9	28.9	28.9	28.9
H19	23.1	27.8	31.9	32.0	32.1	32.1	32.1	32.1	32.1
H21	20.9	25.6	29.7	29.8	29.9	29.9	29.9	29.9	29.9
H26	29.3	34.0	38.1	38.2	38.3	38.3	38.3	38.3	38.3
H27	29.4	34.1	38.2	38.3	38.4	38.4	38.4	38.4	38.4
H28	28.7	33.4	37.5	37.6	37.7	37.7	37.7	37.7	37.7
H29	28.8	33.5	37.6	37.7	37.8	37.8	37.8	37.8	37.8
H30	28.5	33.2	37.3	37.4	37.5	37.5	37.5	37.5	37.5
H31	26.3	31.0	35.1	35.2	35.3	35.3	35.3	35.3	35.3
H32	25.9	30.6	34.7	34.8	34.9	34.9	34.9	34.9	34.9
H33	25.7	30.4	34.5	34.6	34.7	34.7	34.7	34.7	34.7
H34	29.6	34.3	38.4	38.5	38.6	38.6	38.6	38.6	38.6

Table 2: Coordinate locations of the properties listed in Table 1

Coordinates		
HOUSE ID	X (m)	Y (m)
H1	267720	404034
H2	267031	405186

H3	267216	405477
H4	267195	405586
H5	267345	405961
H6	267370	406025
H7	267401	406087
H8	268344	406462
H9	268382	406674
H10	268528	406780
H11	268917	406800
H12	269378	406917
H13	270014	406877
H14	270260	406657
H15	271242	406044
H16	271598	405890
H17	271911	405839
H18	272285	405520
H19	270930	405697
H21	272009	405511
H26	267308	405981
H27	267336	405990
H28	267265	406037
H29	267343	406116
H30	267421	406259
H31	269549	406980
H32	269700	406993
H33	269772	406997
H34	267317	405918

- (16) 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 suitably qualified and competent person to undertake a noise survey to assess the level of noise immissions from the wind farm. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all turbines operating across the range of wind speeds referred to in Condition 15 and covering a range of wind directions. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey. On completion of the noise survey, the results shall be submitted to the Council within 3 months.
- (17) Within 4 weeks of a written request by the Council, following a noise complaint judged to be reasonable by the Council from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the combined effects of the permitted wind turbines, at the complainant's property, following the procedures described in Pages 102-109 of ETSU-R-97 and if necessary, those described in condition 20. Details of the noise monitoring survey shall be submitted to the Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.
- (18) The wind farm operator shall provide to the Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 16 and 17, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of a written request by the Council unless otherwise extended in writing by the Council.
- (19) Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months. The recorded wind data, standardised to 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint, shall be provided within 3 months of the date of a written request by the Council unless otherwise extended in writing by the Council.
- (20) Within 4 weeks of receipt of a written request from the Council, following an amplitude modulation (AM) complaint judged to be reasonable by the Council from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall submit a scheme for the assessment and regulation of AM to the Council for its written approval. The scheme shall be in general accordance with:
- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance;
 - Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology;
 - The methodology published by Renewable UK on the 16th December 2013;

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

- (21) All above ground structures shall be dismantled and removed from the site 35 years from the date of this decision or shall be removed if electricity generation has ceased on site for a period of 12 months (unless further consent has been granted). The land shall be restored in accordance with an agreed scheme to be submitted to the Council at least one year prior to the commencement of any decommissioning works. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.
- (22) Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the approval, in writing, of the Council. Such scheme shall include the removal of above-ground elements of the development to one metre below ground level, habitat restoration measures, including the reinstatement of peat soils and vegetation on all extended access tracks, the management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The scheme shall be implemented as approved.

This decision is based on the following drawings:-

Council Drawing No.	Appellant's Drawing No.	Title	Scale	Received by Council
01	03426D2202-01	Site Location Map	1:50,000	02 Aug 2019
02	03426D2506-02	Planning Application Boundary – Overview	1:12,500	23 Aug 2019
03	03426D2506-02	Planning Application Boundary – Main Site	1:10,000	23 Aug 2019
04	03426D2506-02	Planning Application Boundary – Area 1 Third Party Access Land	1:1,000	23 Aug 2019
05	03426D2506-02	Planning Application Boundary – Area 2 Third Party Access Land	1:1,250	23 Aug 2019
06	03426D1001-01	Infrastructure Layout	1:5,000	23 Aug 2019
07	03426D2902-01	Turbine Elevation	1:1,000	02 Aug 2019
08	03426D2203-01	Control Building & Substation Compound Layout Plan	1:250	02 Aug 2019
09	03426D2204-01	Control Building Elevations	1:250	02 Aug 2019
10	03426D2205-01	Control Building & Substation Compound Elevations	1:250	02 Aug 2019
11	03426D2205-01	Control Building & Substation Compound Elevations	1:250	02 Aug 2019
12	03426D2205-01	Control Building & Substation Compound Elevations (Shunt Reactor)	1:25	02 Aug 2019
13	03426D2205-01	Control Building & Substation Compound Elevations (Harmonic Filter)	1:50	02 Aug 2019

14	03426D2205-01	Control Building & Substation Compound (Lvdstatcom Plan View)	1:25	02 Aug 2019
15	03426D2205-01	Control Building & Substation Compound Elevations (Lvdstatcom)	NTS	02 Aug 2019
16	03426D2205-01	Control Building & Substation Compound Elevations (Lvdstatcom Transformer)	1:25	02 Aug 2019
17	03426D2205-01	Control Building & Substation Compound Elevations (Outdoor Switchgear)	1:25	02 Aug 2019
18	03426D2205-01	Control Building & Substation Compound Elevations (Pre-Insertion Resistor)	1:25	02 Aug 2019
19	03426D2205-01	Control Building & Substation Compound Elevations (Auxiliary Transformer)	1:25	02 Aug 2019
20	03426D2205-01	Control Building & Substation Compound Elevations (Capacitor Bank)	NTS	02 Aug 2019
21	03426D2205-01	Control Building & Substation Compound Elevations (Detuning Reactor)	1:25	02 Aug 2019
22	03426D2206-01	Energy Storage Compound Layout Plan	1:150	02 Aug 2019
23	03426D2206-01	Energy Storage Compound Elevations with Fence	1:100	02 Aug 2019
24	03426D2206-01	Energy Storage Compound Elevations without Fence	1:100	02 Aug 2019
25	03426D2207-01	Typical Energy Storage Container Elevation	1:75	02 Aug 2019
26 Rev 1	03426D2402-03	Site Entrance	1:500	15 Mar 2022
28	03426D2208-01	Temporary Construction Compound Layout Plan	1:200	02 Aug 2019
29	03426D2209-01	Temporary Construction Compound Elevation	1:100	02 Aug 2019
30	03426D2303-01	Wind Turbine Foundation	1:125	02 Aug 2019
31	03426D2304-02	Crane Hardstanding General Arrangement	1:500	02 Aug 2019

COMMISSIONER GARETH KERR

Note: The validity of this decision may be challenged by applying to the High Court for a judicial review. This must be done within three months of the date of the decision.

List of Appearances

Planning Authority:-	Shane Mathers (Causeway Coast & Glens Borough Council) Elaine Olphert (Causeway Coast & Glens Borough Council) Andrew Gault (DfC Historic Environment Division)
Appellant:-	Marcus Trinick KC Gary McGhee (Carson McDowell) Simon Herriot (Savills) Stephen Carter (Headland Archaeology) Fraser McFarlane (Headland Archaeology) Shanti McAllister (Shanti McAllister Landscape Planning and Design Ltd.) Karl Hamilton (Blackstaff Ecology) David Steele (Ornithologist) Kyle Somerville (McCloy Consulting) Neil McCullough (Oxford Economics) Jennifer McCorry (RES) Garth McGimpsey (RES) John Boyce (RES) Ellen Cross (RES) Mike Craven (RES) Aiden McElroy (RES) Kevin McCauley (RES) Conor O'Carroll (RES) Edel Burke (RES) Rachel Buchanan (RES) Johnny Buchanan (RES) Sophie Hunter (Carson McDowell) Dearbhla Wilson (Carson McDowell)
Third Parties:-	Catriona McReynolds (Save Benbradagh Group) Maria Mullan (Save Benbradagh Group) Anne McDermot (Save Benbradagh Group) Rian Magee (Save Benbradagh Group) Carmel McReynolds (Save Benbradagh Group) Geraldine Hendry (Save Benbradagh Group) Mary McHenry (Save Benbradagh Group) Pauline McHenry (Save Benbradagh Group) Karen Groogan (Save Benbradagh Group) Ann Bresnahan (Save the Moat Group) John Gormley (Save the Moat Group) Seamus McShane (Save the Moat Group)
Observers:-	Jamie McDonald (Canavan Associates Ltd.) Ethan Allen (University of Ulster) Pascal Boyle Michael Boyle

List of Documents

Planning Authority:-	CCG1	Statement of Case & 10 Appendices <i>Causeway Coast and Glens Borough Council</i>
	CCG2	“No Comment” Response to Post Hearing Evidence <i>Causeway Coast and Glens Borough Council</i>
Appellant:-	APP1	Statement of Case, 7 Annexes and an Appendix with 52 Supporting Documents <i>Renewable Energy Systems Ltd.</i>
	APP2	Post Hearing Consultation Response from Joint Radio Company
	APP3	Post Hearing SONI Draft Dispatch Down Action Plan
	APP4	Post Hearing Response to Questions on the Proposed Battery Energy Storage System <i>Renewable Energy Systems Ltd.</i>
Third Parties:-	TP1	Statement of Case & 23 Attachments <i>Save Benbradagh / Save Banagher Group</i>
	TP2	Post Hearing Comments on SONI Draft Dispatch Down Action Plan & 3 attachments <i>Save Benbradagh / Save Banagher Group</i>

Individual Statements of Case:

TP3	Cathair and Eoghan Murphy
TP4	Declan and Claire Dunlop
TP5	Fiona McCormack
TP6	Geraldine and Donal O’Callaghan
TP7	Heather Currie and Euan Lang
TP8	Maggie, Sean and Niall Connolly
TP9	Mike and Maire Buckley
TP10	Marina Gillen
TP11	Marian and Danny McKinley and family

TP12	Samantha, Shauna, Thomas & Charlie O'Brien
TP13	Patrick Connolly
TP14	Martha, Ciaran, Ellen, Cara, Colm and Cillian Grant
TP15	Lorraine, Seamus, Natalie and Hannah Greene
TP16	Orlagh, James, Niamh and Mary McGowan
TP17	Wendy and Paul Strain
TP18	Mountaineering Ireland
TP19	Elaine Mullan
TP20	Raymond P. Brady
TP21	Mary Dillon, PJ Mullan, Shane McLaughlin, Amy McGuckin
TP22	Gemma Brolly – Aontú
TP23	Colmcille Climbing Club
TP24	Majella and Sean McKinney
TP25	Concepta and Justin Gilheaney
TP26	Melissa, Grace and Martin McCafferty
TP27	Una Mc Ginley and Patricia Strain
TP28	Denise, Tom and Zara Cunningham
TP29	Dermot and Pam O'Malley
TP30	Michelle and Feargal McKinney
TP31	Jackie and Gareth Williamson
TP32	Rose Mary and Jonathan McKee
TP33	Keelan and Jane McKinney
TP34	Ronnie Doherty
TP35	Andrew and Charlie Williamson

TP36	Catherine, Emmett, Corey and Zack McKnight
TP37	Samantha and Jeoff Cummings
TP38	Maureen and Lawrence Maher
TP39	Lynsey and Ryan Thompson
TP40	Marie Kerr and family
TP41	Deirdre Rodden and Paul Bradley
TP42	Ciaran and Trish O'Malley
TP43	Noreen Carolan and Paul McCann

Petitions:

Petition 1	20 names
Petition 2	40 names
Petition 3	30 names
Petition 4	13 names

Comments on Further Environmental Information:-

FEI1	DfI Roads
FEI2	NIEA Regulation Unit
FEI3	Loughs Agency
FEI4	DfC Historic Environment Division
FEI5	Joint Radio Company
FEI6	Geraldine Hendry
FEI7	John Gormley